

DEPARTMENT OF SPECIAL
POPULATIONS GENERAL
SUPERVISION AND MONITORING

**DIFFERENTIATED
MONITORING AND
SUPPORT GUIDE**



UPDATED FOR THE
2023-2024 SCHOOL YEAR

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Acronym Glossary

Acronym	Term
APR	Annual Performance Report
ARD	Admission, Review and Dismissal
BE	Bilingual Education
CAP	Corrective Action Plan
CDRMS	Correspondence & Dispute Resolution Management System
CTE	Career Technical Education
DIP	District Improvement Plan
DL	Determination Level
DMS	Differentiated Monitoring and Support
EB	Emergent Bilingual
ESC	Educational Service Center
ESL	English as a Second Language
ESSA	Every Student Succeeds Act
IDEA	Individuals with Disabilities Education Act
LEA	Local Education Agency
OSEP	Office of Special Education Programs
OSP	Other Special Populations
PEIMS	Public Education Information Management System
PL	Performance Level
RDA	Results Driven Accountability
SEA	State Education Agency
SEDSD	Statewide Education Data Systems Division
SPP	State Performance Plan
SSP	Strategic Support Plan
TAC	Texas Administrative Code
TEA	Texas Education Agency
TEC	Texas Education Code
TCIP	Texas Continuous Improvement Process
TSBVI	Texas School for the Blind and Visually Impaired
TSD	Texas School for the Deaf
TSDS	Texas Student Data System

Introduction

The Texas Education Agency (TEA) has a responsibility to monitor the implementation of the Individuals with Disabilities Education Act (IDEA) of 2004 as well as programs that receive federal and state funds, including Bilingual/English as a Second Language (BE/ESL), and Other Special Populations (OSP). Monitoring systems are designed to ensure compliance with federal, and state regulations, and improve services and results for:

- ▶ Students with disabilities,
- ▶ Emergent bilingual students, Homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a),
- ▶ Youth who are in, or have aged out of, the foster care system, and
- ▶ Youth with a parent who (i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and (ii) is on active duty (as such term is defined in section 101(d)(1) of such title).

Determinations and differentiated monitoring activities are made annually based upon a Results Driven Accountability (RDA) framework. RDA is a local education agency (LEA) level, data-driven monitoring framework developed and implemented annually by the Division of Review and Support in coordination with supporting departments within the TEA.

Results Driven Accountability (RDA)

Consistent with the TEA commitment to continuous improvement, transparency, and accountability, the RDA framework relies on a thorough analysis of LEA data in comparison to indicators for achievement. The RDA framework also supports a transformation of general supervision from a stand-alone, compliance-oriented monitoring system to a data driven, results-based system of coordinated, and aligned monitoring and support activities.

One of the features of the TEA system is the alignment in purpose, process, and function of the TEA Division of Review and Support with other divisions and departments in the TEA. The data review and interventions applied within the RDA framework are aligned for Special Education (SPED), Bilingual/English as a Second Language (BE/ESL), and Other Special Populations (OSP) across three domains within the RDA framework:

Domain I: indicators of academic achievement,

Domain II: indicators of post-secondary readiness, and

Domain III: indicators of disproportionate analysis.

This alignment supports LEA continuous improvement efforts by reducing duplication of continuous improvement work and maximizing the impact of resources.

For additional information regarding the specific indicators included within each RDA Domain, refer to the [TEA Results Driven Accountability \(RDA\) web page](#).

RDA Framework Determination Levels

TEA analyzes data from the RDA indicators to address LEA performance on student outcomes and compliance indicators to guide supervision and support for each LEA. Each LEA is assigned an annual **determination level (DL)**, which is then aligned with specific monitoring and support activities. The DLs are calculated based on an overall analysis of indicator results. LEAs are expected to address the needs associated with their assigned DL of 1, 2, 3, or 4 and with individual data indicators that contribute to the overarching DL.

RDA Determination	Meets Requirements	Needs Assistance	Needs Intervention	Needs Substantial Intervention
Determination Level:	DL 1	DL 2	DL 3	DL 4

Figure 1. RDA framework determination alignment.

Determination Level 1: Meets Requirements

LEAs who obtain a **DL 1: Meets Requirements**, generally demonstrate successful self-monitoring, high levels of compliance with state and federal regulations, positive outcomes for students, and effective use of professional development resources. LEAs who meet RDA requirements have *access* to universal supports to engage in an ongoing continuous improvement process related to all program areas within RDA (SPED, BE/ESL, and OSP). All LEAs complete a self-assessment of their special education program annually. LEAs who meet requirements related to the BE/ESL and/or OSP programs have the option to complete a self-assessment in these areas to inform their continuous improvement efforts.

LEAs who obtain a DL 1 and meet requirements retain continuous improvement plans at the local level if the LEA elects to engage in this optional activity. LEAs who meet RDA requirements may also have opportunities to engage in additional, or optional, activities related to the program areas within the RDA framework, such as promising practices reviews, special pilot projects, or innovative approaches with the goal of improving student outcomes.

Determination Level 2: Needs Assistance

LEAs who obtain a **DL 2: Needs Assistance** have one or more areas of moderate need as demonstrated through RDA indicators. LEAs who obtain a DL 2 are required to engage in activities and interventions to address improvement efforts. All LEAs complete a self-assessment of their special education program annually. LEAs who meet requirements related to the BE/ESL and/or OSP programs have the option to complete a self-assessment in these areas to inform their continuous improvement efforts. LEAs who obtain a DL 2 and meet requirements retain continuous improvement plans at the local level if the LEA elects to engage in this optional activity.

After identifying areas of strength and need, the LEA develops a strategic support plan that describes continuous improvement efforts in each identified RDA program area. The LEA receives guidance from the TEA Division of Review and Support regarding targeted supports designed to address the LEA's areas of need and monitor progress toward strategic support plan goals. LEAs identified as "Needs Assistance" are *guided* by the Division of Review and Support team to access universal supports or identified targeted supports to engage in practices of continuous improvement.

Determination Level 3: Needs Intervention

LEAs in **DL 3: Needs Intervention** have either one area of intense need and/or multiple areas of moderate need as demonstrated through the RDA framework. Areas of improvement are identified through the RDA indicators and LEA self-assessment identifying the LEA's need for universal and targeted support. LEAs will outline activities and interventions to address improvement efforts in a strategic support plan developed by the LEA with guidance from the TEA Review and Support team.

All LEAs complete a self-assessment of their special education program annually. LEAs who obtain a DL 3 related to the BE/ESL and/or OSP programs will complete a self-assessment in these areas to inform their continuous improvement efforts. LEAs who obtain a DL 3 in BE/ESL and/or OSP Programs will outline activities and interventions to address improvement efforts in a strategic support plan developed by the LEA.

After identifying areas of strength and need, LEAs who obtain a DL 3 receive TEA assistance to develop a strategic support plan that prioritizes continuous improvement efforts. The LEA will participate in bi-monthly collaboration with TEA Review and Support staff to monitor progress toward strategic support plan goals. The LEA receives assistance from the TEA Review and Support staff regarding targeted supports designed to address LEA prioritized areas of need and are directed to targeted supports.

Determination Level 4: Needs Substantial Intervention

LEAs who obtain a **DL 4: Needs Substantial Intervention** may have one or more areas of intensive need demonstrated through indicators. Areas of improvement are identified through RDA indicators, LEA self-assessment, and/or monitoring activity results which identify the need for targeted or intensive support. LEAs who obtain a DL 4 outline activities and interventions to address improvement efforts in a strategic support plan developed by the LEA with support from the TEA Review and Support team.

All LEAs complete a self-assessment of their special education program annually. LEAs who obtain a DL 4 related to the BE/ESL and/or OSP programs will complete a self-assessment in these areas to inform their continuous improvement efforts. LEAs who obtain a DL 4 in BE/ESL and/or OSP Programs will outline activities and interventions to address improvement efforts in a strategic support plan developed by the LEA.

LEAs who need substantial intervention participate in monthly collaboration with the TEA Review and Support staff to monitor progress toward strategic support plan goals. LEAs identified as needing substantial intervention with RDA determinations will be *prescribed* targeted and intensive supports and activities designed to address LEA areas of need. The Educational Service Center (ESC) will also be required to collaborate with LEAs. LEAs will determine the level of support based on need from the ESC.

RDA Indicators

Data used in the RDA framework for assigning DLs and making support decisions for LEAs come from a variety of sources. Student assessment data are obtained from data files provided by the TEA's testing contractor. Data obtained from areas within TEA include dropout and longitudinal graduation data from the Research and Analysis Division Texas Student Data System (TSDS), and Public Education Information Management System (PEIMS) data from the Statewide Education Data Systems Division. On rare occasions, a data source used in the RDA may be unintentionally affected by unforeseen circumstances, including natural disasters or test contractor administration issues. Should those circumstances occur, TEA will consider how or whether that data source will be used to ensure RDA calculations, performance level (PL) assignments and interventions are implemented appropriately and in alignment with the system's guiding principles.

RDA Interventions and Differentiated Supports

Interventions based upon determinations within the RDA framework are aligned across multiple program areas and are integrated into the Differentiated Monitoring System respective to each program area. LEAs may access universal, targeted, or intensive supports based on the determined performance level (Figure 2).

To achieve continuous improvement goals, the DMS system relies on a result driven approach to identify the types of support required for each LEA. Differentiated supports are provided for all LEAs based on needs identified through compliance and student outcomes data. Additional support activities may be recommended based on the results of monitoring activities such as a desk review or an on-site review.

RDA Determination	Meets Requirements	Needs Assistance	Needs Intervention	Needs Substantial Intervention
Determination Level:	DL 1	DL 2	DL 3	DL 4
Differentiated Supports:				
Universal	●	●	●	●
Targeted		●	●	●
Intensive				●

Figure 2. RDA determination level and supports alignment.

The TEA has aligned three types of support with the RDA framework to be implemented within the TEA DMS system: Universal, Targeted, and Intensive. LEAs receive differentiated supports based on their individual areas of identified need. While accessing recommended supports, LEAs are expected to demonstrate progress toward improving outcomes for students and increasing compliance with state and federal program requirements. In cases where the LEA does not demonstrate sufficient progress, the TEA may prescribe intensive/escalated supports, as required by 34 CFR §300.600(a)(3).

Universal Supports

Universal supports are proactive technical assistance resources available for all LEAs. Universal supports are designed to assist the LEA in continuously improving educational outcomes for students. LEAs accessing universal supports benefit by actively addressing identified areas of need, increasing capacity for quality program implementation, and maintaining a culture of continuous improvement.

Examples of **universal** supports:

- ▶ Free online modules
- ▶ Access to statewide technical assistance Program guidance
- ▶ Family resources
- ▶ Frequently asked questions
- ▶ TEA Review and Support team communications

Targeted Supports

Targeted supports may include technical assistance resources available for LEAs who obtain a DL 2 or DL 3 to address specific areas of need focused on one or more discrete issues. Targeted supports are designed to address the needs identified through RDA indicators and to assist the LEA efforts to improve educational outcomes for students. LEAs participating in targeted supports benefit by implementing improvement activities that directly address needs, increase the LEA's capacity to resolve the root cause(s) of performance gaps and establish a culture of continuous improvement.

Examples of **targeted** supports:

- ▶ Free online modules
- ▶ Referral to statewide technical assistance
- ▶ Targeted ESC workshops
- ▶ Family resources
- ▶ Program guidance
- ▶ Frequently asked questions
- ▶ Professional development with follow-up support
- ▶ TEA feedback and assistance in completing the strategic support plan
- ▶ Bi-monthly collaboration with TEA regional team

LEAs receiving targeted supports *may* be asked to provide evidence of completion of support activities. Examples of evidence that may be submitted include, but are not limited to, technical assistance schedules, revised procedures, handouts and materials used for professional development, meeting agendas, sign-in sheets for training activities, and data demonstrating progress toward strategic support plan goals.

Intensive Supports

Intensive supports are identified to prioritize areas of need for LEAs who obtain a DL 4. Like targeted supports, they are designed to address the needs identified through RDA indicator analysis and to assist LEA efforts to improve educational outcomes for students. LEAs participating in intensive supports benefit by prioritizing improvement activities that directly address needs, build capacity to identify and address the root cause(s) of performance gaps, and establish a culture of continuous improvement. LEAs that are identified as a DL 4 and need substantial intervention will engage in *prescribed* activities directly related to the LEAs identified area(s) of need with sustained and in-depth support.

Examples of **intensive** supports:

- ▶ TEA assistance in completing the strategic support plan
- ▶ Monitoring of progress toward short- and long-term improvement goals
- ▶ Assignment to statewide technical assistance networks
- ▶ Assignment to ESC support
- ▶ Professional development with sustained follow-up
- ▶ Monthly collaboration with TEA regional team

LEAs receiving intensive supports are *required* to provide evidence of completion of support activities. Examples of evidence that may be submitted include but are not limited to:

- ▶ Technical assistance schedules
- ▶ Revised procedures
- ▶ Handouts and materials used for professional development
- ▶ Meeting agendas
- ▶ Sign-in sheets for training activities
- ▶ Data demonstrating progress toward strategic support plan goals

Monitoring Activities

Annual RDA framework determinations and specific performance levels of need within each RDA framework area guide the specific monitoring activities and requirements for LEAs. Monitoring activities range from an LEA self- assessment in the RDA framework area of need, to an on-site review conducted by TEA Review and Support staff. In all cases, monitoring activities are intended to support the LEA's continuous improvement efforts relative to each RDA program area, BE/ESL, OSP, or SPED (Figure 3). If an LEA is selected for special education monitoring activities based upon RDA framework performance determinations or through cyclical selection, Dyslexia monitoring activities are embedded within the LEA's review.

Program		BE/ESL				OSP				SPED			
RDA Determination		DL1	DL2	DL3	DL4	DL1	DL2	DL3	DL4	DL1	DL2	DL3	DL4
Monitoring Activities	Self-Assessment			•	•			•	•	•	•	•	•
	Strategic Support Plan			•	•			•	•		•	•	•
	Dyslexia Monitoring									•	•	•	•
	Desk Review										SD3 ONLY	•	•
	On-Site Review										SD3 ONLY*	SD3 ONLY	SD3 ONLY

* LEAs with RDA Determination Level 2 and Significant Disproportionality Year 3 designation may engage in the denoted monitoring activities.

Figure 3. Monitoring activity requirements by RDA program determination

Self-Assessment

The purpose of self-assessment is to assist LEA leadership teams in evaluating and improving their educational program serving students in special populations. The special education self-assessment is completed annually by all LEAs, regardless of RDA framework DL, and is intended to engage leadership teams in proactively addressing special education compliance and improving student performance. Self-assessment requirements for BE/ESL and OSP are determined based upon performance data in the RDA framework and are required to be completed annually for LEAs that received an overall DL 3 or DL 4 in either BE/ESL and/or OSP.

Strategic Support Plan

The purpose of the annual strategic support plan is to guide LEAs through the process of prioritizing areas for improvement and developing a plan to improve outcomes for students with disabilities, emergent bilingual students, students who are homeless, students in foster care, and/or students who are military-connected. The strategic support plan is a tool designed to align with the Effective Schools Framework (ESF) Prioritized Level 1—Strong School Leadership and Planning to assist LEAs through Data Driven Instruction (DDI) practices. The strategic support plan is a continuous improvement tool and addresses gaps in outcomes for all programs evaluated within the RDA framework and is also utilized to identify the root causes contributing to low performance in RDA indicators. LEAs are encouraged to engage in continuous program improvement regardless of RDA determinations; however, based upon annual determinations within the RDA framework, strategic support plan submissions may be required. LEAs who obtain a DL 3 or DL 4 related to their BE/ESL and/or OSP programs in the RDA framework and/or LEAs who obtain a DL 2, DL 3, or DL 4 related to their special education program, are required to submit a strategic support plan to the TEA and engage in regular, scheduled support conferences with the TEA Division of Review and Support.

Dyslexia Monitoring

The purpose of the dyslexia monitoring process is to ensure LEA compliance with federal and state dyslexia requirements through a review of LEA procedures and artifacts of implementation. The dyslexia monitoring system provides a balanced approach of evaluating early intervention screeners, dyslexia program implementation, parent communication, accessibility to audiobooks, and providing targeted technical assistance addressing prioritized areas of improvement to increase outcomes for students receiving dyslexia services under Section 504 or the Individuals with Disabilities Education Act (IDEA). Dyslexia monitoring activities are conducted in alignment and embedded within the Differentiated Monitoring and Support (DMS) system.

Desk Review

The purpose of the desk review is to ensure LEA compliance with federal and state special education requirements through a review of LEA policies and individual student records. Each LEA selected for participation in a desk review will provide documentation for a select sample of students to the TEA Review and Support team through the Ascend Texas application. The Review and Support team will conduct the desk review upon receiving the LEA documents. The number of students selected for review is determined by the number of students with disabilities enrolled in the LEA (see [Appendix D: Special Education Sampling Methods](#)). Examples of documentation requested for desk review may include:

- ▶ Current Full and Individual Evaluation (FIE)/ Review of Existing Evaluation Data (REED)
- ▶ Current Individualized Education Program (IEP) including all supplements
- ▶ Parent Request for Evaluation
- ▶ Student referral documentation (e.g., parent information, classroom observations, intervention documentation, Home Language Survey, Prior Written Notices)
- ▶ Special Education progress reports
- ▶ Determination of statewide student assessment, participation requirements, and accommodations
- ▶ Receipt of Procedural Safeguards
- ▶ State assessment results
- ▶ IEP documentation of intensive program of instruction or accelerated instruction program
- ▶ Proof of attempted parent contact to schedule Annual Review and Dismissal (ARD) committee meetings
- ▶ Restraint Documentation

- ▶ Foster parent training documentation
- ▶ Staff certifications
- ▶ For LEAs with a Texas Virtual School Network (TXVSN) Campus, Virtual school monitoring will require a sample of students selected from the full-time TXVSN (see [Appendix C: TXVSN Flow Chart](#)). The LEA will provide a current roster of students receiving special education services and enrolled in the TXVSN campus. The Review and Support Team will select no more than 8 students as a discretionary sample in addition to the DMS sample.

When the LEA is selected for Cyclical Review, a comprehensive desk review will be conducted. The comprehensive desk review is designed to evaluate LEA performance on seven 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:

1. Evaluation
2. IEP Implementation
3. Properly Constituted ARD Committees
4. IEP Contents
5. IEP Development
6. Transition
7. State Assessment

When an LEA participates in the cyclical desk review process, the TEA will provide a survey of stakeholders to include a subset of parents/families, general educators, special educators, assessment staff and administrators in order to gather additional information regarding the implementation of programs and services. The TEA may request the selected participants' email/contact information from the LEA or provide the LEA with a digital survey that can be provided by the LEA to the selected LEA stakeholders for completion.

When the LEA is selected for a Targeted Support Review, a targeted desk review will be conducted. The targeted desk review is designed to analyze LEA performance on the RDA indicator(s) identified as areas of need aligned with IDEA.

On-Site Review

The purpose of the on-site review is to thoroughly examine multiple measures related to federal compliance and improving student outcomes. In preparation for an on-site review, the Review and Support team will conduct desk review activities described above in collaboration with the LEA's leadership staff.

When the LEA is scheduled for an on-site visit, advanced notification will be provided to the LEA. The Review and Support team will conduct initial monitoring conferences with each LEA selected for review to assist in monitoring preparation.

Once on-site, the Review and Support team will coordinate with LEA leadership to engage in a deeper review of the implementation of special education and dyslexia programs and services. Most on-site reviews can be completed within three days, although the timeline for completion may vary across LEAs (see [Appendix D: Special Education Sampling Methods](#) for more information). The on-site review consists of an entrance meeting, observations at LEA campuses, interviews with key stakeholders including parents or families, general and special education teachers, dyslexia interventionists, administrators, and other LEA personnel.

On-Site Selection

When the LEA is selected for Cyclical Review, an on-site review will be conducted based on the LEA's historic performance data, including prior year's RDA determination level of 3 or 4 and indicators of performance. The comprehensive on-site review is designed to evaluate LEA performance on all seven critical areas of compliance identified in the diagnostic framework and the implementation of the LEA's dyslexia program aligned to federal and state requirements.

When the LEA is selected for a Targeted Support Review, an on-site review may be conducted based on the LEA's RDA determination level of 2, significant disproportionality year 3 status, results of the targeted desk review, and historical LEA performance data. The targeted on-site review is designed to analyze LEA performance on the RDA indicator(s) identified as areas of need and indicators that align to IDEA requirements.

Bilingual/English as a Second Language (BE/ESL)

In accordance with the policy of the state, the agency shall evaluate the effectiveness of BE/ESL programs. The identified program areas are integral to the analysis of the effectiveness of **eight critical indicators of student achievement** within the monitoring framework (Figure 4). This diagnostic framework supports the TEA and LEAs in developing differentiated support activities to promote program effectiveness and continuous improvement of achievement indicators for emergent bilingual students in Texas.

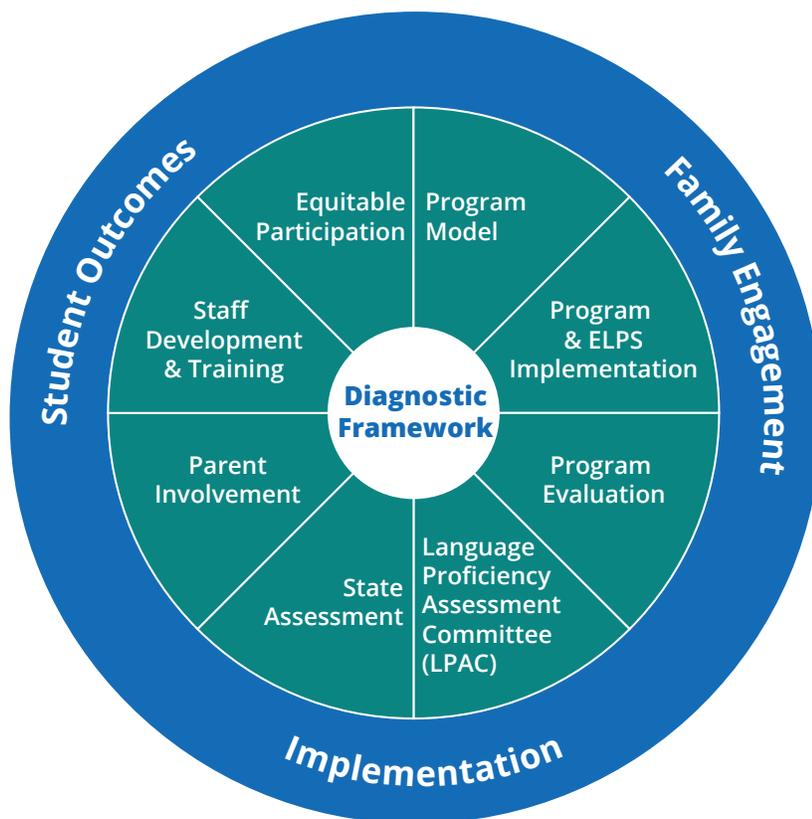


Figure 4. Diagnostic Framework for BE/ESL Programs

This diagnostic framework supports the TEA and local education agencies (LEAs) in analyzing and responding to a variety of complex information about program implementation, student outcomes, and family engagement. The framework supports continuous improvement of student outcomes by connecting instruction, student performance, professional development, and technical assistance. The system of general supervision incorporates the TEA commitment to continuous improvement, transparency, and accountability in a way that emphasizes the connection between general supervision activities and improved student services and outcomes. Activity requirements for BE/ESL are further described within the DMS process within the manual.

Other Special Populations (OSP)

In accordance with the 2022 Results Driven Accountability (RDA) framework, OSP reporting includes indicators that are used to measure and ensure the academic success of students in Foster Care, experiencing homelessness, or Military- Connected in an LEA in Texas.

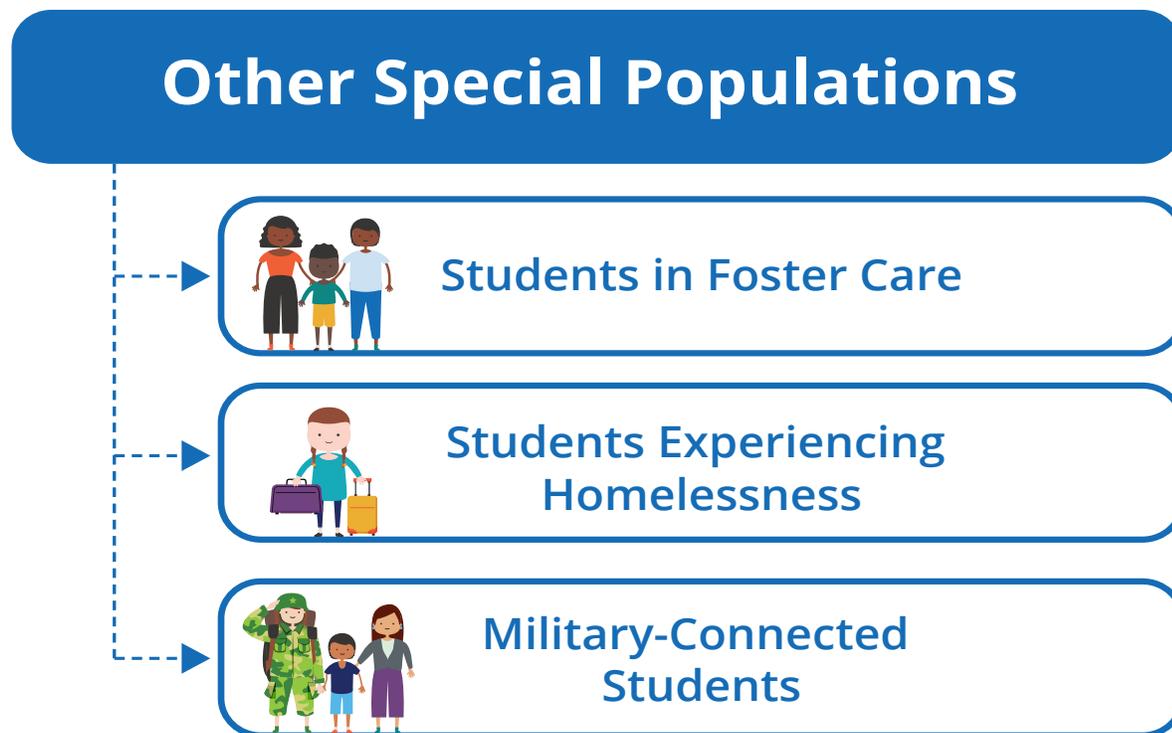


Figure 5. RDA Framework for OSP

The system of general supervision incorporates the TEA commitment to continuous improvement, transparency, and accountability in a way that emphasizes the connection between general supervision activities and improved student services and outcomes. Monitoring activities for the 2022-2023 school year will be aligned to continuous improvement activities directly aligned to determination levels identified through OSP performance level indicators. Activity requirements for OSP are further described within the DMS process within the manual.

Special Education: Monitoring and General Supervision

The TEA system of general supervision emphasizes a data-driven, systematic approach to compliance, and improvement of outcomes, consistent with the federal intent, for students with disabilities served in special education.

In collaboration with stakeholders, the TEA has engaged in an analysis protocol to revise and refine the system of general supervision. As an outcome of the analysis protocol, the TEA has developed a diagnostic framework that concentrates general supervision activities on the three domains of **implementation, student outcomes, and family engagement** (for definition, see [Appendix A: Definition of Terms](#)).

With regard to special education, these three domains are essential to addressing the seven critical areas of compliance of properly constituted ARD committees, evaluation, IEP content, IEP development, IEP implementation, state assessment, and transition; while not exclusive to other compliance requirements of IDEA (Figure 6).

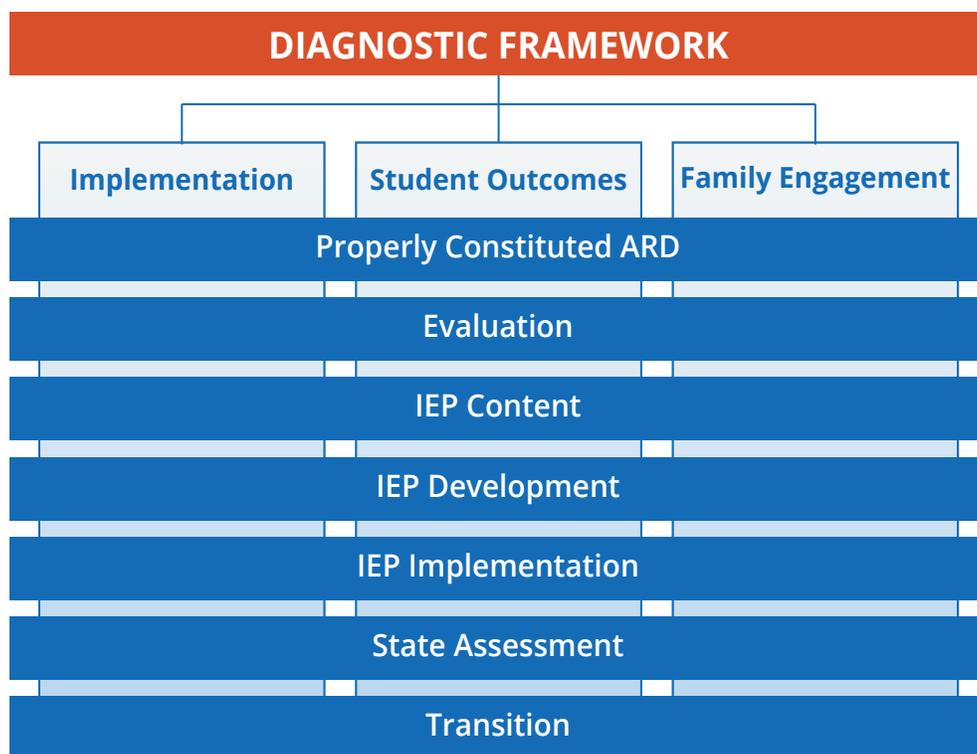


Figure 6. Diagnostic Framework for Special Education

Continuous Improvement

The requirements of IDEA related to the development of the State Performance Plan (SPP) and the accompanying Annual Performance Report (APR) compliment the TEA’s efforts to build a system of general supervision. This system achieves continuous improvement through data driven, evidence-based efforts inclusive of stakeholder needs and input.

State Determinations

The SPP/APR includes 17 federally defined indicators that represent five monitoring priorities: Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), Disproportionate Representation, Child Find, Effective Transition, and General Supervision. For each federal indicator, the SPP includes historical and current data, targets, improvement strategies, stakeholder involvement, and progress monitoring. The SPP/APR is presented publicly on the TEA website following submission and the Office of Special Education Programs (OSEP) approval each spring.

Additionally, the TEA reports annually to the public on the performance of each LEA on indicators 1 through 14.

OSEP uses information from the SPP/APR, information obtained through monitoring visits, and other public information to annually determine if the state:

- ▶ Meets requirements and purposes of the IDEA,
- ▶ Needs assistance in implementing the requirements of the IDEA,
- ▶ Needs intervention in implementing the requirements of the IDEA, or
- ▶ Needs substantial intervention in implementing the requirements of the IDEA.

These state determinations are based on a combination of compliance and outcome measures for children and youth with disabilities. The IDEA specifically designates enforcement actions based on state determinations. Such actions result from determinations other than “meets requirements,” and may include required technical assistance, corrective action plans, and conditions on or the withholding of federal IDEA funding.

LEA Determinations

Texas regulations require the TEA to make annual determinations regarding the performance of all LEAs within the state. LEAs obtain a determination of Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention across multiple program areas with the RDA framework including:

- ▶ Special education,
- ▶ Bilingual Education and English as a Second Language, and
- ▶ Other Special Populations.

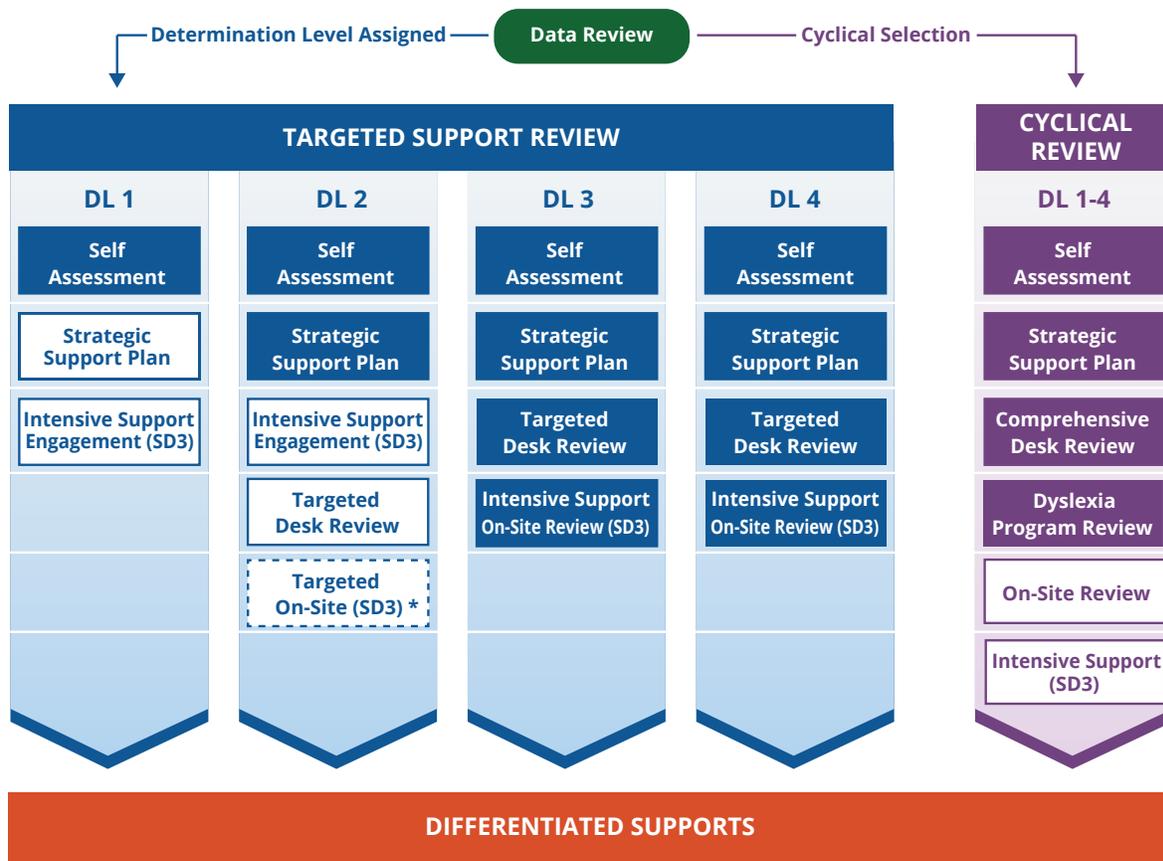
The TEA uses four data elements to assign LEA special education determinations:

- ▶ Performance on compliance indicators 9, 10, 11, 12, and 13 in the SPP,
- ▶ Whether data submitted by LEAs is valid, reliable, and timely,
- ▶ Uncorrected noncompliance from other sources (complaints resolution, due process, residential facility monitoring, and monitoring activities), and
- ▶ Financial audit findings.

To facilitate a seamless system of general supervision and monitoring, LEA determinations across these three program areas are aligned with the RDA determination levels assigned to each LEA annually. Each LEA experiences differentiated supports that provide recognition, assistance, and intervention, inclusive of the implementation of the requirements of IDEA with respect to the LEA’s special education program.

Special Education: Differentiated Monitoring and Support

To achieve continuous improvement goals, the TEA has established a Differentiated Monitoring and Support (DMS) system aligned with the monitoring system of the OSEP. The TEA DMS system provides a balanced approach of compliance and performance-based accountability that describes how monitoring and support activities are customized for LEAs based on need (Figure 7).



* LEAs with RDA Determination Level 2 and Significant Disproportionality Year 3 designation may engage in the denoted monitoring activities.

Figure 7. Differentiated Monitoring and Support process map.

The DMS system uses a result driven approach to identify the types of support and monitoring required for each LEA, cyclical reviews to ensure the TEA conducts desk and/or on-site monitoring activities with all LEAs statewide, targeted support reviews based on performance indicators, and differentiated supports for all LEAs based on needs identified through compliance and student outcomes data.

All LEAs complete an annual self-assessment of their special education program. LEAs who obtain a DL 2, DL 3, or DL 4 in the RDA framework engage in additional monitoring activities beyond the required annual self-assessment and continuous improvement activities guided by RDA determination levels. LEAs who obtain a DL 2 in the RDA framework receive targeted supports to assist in meeting their continuous improvement goals. LEAs who obtain a DL 3 or DL 4 are required to engage in a targeted desk review conducted by the TEA Division of Review and Support and may also engage in an on-site review.

Monitoring activities identified through the cyclical monitoring pathways include the required annual self-assessment and continuous improvement activities. All LEAs in the State of Texas receive a comprehensive special education program review within a six-year cycle. The comprehensive review includes a policy review inclusive of operating procedures, desk review of student artifacts, and may include an on-site review where outcomes and compliance data indicate on-site activities are needed.

Targeted Support Review

Targeted Support Review activities are assigned based on RDA determination level and are designed to assist LEAs to identify specific RDA indicators of strength and RDA indicators that show the need for improvement (Figure 8). These activities are focused on the specific areas where improvement is needed, and align continuous improvement supports, with focused compliance monitoring activities where RDA data indicates a performance concern in the LEA’s special education program.



* LEAs with RDA Determination Level 2 and Significant Disproportionality Year 3 designation may engage in the denoted monitoring activities.

Figure 8. Targeted Support Review activities.

At all determination levels, a self- assessment is required and completed by each LEA. A strategic support plan (SSP) is a required continuous improvement activity for LEAs who obtain a DL 2 (Needs Assistance) or higher. LEAs who obtain a DL 1 and meet requirements within the RDA framework may engage in the development of a SSP and retain all documentation of continuous improvement efforts at the local level.

LEAs who obtain a DL 2 engage in the required annual activities and participate in targeted supports. Targeted supports may include connection to specific technical assistance networks or targeted professional development activities. LEAs who receive a DL 2 are required to submit a strategic support plan to the TEA.

LEAs who obtain a DL 3 are required to submit a strategic support plan to the TEA and, in addition, participate in a targeted desk review. LEAs who need intervention may be selected for an on-site review in addition to the required strategic support plan submission and targeted desk review. The need for on-site review activities is based upon existing data related to outcomes for students with disabilities and compliance with state and federal regulatory requirements.

LEAs obtaining a DL 4 within the RDA framework, will engage in the required annual self-assessment, submit a strategic support plan to the TEA, participate in a targeted desk review, and may be selected for an on-site review which could result in the need for intensive supports.

Cyclical Review

Every LEA in the state participates in cyclical review of their special education program on a six-year rotating schedule. Cyclical reviews are intended to provide a comprehensive analysis of the LEA’s special education program including a review of the LEA’s special education policies and practices. The schedules for cyclical review are published on the [TEA Review and Support](#) website.

During the year in which the LEA is selected for cyclical review, LEAs at all determination levels (1–4) are required to participate in the self-assessment and comprehensive desk review (Figure 9). LEAs with a determination level 2 or higher are required to engage in the development of a strategic support plan to address areas impacting student outcomes.

Additional cyclical review activities may be required based on LEA data and include an on-site review. The need for on-site review activities is based upon existing data related to outcomes for students with disabilities and compliance with state and federal regulatory requirements.



Figure 9. Cyclical Review activities.

Other Monitoring Activities

In addition to the monitoring activities implemented for all LEAs, the TEA conducts other monitoring activities within the system of general supervision.

Nonpublic School and Off-Campus Program Monitoring

The TEA monitors nonpublic day, nonpublic residential schools and off-campus programs or placements with which LEAs may contract for special education instructional and related services. Information on the process of approving and monitoring nonpublic or off-campus programs can be found on the TEA website and in the [Nonpublic and Off-Campus Program Guidance](#).

Residential Facility (RF) Monitoring

Under the authority of 19 Texas Administrative Code (TAC) §97.1072, the TEA monitors LEAs serving students with disabilities who reside in residential facilities to ensure the provision of a free and appropriate public education (FAPE).

Residential facility monitoring is embedded within the differentiated monitoring process. LEAs with residential care and treatment facilities within their boundaries or jurisdiction will engage in monitoring activities specific to this population. The sample of students with disabilities who reside in a residential facility to be included in the comprehensive desk review is described in [Appendix C: Special Education Sampling Methods](#).

State Agency Service Reviews

The TEA monitors the following state agencies on a four-year monitoring cycle which provide educational services to students with disabilities:

- ▶ Texas School for the Deaf,
- ▶ Texas School for the Blind and Visually Impaired,
- ▶ Texas Juvenile Justice Department, and
- ▶ The Windham Prison System.

Selective Reviews

The commissioner may conduct monitoring reviews and random on-site visits at any time under Texas Education Code §39.056. The commissioner also has the authority to assign an intervention based on performance levels and any of the following additional reasons:

- ▶ Results from a complaint investigation,
- ▶ Due process hearing decisions concerning special education,
- ▶ Data validation activities,
- ▶ The integrity of assessment or financial data, and
- ▶ Longitudinal intervention history.

Significant Disproportionality Support Framework

Texas has long regarded significant disproportionality as a critical issue requiring a comprehensive solution to ensure a free and appropriate public education in the least restrictive environment to every eligible child under the Individuals with Disabilities Education Act (IDEA). Significant disproportionality in special education occurs when LEAs identify, place in more restrictive settings, or discipline children from any racial or ethnic group at markedly higher rates than their peers. Determinations for whether significant disproportionality (SD) based on race/ethnicity occurs with respect to the identification of children as children with disabilities are made annually. The following describes the different areas of significant disproportionality in which an LEA will be:

- ▶ Identification of students with disabilities, ages 3-21, including identification of students with particular impairments:
 - Intellectual Disability
 - Emotional Disturbance
 - Other Health Impairment
 - Specific Learning Disability
 - Speech and Language Disability
 - Autism
- ▶ Placement of students 6-21 into particular educational settings
 - A regular class less than 40% of the time
 - Inside separate schools and residential facilities, not including homebound or hospital settings, correctional facilities or private schools
- ▶ Discipline Placements of children ages 3-21 into particular disciplinary settings
 - Out of School Suspensions and expulsions of 10 days or fewer
 - OSS and expulsions of more than 10 days In-school Suspensions (ISS) of 10 days or fewer
 - ISS of more than 10 days
 - Total disciplinary removals including ISS, Oss, and expulsions, removals by school personnel to an interim alternative education setting, and removals by a hearing officer.

[For Texas Significant Disproportionality Updates and FAQs, click here.](#)

Intensive Support

Tiered Support Rubric of Significant Disproportionality Support

The **Significant Disproportionality (SD) Tiered Support Rubric** concentrates on the three areas of SD: **Identification (Representation), Placement, and Discipline**. The rubric is designed to identify levels of support a Local Education Agency (LEA) may receive to support identified SD needs. Support levels are tiered as universal, targeted, and intensive in order to meet individual needs of an LEA. The Texas Education Agency (TEA) and LEAs will engage in monitoring and continuous improvement activities related to SD targeted to reduce the instance of disproportionality for students with disabilities. The tiered supports are designed to assist LEAs to address disparities in each area based on need and data findings.

Universal Supports for Significant Disproportionality

All LEAs regardless of SD year or Determination Level are encouraged to access and engage with universal supports as well as any supports provided by ESCs, or other regional and national sources the LEA may elect to use. <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/significant-disproportionality>

The following is a list of resources that any LEA may access to gain more knowledge in working with students with disabilities and reducing SD. Each resource is different, but all contain a wealth of information for working with students with disabilities. There are videos, articles, and professional development activities within the resources that an LEA may use in their development of policies and procedures that ensure equity amongst all students identified with a disability.

- ▶ [Center on Instruction \(external link\)](#)
The Center on Instruction created a toolkit that provides activities and resources to assist practitioners in designing and delivering intensive interventions in reading and mathematics for K–12 students with significant learning difficulties and disabilities.
- ▶ [Center on Multi-Tiered System of Supports \(MTSS Center\) \(external link\)](#)
This center is focused on supporting states, districts, and schools across the country in implementing an MTSS framework that integrates data and instruction within a multilevel prevention system to maximize student achievement and support students' social, emotional, and behavioral needs from a strengths-based perspective.
- ▶ [Child Find, Evaluation and ARD Support Resources \(internal link\)](#)
The Child Find, Evaluation and ARD Supports topics assists LEAs by providing resources and training that are aligned with implementing effective Child Find practices, conducting comprehensive evaluations, and practicing collaborative admission, review, and dismissal (ARD) committee processes that lead to a free appropriate public education (FAPE) for students with disabilities.
- ▶ [High-Leverage Practices \(HLPs\) for Students with Disabilities \(external link\)](#)
The Collaboration for Effective Educator Development, Accountability and Reform (CEEDAR) and the Council for Exceptional Children (CEC) have developed and published a set of HLPs for special educators. The HLPs are organized around four aspects of practice: collaboration, assessment, social/emotional/behavioral, and instruction. From these four aspects of practice, there are 22 practices intended to address the most critical practices that every K–12 special education teacher should master and be able to demonstrate. The selected practices are used frequently in classrooms and have been shown to improve student outcomes if successfully implemented. Materials available include videos, downloadable documents, articles, and other resources for implementing these practices in special education and inclusive settings.
- ▶ [Inclusion Resources \(internal link\)](#)
Inclusion resources promote a culture of high expectations for inclusionary practices to significantly improve academic and functional outcomes for students served by special education.
- ▶ [IRIS Center \(external link\)](#)
Developed in collaboration with nationally recognized researchers and education experts, the Iris Center's resources about evidence-based instructional and intervention practices—modules, case study units, activities, and others (including a number of web-based tools)—are specifically created for use in college instruction, professional development activities, and independent learning opportunities for practicing educators. The center also offers resources to facilitate the use of IRIS materials by college faculty, professional development providers, and independent users.
- ▶ [Inspiring Independence, Positive Behavior, and Effective Communication \(external link\)](#)
Inspiring Independence, Positive Behavior, and Effective Communication is an online curriculum for paraprofessionals who provide many of the interventions required in the case of success gaps, since the quality of their work is central to the success of the programs.

- ▶ [Learning Disabilities Association of America \(LDAA\) \(external link\)](#)
LDA's mission is to create opportunities for success for all individuals affected by learning disabilities through support, education, and advocacy. They promote prevention, foster research in best practices, encourage identification, support intervention and protect the rights of all individuals with learning disabilities
- ▶ [National Center for Learning Disabilities \(NCLD\) \(external link\)](#)
The mission of NCLD is to improve the lives of the 1 In 5 children and adults nationwide with learning and attention issues – by empowering parents and young adults, transforming schools and advocating for equal rights and opportunities. They are a working to create a society in which every individual possesses the academic, social and emotional skills needed to succeed in school, at work and in life.
- ▶ [National Center on Intensive Intervention \(NCII\) \(external link\)](#)
NCII's mission is to build capacity of state and local education agencies, universities, practitioners, and other stakeholders to support implementation of intensive intervention in reading, mathematics, and behavior for students with severe and persistent learning and/or behavioral needs. The center has charts of tools for academic and behavioral intervention as well as implementation of intervention supports and a list of resources for addressing diversity.
- ▶ [OSEP's IDEAs That Work \(external link\)](#)
This website is designed to provide easy access to information from research to practice initiatives funded by OSEP that address the provisions of IDEA and ESSA. This website includes resources, links, and other important information relevant to OSEP's research to practice efforts.
- ▶ [Positive Behavioral Interventions and Supports \(PBIS\) \(external link\)](#)
Funded by the U.S. Department of Education's Office of Special Education Programs (OSEP), the Technical Assistance Center on PBIS supports schools, districts, and states to build systems capacity for implementing a multi-tiered approach to social, emotional, and behavioral support. The broad purpose of PBIS is to improve the effectiveness, efficiency, and equity of schools and other agencies. PBIS improves social, emotional, and academic outcomes for all students, including students with disabilities and students from underrepresented groups.
- ▶ [Reversing Course: Equity-Focused Leadership in Action \(external link\)](#)
The authors bring hidden inequities to light in this story of a high-performing school district that set out to reverse course using data to help all staff identify and address the problems.
- ▶ [Root Cause Analysis: Using Data to Improve Students' Outcomes \(external link\)](#)
This IDC webinar describes how to perform a successful root cause analysis in order to identify why performance or achievement gaps are happening and to prevent them from reoccurring.
- ▶ [Texas SPED Support Website \(internal link\)](#)
A one-stop website for educations with resources related to special education in Texas.
- ▶ [Tiered Interventions using Evidence-Based Research \(TIER\) \(internal link\)](#)
Tiered Interventions Using Evidence-Based Research, or TIER, is a project funded by the Texas Education Agency. The goal is to provide educators, caregivers, and other educational stakeholders with the knowledge and materials to ensure appropriate implementation of multi-tiered system of supports (MTSS) in every school across Texas. TIER has developed modules that focus on different components of MTSS.
- ▶ [What Works Clearinghouse \(external link\)](#)
The What Works Clearinghouse (WWC) reviews the existing research on different programs, products, practices, and policies in education. Its goal is to provide educators with the information they need to make evidence- based decisions. The WWC focuses on the results from high-quality research to answer the question "What works in education?" Users may find reviews of multiple interventions for education to assist them in the selection of evidence-based practices.

Leaders and Educators Addressing Disproportionality in Special Education

Leaders and Educators Addressing Disproportionality in Special Education is designed to assist and guide LEAs to review and analyze educational systems in order to support impacted areas as identified through SD data outcomes and reporting.

The mission of the Leaders and Educators Addressing Disproportionality in Special Education is to improve educational outcomes for all Texas students by combining research with high quality training and coaching to support. LEAs experiencing SD impacts as identified through data. Participating LEAs will work with consultants to create a team, analyze data, identify root causes and develop customized action plans to specifically address areas related to effective and equitable services to students in all groups. LEAs are provided ongoing, innovative technical assistance, including access to a panel of national experts in disproportionality.

Leaders and Educators Addressing Disproportionality in Special Education is made possible by a grant from the Texas Education Agency (TEA) to the American Institutes for Research (AIR). LEAs that have an SD Year 3 designation and RDA determination levels of 1 or 2 are eligible to participate in the comprehensive supports outlined previously with AIR. Other targeted resources for LEAs in SD Years 1 and 2 will be forthcoming. For information about the Leaders and Educators Addressing Disproportionality in Special Education, please email support@txleads.org.

Targeted Monitoring on Significant Disproportionality

Targeted Support activities provided by TEA are assigned based on the Results Driven Accountability Framework (RDA) determination levels. Targeted Monitoring supports are designed to assist LEAs to identify specific RDA indicators of strength and RDA indicators that show the need for improvement and support. The activities, supports, and engagement between TEA and the LEA regarding SD will be based upon and aligned to the specific SD needs of each individual LEA as evidenced by data. LEAs will communicate with TEA and report through regular progress monitoring engagement activities specific to SD the outcomes and progress towards reducing the instances of SD. The frequency of engagement between the LEA and TEA, the required activities the LEA will be required to complete, and data reporting the LEA will be expected to provide to TEA, will be based on SD year and DL for each LEA.

LEAs with a DL of 3 or 4 in SD year 1 or SD year 2

Targeted Support activities provided through the Review and Support Regional Teams are assigned based on the Results Driven Accountability Framework (RDA) determination levels. LEAs with a determination level (DL) of 3 or 4 in SD years 1 or 2 will be participating in Targeted Monitoring with the Review and Support Regional Support Team.

LEAs with a DL of 1 or 2 in SD year 3

Targeted Support activities provided through the Review and Support Regional Teams are assigned based on the Results Driven Accountability Framework (RDA) determination levels. LEAs with a determination level (DL) of 1 or 2 in SD year 3 will be participating in Targeted Monitoring activities with the Review and Support Regional Support Team and the Review and Support Intensive Support Team.

Activities for Targeted LEAs	SD1 DL3	SD1 DL4	SD2 DL3	SD2 DL4	SD3 DL1	SD3 DL2	SD3 DL3	SD3 DL4
Regional Support Team Contact Cycle	60-Days	30-Days	60-Days	30-Days	N/A		Quarterly	
LEA submits progress reports							Quarterly	
Required Activities:								
Targeted Desk Review	•	•	•	•	Optional	•	•	•
Internal Policy Review by LEA	•	•	•	•	•	•	•	•
CEIS Funds expended by LEA			•	•				
Strategic Support Plan (SSP) on SD			•	•	•	•	•	•
Self-Assessment Questions related to SD	•	•	•	•	•	•	•	•
Optional Activities for LEA:								
Recommend technical Assistance	•	•	•	•	•	•	•	•
Referral to ESC Resources/support	•	•	•	•	•	•	•	•
Leaders and Educators Addressing Disproportionality in Special Education (LEADS)					Optional	Optional	Optional	Optional

Significant Disproportionality through Review and Support Intensive Supports

LEAs that are identified with SD 3 and are DL3/DL4 will participate in Intensive Support activities. Intensive Support is a collaborative set of activities and engagements designed to address significant disproportionality that has been identified through the RDA Report. LEAs participating in Intensive Support will complete a Comprehensive Diagnostic Data Review (CDDR). The CDDR includes a variety of activities aimed at reducing significant disproportionality by examining both quantitative and qualitative data. In collaboration, the LEA will work with both the TEA Review and Support team and the Technical Assistance team for Significant Disproportionality to engage in various Intensive Support activities and supports.

The Review and Support Team will focus on reviewing data, examining policies, procedures, and practices. The Review and Support team will conduct regular monitoring meetings with the LEA to ensure the LEA is implementing the strategies identified.

The Technical Support Team for Significant Disproportionality (SD) will support the LEA in completing a root cause analysis for the areas of SD. After completing the root cause analysis, the team will set priorities based on the data reviewed and the individualized needs of the LEA, and then make recommendations that the LEA can utilize to either update their SSP or develop a separate plan to address SD. Either plan will include strategies related to reducing SD. The Technical Assistance Team for SD will support the LEA in the consideration and allocation of CCEIS funds, as well as the completion of the Success Gaps Rubric. The Technical Assistance team for SD will work regularly with the LEA to improve outcomes and address the needs identified in the Root Cause Analysis.

Activities for Intensive LEAs	SD3 DL3	SD3 DL4
Self-Assessment Questions related to SD	•	•
Strategic Support Plan (SSP) on SD	•	•
Comprehensive Diagnostic Data Review (CDDR) to include: <ul style="list-style-type: none"> ▶ SD focused Desk Review by TEA ▶ Internal Policy review by LEA ▶ Root Cause Analysis in conjunction with TEA* ▶ SSP review and consideration for SD ▶ SD Focused Onsite by TEA 	•	•
CCEIS Funds*	•	•
Structured Progress monitoring engagements with focus to <ul style="list-style-type: none"> ▶ Review progress ▶ Data monitoring ▶ Review of CCEIS outcomes* 	•	•
Leaders and Educators Addressing Disproportionality in Special Education (LEADS)*	Optional	Optional

* LEAs with SD3 and a Determination Level of 3 or 4 will engage with the TEA Technical Assistance Team on these activities.

Intensive Support Tiered Activities Year 1-3

	Year 1 Intensive Support (IS) Initial Identification	Year 2 IS Ongoing Identification	Year 3 IS Ongoing Identification	Following Year 3 IS continued messaging
SD-Focused Monitoring Activities	<ul style="list-style-type: none"> • SD focused desk review • Policy review • On-site 	<ul style="list-style-type: none"> • SD plan data review and analysis • Review of Equity Statements • Recommended Technical Assistance CCEIS Funds Review* 	<ul style="list-style-type: none"> • SD plan data review • Onsite Review • Prescribed Technical Assistance 	<ul style="list-style-type: none"> • SD plan data review and analysis • Three-year data and outcomes review of SD
Intensive Support (IS) Process Activities	<ul style="list-style-type: none"> • Success Gaps Rubric (SGR)* • Root cause* • Data analysis • IS plan development 	<ul style="list-style-type: none"> • Intensive support plan monitoring • Ongoing review/revision 	<ul style="list-style-type: none"> • Intensive support plan monitoring • Ongoing review/revision 	
Other Monitoring Activities	Related Targeted elements rolled into SD focused monitoring	Targeted, cyclic, or other required monitoring activities follow standard timelines		
Strategic Support Plan	Possible review/revision to SSP as determined by LEA			

* LEAs with SD3 and a Determination Level of 3 or 4 will engage with the TEA Technical Assistance Team on these activities.

Monitoring Reports

No later than 30 days after the completion of the DMS cyclical or targeted monitoring activities (desk review and/or on-site review), a report of findings will be provided to the LEA and made available to the public. This report will provide:

- ▶ A summary of the monitoring activities,
- ▶ Identified program strengths,
- ▶ Program growth areas, and
- ▶ A suggested plan for technical assistance and support.

Finding of Noncompliance

The TEA reviews data collected as part of any monitoring review activity to ensure compliance with federal and state regulatory requirements. In accordance with OSEP guidance regarding noncompliance identified through the monitoring process, a finding of noncompliance is identified by the standard (i.e., regulation or requirement) that is violated, not by the number of times the standard is violated. Therefore, multiple incidents of noncompliance regarding a given standard that are identified through monitoring activities are reported as a single finding of noncompliance for that LEA.

Identification of Noncompliance

Formal identification of noncompliance occurs when the TEA issues written notification that includes the citation of the regulation that has been violated and a description of the data supporting the finding of noncompliance with that regulation. For additional information regarding the determination of noncompliance, please see [Appendix B: Noncompliance Determination Flowchart](#).

Correction of Noncompliance

The TEA follows procedures for the correction of noncompliance that are consistent with the [OSEP Memo 09-02](#). Before the TEA can report that noncompliance has been corrected, it must first verify that the LEA: has corrected each individual case of noncompliance (Prong 1) and is correctly implementing the specific regulatory requirements (i.e., subsequently achieved 100% compliance) (Prong 2), based on the TEA review of the updated data.

The OSEP requires the TEA to monitor the completion of a corrective action plan if any noncompliance is identified, regardless of the LEA's RDA performance level or IDEA determination. The corrective action plan must be designed to correct all areas of noncompliance as soon as possible, but in no case later than one year from the date of notification.

Prong 1: Correcting Individual Noncompliance

To document that individual student-level noncompliance is corrected, the LEA must demonstrate that the student documentation is compliant with regulatory requirements. To demonstrate correction of noncompliance concerning student-specific timeline requirements, the LEA must submit documentation to the TEA that the required action (e.g., the evaluation, reevaluation, or IEP annual review) was completed, though late. Any noncompliance concerning student-specific requirements that are not subject to a specific timeline requirement, the LEA must submit documentation that the LEA has corrected each individual case of noncompliance, unless the student is no longer within the jurisdiction of the LEA.

Prong 2: Correctly Implementing the Specific Regulatory Requirement

To document that the LEA is correctly implementing the specific regulatory requirements, the LEA must review additional student records and submit documentation to demonstrate the LEA has achieved 100% compliance. The number of additional files reviewed by the LEA will be assigned by TEA staff based on the identified root cause of noncompliance. To determine the root cause of noncompliance, the TEA may consider the results of the LEA annual self- assessment, strategic support plan, and overall results of monitoring review activities.

In order for the TEA to verify a LEA's correction of identified noncompliance, there must be evidence of both student- specific corrections (Prong 1) and systematic implementation of compliance for 100% of a sample of students (Prong 2).

Timely Correction

In accordance with OSEP requirements, timely correction means that noncompliance is corrected and supporting documentation is submitted to the TEA as soon as possible but in no case later than one year from identification (i.e., from receipt of written notification of noncompliance).

Detailed information concerning corrective action can be found in the Continuous Improvement Guide.

Appendix A: Definition of Terms

Comprehensive Desk Review: A comprehensive desk review focuses on areas of Evaluation, IEP Development, Content, Implementation, Transition, Properly Constituted ARDs, State Assessment, stakeholder input, and self-assessment, as well as documentation of local policies and procedures regarding special education. This type of desk review is a proactive measure to ensure LEAs meet compliance under IDEA 2004 and TEC.

Comprehensive Review of Findings: The comprehensive review of findings is a report that summarizes the monitoring activities, identifies best practices, areas of growth, and a plan for support and technical assistance.

Corrective Action Plan (CAP): A corrective action plan (CAP) is a required activity for an LEA, if any noncompliance is discovered, regardless of the LEA's performance level. The corrective action plan must be designed to correct all areas of noncompliance as soon as possible, but in no case longer than one year from the date of notification.

Cyclical Review: TEA will implement a rotating monitoring schedule such that LEAs within a monitoring cycle year will receive a comprehensive desk review and analysis for compliance indicators and student performance indicators within a six-year period.

Desk Review: A desk review provides the TEA an opportunity to assess a LEA's special education program by reviewing requested documents. The TEA will establish communication, a timeline for submission of documentation, and the LEA will upload a specific number of student files for review.

Differentiated Monitoring and Support (DMS): One component of the OSEP Accountability Framework is differentiated monitoring and technical assistance for low performing states. Texas is adapting this model to provide more targeted and intensive supports for LEAs. The alignment to the Differentiated Monitoring and Support (DMS) System used by OSEP starts with the quantitative and qualitative analysis of each LEA.

Evaluation: The collection of information to determine whether the student is a child with a disability, and to determine the educational needs of the child. The team, referred to as a group of qualified professionals, collects or reviews evaluation data, must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent. An evaluation may include giving individual tests, observing the student, looking at educational records, and talking with the student and his/her teachers and parents.

Family Engagement: Family engagement is a collaborative and strengths-based process through which education professionals, families, and children build positive and goal-oriented relationships. It is a shared responsibility of families and education professionals at all levels that requires mutual respect for the roles and strengths each has to offer. Family engagement focuses on culturally and linguistically responsive relationship-building with key family members in a child's life.

IEP Development: The Admission, Review, and Dismissal (ARD) committee must provide a statement of the child's present levels of academic achievement. The child's Individualized Education Program (IEP) must include a statement of measurable annual academic and functional goals designed to meet the child's educational needs which are a result of the child's disability. These goals will enable the child to be involved in and to make progress in the general education curriculum; and meet each of the child's other educational needs that result from the child's disability (34 CFR §300.324).

IEP Implementation: Each public agency must ensure that the child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation. Additionally, each teacher and provider must be informed of his or her specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP (34 CFR §300.323).

Noncompliance: In accordance with the OSEP guidance regarding noncompliance identified through the monitoring processes, a finding of noncompliance is identified by the standard (i.e., regulation or requirement) that is violated, not by the number of times the standard is violated. Therefore, multiple incidents of noncompliance regarding a given standard that are identified through monitoring activities are reported as a single finding of noncompliance for that LEA.

Nonpublic School: When a student has educational needs that cannot be met in a public-school setting, that student can be educated in a private school or facility, referred to as a nonpublic school, at public expense. A student's admission, review, and dismissal (ARD) committee must determine that the school district or charter school cannot provide the student with the special education instruction and related services necessary to meet the student's unique needs in order for that student to be educated in a nonpublic school. The ARD committee identifies a nonpublic school that will provide the student an appropriate educational program.

On-site Review: This visit to the LEA will provide an opportunity for a thorough review of multiple measures related to federal compliance and improving student outcomes. In preparation for an on-site review, the TEA's Review and Support team will carefully examine and analyze data from the LEA's performance level, the self-assessment summary, and the targeted or comprehensive desk review, in collaboration with the LEA's leadership staff. Once on-site, the Review and Support regional team will coordinate with district leadership to engage in a deeper review of the implementation of special education programs and services. By analyzing the various data points, the on-site review will determine the actions and technical assistance needed to facilitate continuous improvement.

Properly Constituted ARD Committee: A committee composed of a child's parent, the child, when appropriate, and school personnel who are involved with the child. The ARD committee determines a child's eligibility to receive special education services and develops the Individualized Education Program (IEP) of the child. The ARD committee is the IEP team defined in federal law.

Residential Facility: School districts and charter schools are subject to residential facilities monitoring if they serve students with disabilities who reside in residential facilities (RFs) within their geographic boundaries or jurisdiction. For reporting and monitoring purposes, an RF is considered a facility that provides 24-hour custody or care of students with disabilities 22 years of age or younger for detention, treatment, foster care, or any non-educational purpose.

Results Driven Accountability: A comprehensive evaluation system designed to improve student performance and program effectiveness at the local education agency (LEA) level. The RDA framework is a data-driven system utilizing performance indicators, data validation indicators, and other indicators of program compliance required by federal law.

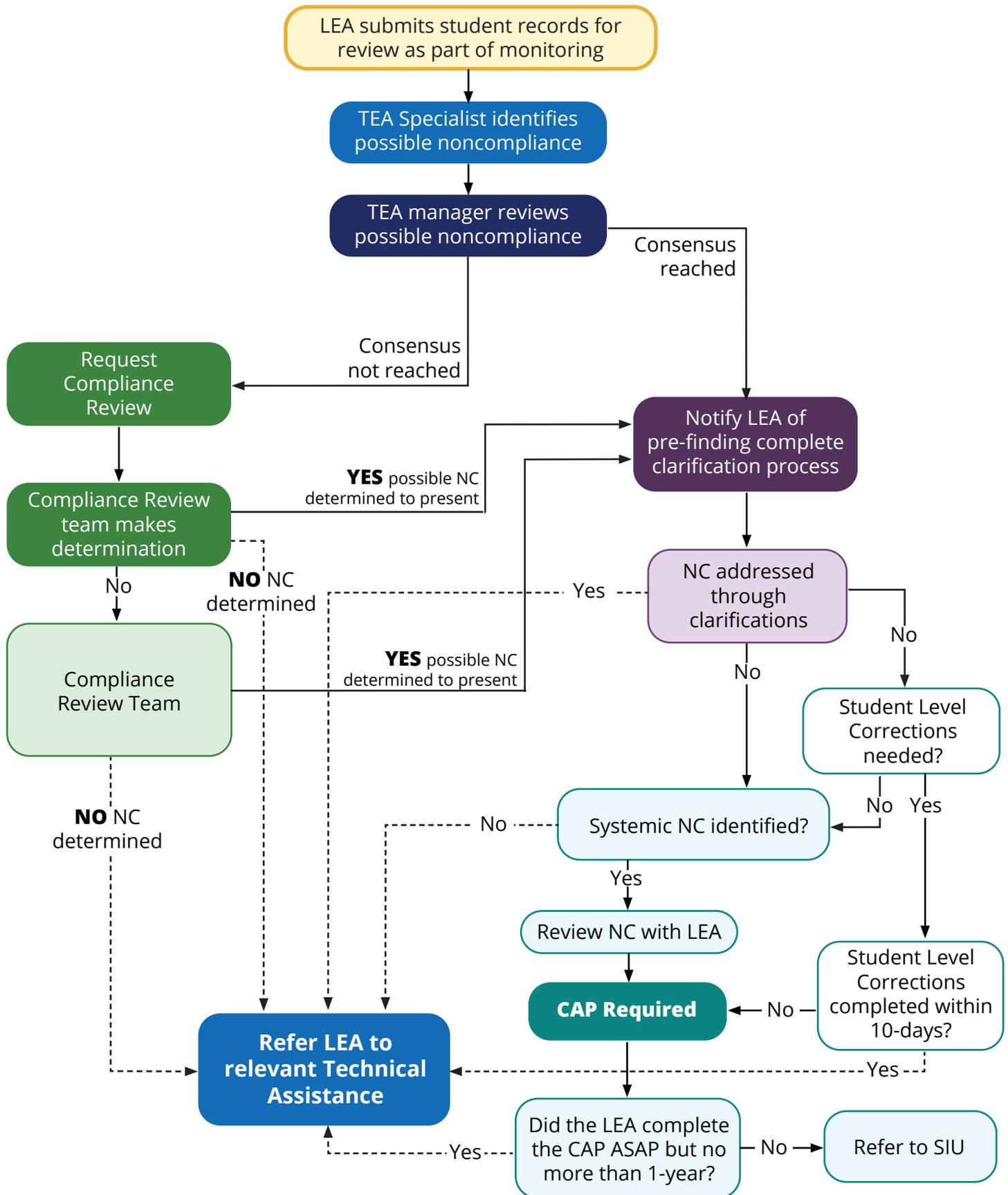
Selective Reviews: When the commissioner of education selects an LEA for monitoring under State Law TEC §39.056.

State Performance Plan: The Individuals with Disabilities Education Act of 2004 requires each state to develop a six-year performance plan. The extension of the IDEA continues to require a State Performance Plan (SPP)/Annual Performance Report (APR) to evaluate the state of Texas efforts to implement the requirements and purposes of IDEA and illustrate how the state will continuously improve upon its implementation.

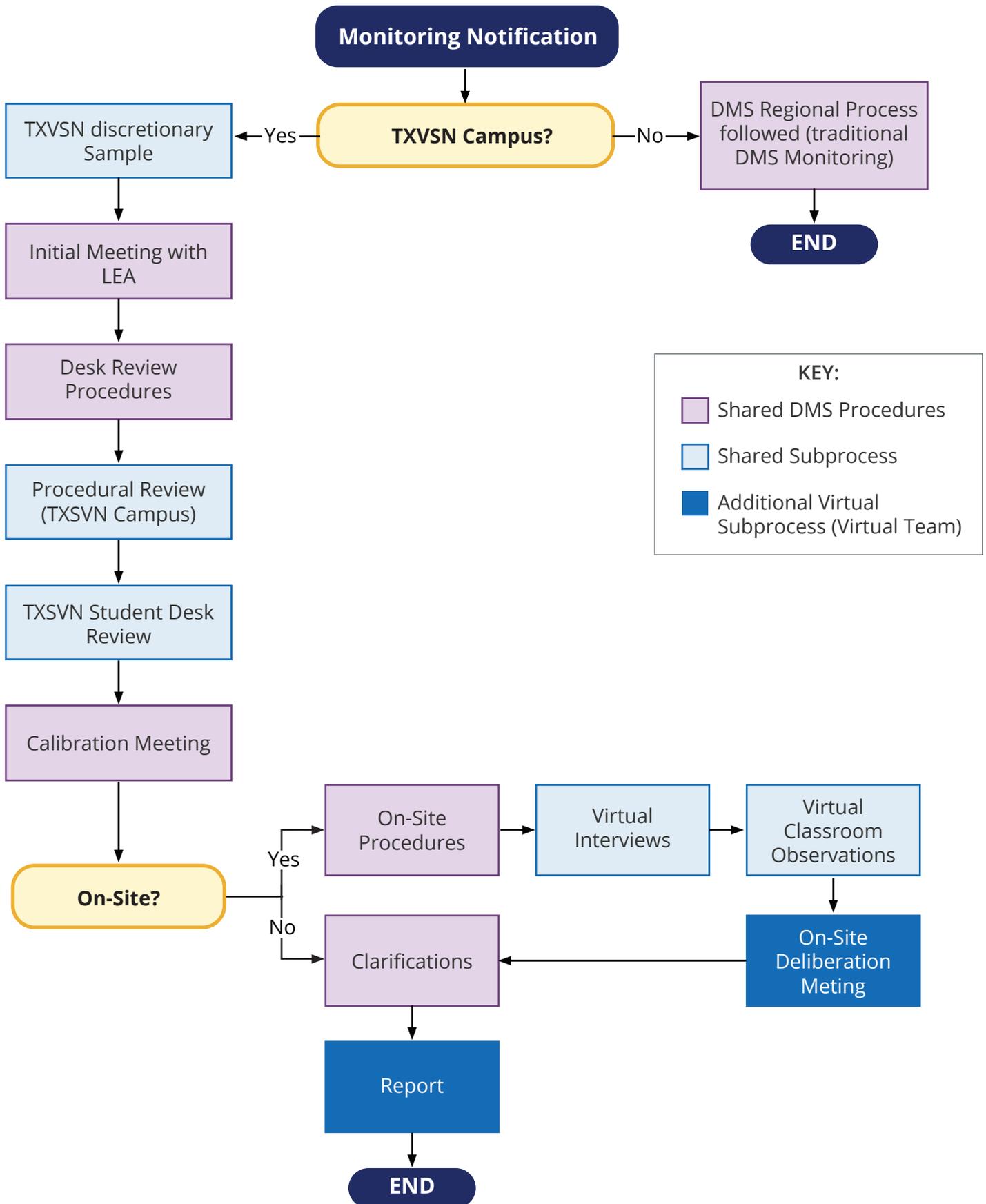
Strategic Support Plan: The strategic support plan serves to address areas of low performance and program ineffectiveness identified through established annual goals. Creating this plan is a local process and should include all relevant staff members. The plan also includes strategies and interventions to help ensure LEAs can effectively meet their annual improvement goals.

Targeted Support Review: LEAs identified as having an overall performance level of 3 or 4 may be required to participate in a Targeted Support Review which focuses on areas of need identified through RDA indicators.

Appendix B: Noncompliance Determination Flow Chart



Appendix C: Texas Virtual School Network (TXVSN) Flow Chart



Appendix D: Special Education Sampling Methods

Cyclical Folder Sampling Method

Guiding Principles

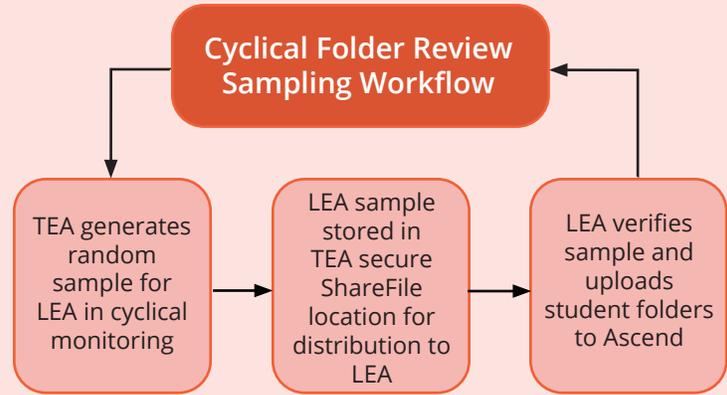
Unbiased

All children in special education have an equal likelihood of being selected for the cyclical folder review sample.

Representative

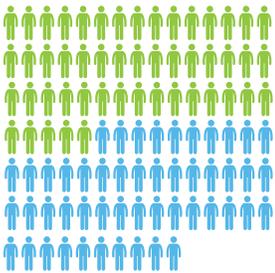
All children selected for the sample resemble the grade level characteristics of the whole special education population.

Workflow



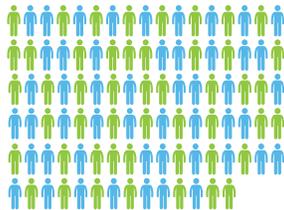
Stratified Random Sampling

Special Education Population



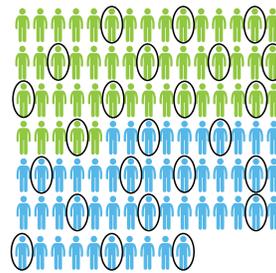
Elementary (EE, PK, KG, 1-5 grade)

Stratification



Secondary (6-12 grade)

Random Sampling



Sample*

*Additional discretionary folder sampling may occur to address areas like dyslexia, child find, transition, and students attending a residential facility.

Sample Size

Population Size*	Sample Size
0	Not Applicable
1-9	Census
10-31	10
32-45	16
46-67	18
68-109	20
110-228	22
> or = 229	24

*Population size refers to the total number of special education students at an LEA. All samples are based on the confidence level (CL) and Margin of Error (MOE).

Timeframe

Sampling Production	Data Availability*	Monitoring Period
Cycle X, Group 1, July/Aug	PEIMS Fall Submission (available in Feb. of the prior year) OR PEIMS Summer Submission (available in Sept.)	Cyclical: Oct-Dec
Cycle X, Group 2, Nov/Dec	PEIMS Summer Submission (July attendance record available Sept.)	Cyclical: Jan-March
Cycle X, Group 3, Feb/March	PEIMS Fall Submission (Oct. enrollment snapshot available in Feb.)	Cyclical: Apr-June

*Student samples are based on data availability. The most current available source will be used.

Targeted and Intensive Folder Sampling Method

Guiding Principles

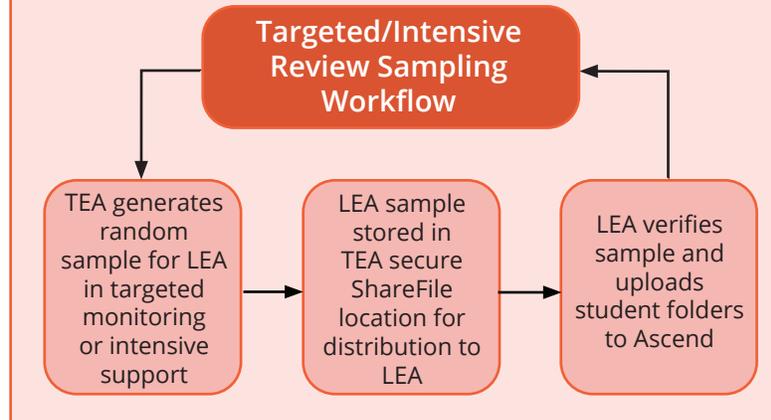
Unbiased

All children in special education have an equal likelihood of being selected for the cyclical folder review sample.

Representative

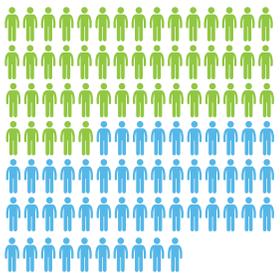
All children selected for the sample resemble the grade level characteristics of the whole special education population.

Workflow



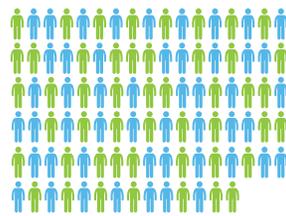
Stratified Random Sampling

Special Education Population



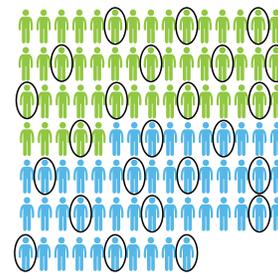
Elementary (EE, PK, KG, 1-5 grade)

Stratification



Secondary (6-12 grade)

Random Sampling



Sample*



*Additional discretionary folder sampling may occur to address areas like dyslexia, child find, transition, and students attending a residential facility.

Sample Size

Population Size*	Sample Size
0	Not Applicable
1-3	Census
4-6	4
7-11	6
12-19	8
20-33	10
34-65	12
66-225	14
> or = 226	16

*Population size refers to the total number of special education students at an LEA. All samples are based on the confidence level (CL) and Margin of Error (MOE).

Timeframe

Sampling Production	Data Availability*	Monitoring Period
Nov/Dec (Timing corresponds to group 2 from cyclical monitoring)	PEIMS Summer Submission (July attendance record available Sept.)	Targeted Monitoring Jan.-June
		Intensive Support Dec.-Nov.

*Student samples are based on data availability. The most current available source will be used. PEIMS Fall Submission (Oct. enrollment snapshot) may be used.

Sampling Method: On-Site Case Study/Campus Selection

Guiding Principles

Unbiased

Each student in folder review sample has an equal chance of being selected for an on-site campus case study.

Representative

Student at campuses are selected from available education level strata.

Workflow

Student and Campus On-Site Sampling Workflow

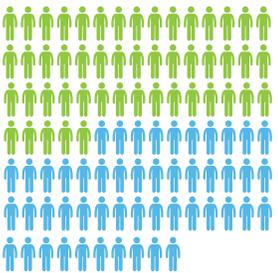
TEA generates student samples for LEAs in cyclical and targeted or intensive monitoring

Student sample is sampled for case study and campuses are selected for on-site monitoring visit

LEA receives notification of students in case study and campuses selected for on-site monitoring visit

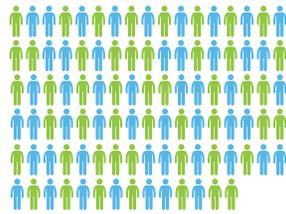
Stratified Random Sampling

Special Education Population

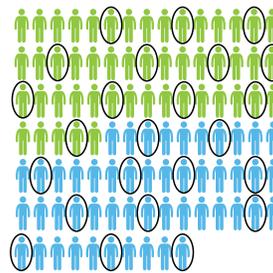


Elementary (EE, PK, KG, 1-5 grade) Secondary (6-12 grade)

Stratification



Random Sampling



Folder Review Sample



Case Study Sample/
Campus Selection

Sample Size: Campus On-Site

Population Size	Case Study	Campus On-Site*
2-45	2 Students	2
46-228	4 Students	4
> or = 229	6 Students	6

*Campuses included in on-site review are driven by student selection. If total number of campuses in an LEA is less than the case study sample size, then all campuses are included in the on-site review. LEA special education population range from 0 to +16,000.

LEA On-Site Selection

Monitoring Type	On-Site Selection Criteria	
*Cyclical On-Site	Previous Year RDA SPED	DL 3 or 4
Targeted On-Site	Current Year RDA SPED	DL 2+ SD Year 3
Intensive On-Site	Current Year RDA SPED	DL 3 or 4+ SD Year 3

*LEAs in cyclical monitoring for the current year receive a comprehensive special education program review and are not included in targeted/intensive monitoring. That is, cyclical monitoring and targeted/intensive monitoring are mutually exclusive activities and do not co-occur in the same year for an LEA.

Dyslexia On-Site Sampling

Guiding Principles

Unbiased

Each student in the desk review sample has an equal chance of being selected for an on-site campus case study.

Representative

Student at campuses are selected from strata.

Workflow

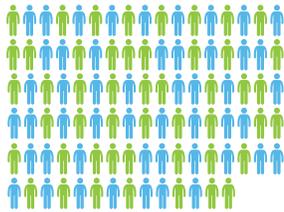
On-Site Dyslexia Sampling Workflow



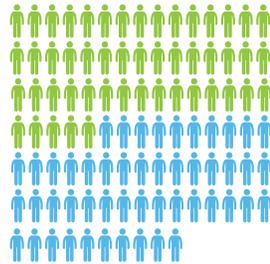
*LEAs must notify the monitoring team if a student is in the on-site dyslexia sample but no longer enrolled in and attending the LEA. The monitoring team will then select a student from the backup dyslexia on-site sample.

Stratified Random Sampling

Dyslexia Population

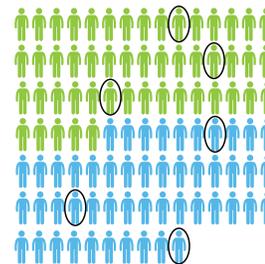


Stratification



Dyslexia and Section 504

Random Sampling



Dyslexia and Special Education

Dyslexia On-Site Sample



Sample Size: Campus On-Site

Population Size	Dyslexia On-Site Sample Size	Dyslexia and Section 504	Dyslexia and Special Education
1	1	Applicable	Applicable
2-45	2	1	1
46-228	4	2	2
>=229	6	3	3

*The population is defined for the dyslexia on-site sample as all students reported in the most recent PEIMS fall enrollment, snapshot, data submission and identified with dyslexia (DYSLEXIA_IND=1) and either Section 504 (SECT_504=1) or special education (SPECED=1).

LEA On-Site Selection

Monitoring Type	On-Site Selection Criteria
*Dyslexia On-Site Review	LEA assigned to cyclical monitoring Prior year RDA special education determination level (DL) 3 or 4

*Local education agencies (LEAs) in cyclical monitoring receive a comprehensive special education program review. This review also includes a dyslexia program review and, if applicable, a dyslexia on-site review consisting of both students with dyslexia served in Section 504 and students with dyslexia served in special education).

Texas Virtual School Network (TXVSN) Cyclical Folder Sampling

Guiding Principles

Unbiased

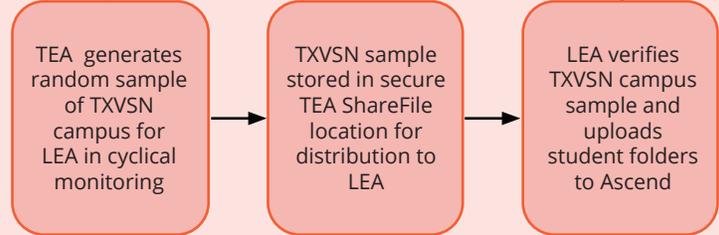
Students in folder review sample have an equal chance of being selected.

Representative

Students selected for folder review sample represent the grade level characteristics of the special education population.

Workflow

TxVSN Cyclical Folder Sampling Workflow



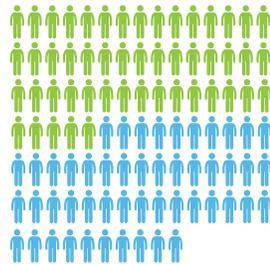
Stratified Random Sampling

TXVSN Campus Special Education Population

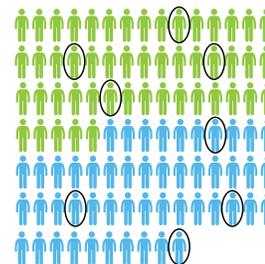


Elementary (EE, PK, KG, 1-5 grade)

Stratification



Random Sampling



Secondary (6-12 grade)

TXVSN Campus Folder Sample*



*TXVSN campus is defined and governed by [19 TAC §§ 70.1001 - 70.1035](#) under the authority of [TEC §§ 30A.001 - 30A.155](#)

Sample Size

Population Size	LEA Folder Sample Size	TxVSN Folder Sample Size	Total
0	NA	NA	NA
1-9	Census	Census	Census
10-31	10	4	14
32-45	16	4	20
46-67	18	6	24
68-109	20	6	26
110-228	22	8	30
>=229	24	8	32

*Population size refers to the total number of special education students enrolled/attending the LEA or the LEA's TXVSN campus. The sample size for all LEA folder review samples are based on the same confidence level (CL) and Margin of Error (MOE).

Timeframe

Sampling Production	Data Availability*	Monitoring Period
Cycle X, Group 1 Jul/Aug	PEIMS Fall Submission (available in Feb. of the prior year) OR PEIMS Summer Submission (available in Sept.)	Oct-Dec
Cycle X, Group 2 Nov/Dec	PEIMS Summer Submission (July attendance available Sept.)	Jan-Mar
Cycle X, Group 3 Feb/Mar	PEIMS Fall Submission (Oct. enrollment snapshot available in Feb.)	Apr-Jun

*Student samples are based on the most currently available data.

Appendix F: Special Education and Special Populations Contacts

Click on the title of each to visit the websites or scan the QR codes below.

Texas Special Education Educator Resources:



Texas
**SPED
Support**



spedsupport.tea.texas.gov

Additional Special Education Resources:

The Legal Framework



TEA Special Education Page



Special Education Resources for Parents and Families:

SPEDTex



Partners Resource Network



Click on the title of each to visit the websites or scan the QR codes below.

Department of Special Education:



TEA Special Education Website



Sped@tea.texas.gov



512-463-9414

Division of Emergent Bilingual Support:



TEA Emergent Bilingual Support Website



EnglishLearnerSupport@tea.texas.gov



512-463-9414

Department of Special Populations General Supervision and Monitoring:



Review and Support Website



Special Education General Monitoring:



ReviewandSupport@tea.texas.gov

Special Education Non-Public Monitoring:



NPDayandRes@tea.texas.gov



512-463-9414