

EXTERNAL DESK REVIEW RUBRIC

Updated: December 2021





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 §300.301(c)(1)(ii)	19 TAC §89.1011(c); TEC §29.004	Was a full and individual evaluation (FIE) completed within 45 school days of the date the district received written consent for evaluation?
Implementation	SE1a	34 CFR §300.301(d)-(e)	19 TAC §89.1011(c)	What was the reason for the delay?
Implementation	SE2	34 CFR §300.305(a)		Was a review of existing data (REED) completed by the IEP team and other qualified professionals?
Family Engagement	SE3	34 CFR §300.304(a)	19 TAC §89.1011; TEC §29.004(a)	Did the school provide Prior Written Notice (PWN) to the student's parent/guardian describing all evaluation procedures it proposed to conduct?
Implementation	SE3a	34 CFR §300.503		<p>Did the Prior Written Notice (PWN) contain all required elements?</p> <ul style="list-style-type: none"> A description of the action proposed An explanation of why the LEA proposesto take the action A description of each evaluation procedure, assessment, record, or report the LEA used as the basis for theproposed action Sources for the parent/guardian to obtain assistance in understanding the provisions of IDEA Part B A description of other factors that are relevant to the LEA's proposed action
Implementation	SE4	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)?
Implementation	SE5	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?



Implementati on	SE6	34 CFR §300.304(c)(6)		Did the evaluation sufficiently identify and address all related services to meet the child's needs (e.g. transportation, OT, PT, counseling, etc.)?
Implementati on	SE7	34 CFR §300.304(c)(4); 34CFR §300.307-311		Is there evidence that the evaluation addresses all areas related to the suspected disability including if appropriate: • Health • Vision and hearing • Social and emotional status • General intelligence • Academic performance • Communicative status • Motor abilities?
Implementati on	SE8	34 CFR §300.306 (c)		Does the FIE clearly state the summary of assessment results?
Implementati on	SE9	34 CFR §300.306 (c)		Does the FIE contain clear documentation of the information obtained from all sources drawn upon so that the student's educational needs may be determined?
Implementati on	SE1 0	34 CFR §300.306(a)(1)	TAC §89.1040(b)	Did a group of qualified professionals and the parent of the child determine whether the child is a child with a disability?



IEP Implementation

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Family Engagement	IE1	34 CFR §300.322	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?
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			Does the student require specialized transportation?
Implementation	IE4	34 CFR §300.320(a)(4)		Does the IEP include a description of the need, duration of services, and provision of transportation?
Implementation	IE5	34 CFR §300.114(a)	19 TAC §75.1023(c)	Does the IEP include an explanation of how the student (to the maximum extent appropriate) is educated with children who are nondisabled?
Implementation	IE6	34 CFR §300.114(a)	19 TAC §75.1023(c)	Does the IEP ensure that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily?
Implementation	IE7	34 CFR §300.116(b)		Is LRE determined based on the child's needs in the IEP?
Implementation	IE8	34 CFR §300.116(b)		Is the LRE chosen as close as possible to the child's home?
Implementation	IE9		19 TAC §89.63(b), 89.1075(e)	Does the IEP include information on the student's instructional setting and length of day?
Implementation	IE10	34 CFR §300.115	19 TAC §89.63	Does the IEP include information that a continuum of alternative placements was considered prior to determining student placement?
Implementation	IE11	34 CFR §300.324(b)		During this school year, were revisions to the IEP made based on data indicating changes in student needs or abilities?



Properly Constituted ARD

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Family Engagement	PCA1	34 CFR §300.321(a)(1); 300.322(c)	19 TAC §89.1050(c)(1)(A)	Did the parent attend the ARD committee meeting (in person or by alternate means)?
Family Engagement	PCA2	34 CFR §300.322(a)-(c)	19 TAC §89.1050(d)	If the parent did not participate in the ARD meeting, is there evidence of multiple attempts to obtain parent participation?
Implementation	PCA3	34 CFR §300.321(a)	19 TAC §89.1050(c)(1)(B); TEC §29.005	Did a general educator attend the ARD committee meeting?
Implementation	PCA4	34 CFR §300.321(a)	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 visual impairment: Is there evidence that a teacher who is certified in the education of students with visual impairments, including deaf-blindness, attended the ARD committee meeting?
Implementation	PCA6		TEC §89.1050 (c)(3)(C)	For a student with suspected or documented 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	34 CFR §300.321(a)	19 TAC §89.1050(c)(1)(D)	Did an 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	PCA8	34 CFR §300.321(a)	19 TAC §89.1050(c)(1)(E)	Did an individual who can interpret the instructional implications of evaluation results attend the ARD committee meeting?
Implementation	PCA9		19 TAC §89.1050(c)(1)(I)	For a student who is participating in or being considered for CTE, did a representative from CTE attend the ARD committee meeting?



Implementation	PCA10		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?
Implementation	PCA11	34 CFR §300.321(e)		If any required ARD committee members were not in attendance, is there evidence of written consent for excusal and written input into the development of the IEP?
Family Engagement	PCA12	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	PCA12a	34 CFR §300.30	TEC §29.015(a); 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	PCA12b	34 CFR §300.30	TEC §29.015(a); 19 TAC §89.1047(a)(1)	Is there evidence the foster parent has completed a training program?
Family Engagement	PCA12c		19 TAC §89.1047(a)(1); TEC §29.015(b)	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	PCA13	34 CFR §300.519(h); 34 CFR §300.30		If it is determined a child needed a surrogate parent, is there evidence the surrogate was assigned within 30 calendar days?
Family Engagement	PCA14		TEC §29.005(b-1)	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)		Is the date of the annual IEP within one calendar year of the previous IEP?
Implementation	IC2	34 CFR §300.320(a)(7)		Does the IEP state how often and how long (frequency and duration) the student will receive special education and/or related services?
Implementation	IC3	34 CFR §300.320(a)(7)		Does the IEP describe a location where services will be provided?
Implementation	IC4	34 CFR §300.320(a)(7)		Does the IEP state the beginning date for services?
Implementation	IC5	34 CFR §300.106	19 TAC §89.1065	Is there evidence the ARD committee considered ESY services?



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 effect of the student's disability on involvement and progress in the general education curriculum?
Student Outcomes	ID3	34 CFR §300.320(a)(2)(i)		Are the student's goals measurable?
Student Outcomes	ID4	34 CFR §300.320(a)(3)		Does the IEP contain a description of how the student's progress will be measured?
Family Engagement	ID5	34 CFR §300.320(a)(3)		Does the IEP indicate when progress reports will be shared with the parent?
Student Outcomes	ID6	34 CFR §300.320(a)(2)(ii)		Does this student participate in the alternate assessment (STAAR Alternate 2)?
Student Outcomes	ID6a	34 CFR §300.320(a)(2)(ii)		Does the IEP include benchmarks or short-term objectives aligned to alternate achievement standards (in addition to the annual goals)?
Student Outcomes	ID6b	34 CFR §300.320(a)(6)	19 TAC §89.1055(b)	Is it clear why the student cannot participate in the regular STAAR assessment?
Implementation	ID7		19 TAC §89.1055(e)	For this student with autism, did the ARD committee consider whether peer-reviewed research-based educational programming practices are needed?
Implementation	ID8	34 CFR §300.324(a)(2)(iii)	19 TAC §89.1055(d); TEC §30.002(c)(e)(f)	For this student with visual impairments, does the IEP or IFSP meet the requirements of TEC §30.002(c)(4), (e)(3), (e)(5) and (f)?



Implementation	ID9	34 CFR §300.324(a)(2)(iv)		For this student who is deaf or hard of hearing, did the ARD committee consider the communication needs of the child?
Student Outcomes	ID10	34 CFR § 300.320(a)(2)(i)		Does the IEP include a statement of measurable annual goals 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 educational 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)		Does the IEP 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) (i)(ii)(iii)		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)		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) of the Act?



State Assessment

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Student Outcomes	SA1	34 CFR §300.160(c); 34 CFR §300.320(a)(6)	19 TAC §89.1055(b)	Did the ARD committee address STAAR assessments to be taken during the current school year?
Student Outcomes	SA2		19 TAC §89.1055(b)	Is there evidence to support the state assessment decisions?
Student Outcomes	SA3			Did the student meet standard on all state assessments for the previous school year?
Student Outcomes	SA3a			Did the student meet the Science assessment standard?
Student Outcomes	SA3b			Did the student meet the Mathematics assessment standard?
Student Outcomes	SA3c			Did the student meet the Social Studies assessment standard?
Student Outcomes	SA3d			Did the student meet the Reading assessment standard?
Student Outcomes	SA3e			Did the student meet the writing assessment standard?
Student Outcomes	SA4		TEC §28.0213	Is there evidence an ARD committee designed an intensive program of instruction for each assessment where the student did not meet standard?
Student Outcomes	SA5		19 TAC §101.1005(e)	In the case of an ELL 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	34 CFR §300.320(b)	19 TAC §89.1055(j); TEC §29.011	Was the student's first transition ARD committee meeting held prior to his/her 14th birthday?
Implementation	TR2	34 CFR §300.321(a)		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(a)		Did the student attend the ARD meeting?
Implementation	TR4	20 USC §1401(35); 34 CFR §300.43		Is there evidence that the ARD committee considered and documented the student's strengths, preferences and interests?
Student Outcomes	TR5		19 TAC §89.1055(j)(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	TR6		19 TAC §89.1055(j)(5)	Did the ARD committee consider and if appropriate, address and document an appropriate functional vocational evaluation?
Implementation	TR7		19 TAC §89.1055(j)(9)	Did the ARD committee consider and, if appropriate, document a referral of a student or the student's parents/guardians 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 1396n(c)), §1915(c)?
Implementation	TR8	34 CFR §300.321(b)(3)	19 TAC §89.1050(c)(1)(H)	To the extent appropriate, with the consent of the parents or a student who has reached the age of majority, was a representative of a participating agency likely to be responsible for providing or paying for transition services invited to the meeting?



Family Engagement	TR9		19 TAC §89.1055(j)(2)	Did the ARD committee consider, and, if appropriate, address and document appropriate involvement of the student's parent/guardian or other persons invited to participate by the student's parent/guardian or by the school district if the student is under 18 years of age?
Student Outcomes	TR10	34 CFR §300.320(b)	19 TAC §89.1055(l)(1)	Beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, does the IEP include measurable postsecondary goals based upon age-appropriate transition assessments related to education and training?
Student Outcomes	TR11	34 CFR §300.320(b)	19 TAC §89.1055(l)(1)	Beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, does the IEP include measurable postsecondary goals based upon age-appropriate transitions assessments related to employment?
Student Outcomes	TR12	34 CFR §300.320(b)	19 TAC §89.1055(l)(1)	Where appropriate, beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, does the IEP include measurable postsecondary goals based upon age-appropriate transitions assessments related to independent living skills?
Student Outcomes	TR13	34 CFR §300.320(b)	19 TAC §89.1055(l)(2)	Beginning not later than the first IEP to be in effect when the student turns 16 years of age, 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?
Implementation	TR14	34 CFR §300.320(c)	19 TAC §89.1049(a)	At least one year before the student reached the age of 18, was it documented that the student was informed about the transfer of rights?



Student Outcomes	TR15		19 TAC §89.1055(j)(10)	If the student is at least 18 years of age, is there evidence the ARD committee considered the use and availability of appropriate 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	TR16		19 TAC §89.1055(j)(3)	If the student is at least 18 years of age, did the ARD committee consider and, if appropriate, address in the IEP, the involvement of the parent or other persons in the student's transition and future when invited by the student or the school district, or did the student consent to their participation pursuant to a supported decision- making agreement under Texas Estates Code, Chapter 1357?
Student Outcomes	TR17		19 TAC §89.1055(j)(7)	If the student is at least 18 years of age, does the IEP include the availability of age- appropriate instructional 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 student's transition goals and objectives?



Behavior

Diagnostic Domain	Item	IDEA Citation	19 TEC/ 89 TAC Citation	Compliance Question
Student Outcomes	IB1			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			Did the ARD committee determine that the student's behavior was a manifestation of the disability?
Implementation	IB7			IF YES, are a current functional behavioral assessment (FBA) and behavioral intervention plan (BIP) in place?
Student Outcomes	IB8			IF YES, did the IEP team/ARDC review the BIP, and modify it, as necessary, to address the behavior?
Student Outcomes	IB9	34 CFR §300.530(f)		IF the ARD committee determined that the student's behavior was a manifestation of the disability, did the IEP team/ARDC conduct a FBA and implement a behavioral intervention plan for the child, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan for the child?



Diagnostic Domain

19 TEC/ 89

Diagnostic Domain	Item	IDEA Citation	TAC Citation	Compliance Question
Student Outcomes	IB9a	34 CFR §300.17(d); §300.530(d)(1)(ii)		If appropriate pursuant to 34 CFR §300.17(d), §300.530(d)(1)(ii), is there evidence that anFBA, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not re-occur?
Implementation	IB10	34 CFR §300.530(f)(2); §300.530(g)		Was the student returned to the placement from which he/she was removed, unless the parent/guardian and district agreed to a change of placement as part of the BIP, or unless the conduct involved drugs, weapons, or serious bodily injury?
Implementation	IB11	34 CFR §300.324(a)(2)(i)	TEC §37.0021	Did the LEA document any restraints duringthe 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? In a case in which restraint is used, did the LEA school employees, volunteers, or independent contractors implement the following documentation requirements aligned to 89.1053(e)? (Day of restraint, campus admin notified, good faith effort to notify parent verbally, written notification provided to parent within one day, written documentation placed in student's eligibility folder.)

