



Special Education Monitoring System 3rd Party Audit

*(Proposed Action in the Special Education Strategic
Plan)*

Background

- The State of Texas provides Special Education programs and services to approximately 500,000 students with disabilities through 1,216 Local Education Agencies (LEAs). As the U.S. Supreme Court proclaimed in *Endrew F. v. Douglas County School District RE-1*, the Individuals with Disabilities Education Act (IDEA) demands that a child with a disability who requires special education programs and related services be offered an appropriately ambitious educational program that is “reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”
- In January 2018, Texas also became subject to a corrective action plan by the U.S. Department of Education’s Office of Special Education Programs (OSEP). This corrective action required the Texas Education Agency (TEA) to build a new monitoring system to address concerns of students being inappropriately denied services from special education programs and related services.

Background

To work towards these important goals of improved student achievement and full compliance with IDEA, TEA developed a Strategic Plan for Special Education.

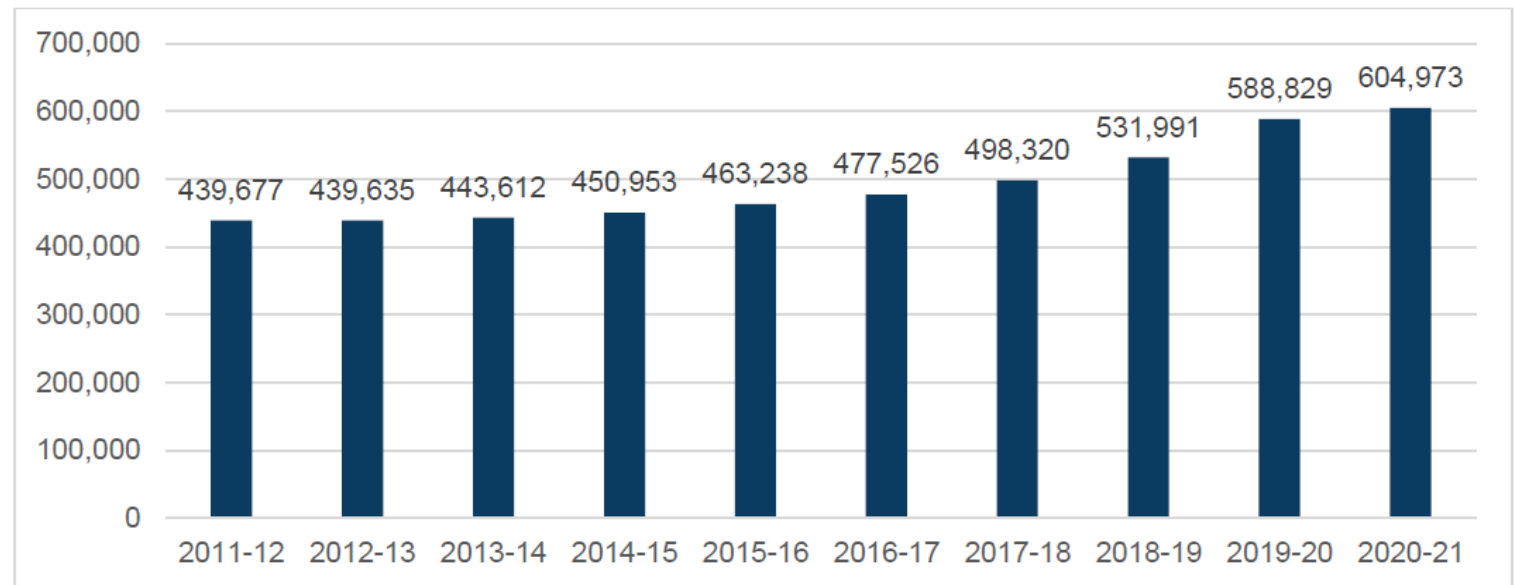
This plan established a new Review and Support unit with the following **four major responsibilities**:

1. Monitor LEA's compliance with federal and State statutes using a risk assessment index and holistic student-centered practices;
2. Provide targeted technical assistance and support for LEAs related to special education;
3. Escalate support for LEAs experiencing significant challenges; and,
4. Highlight those LEAs that demonstrate clear success.

This level of growth was substantially higher than the overall student population growth in Texas, which increased 7.7 percent during the same 10-year time period. During the time period of 2017-18 through 2019-20, Texas' growth rate in students with disabilities (18 percent) was at least 10 percentage points higher than the growth rates in Florida, California, New York, Pennsylvania, Illinois, and Ohio.

Texas has experienced significant growth in the number of students with disabilities over the past decade. As shown in Figure 2, student counts increased from 439,677 in 2011-12 to 604,973 in 2020-21, an increase of 37.6 percent. Most of this growth (26.7 percent) occurred in the past five years.

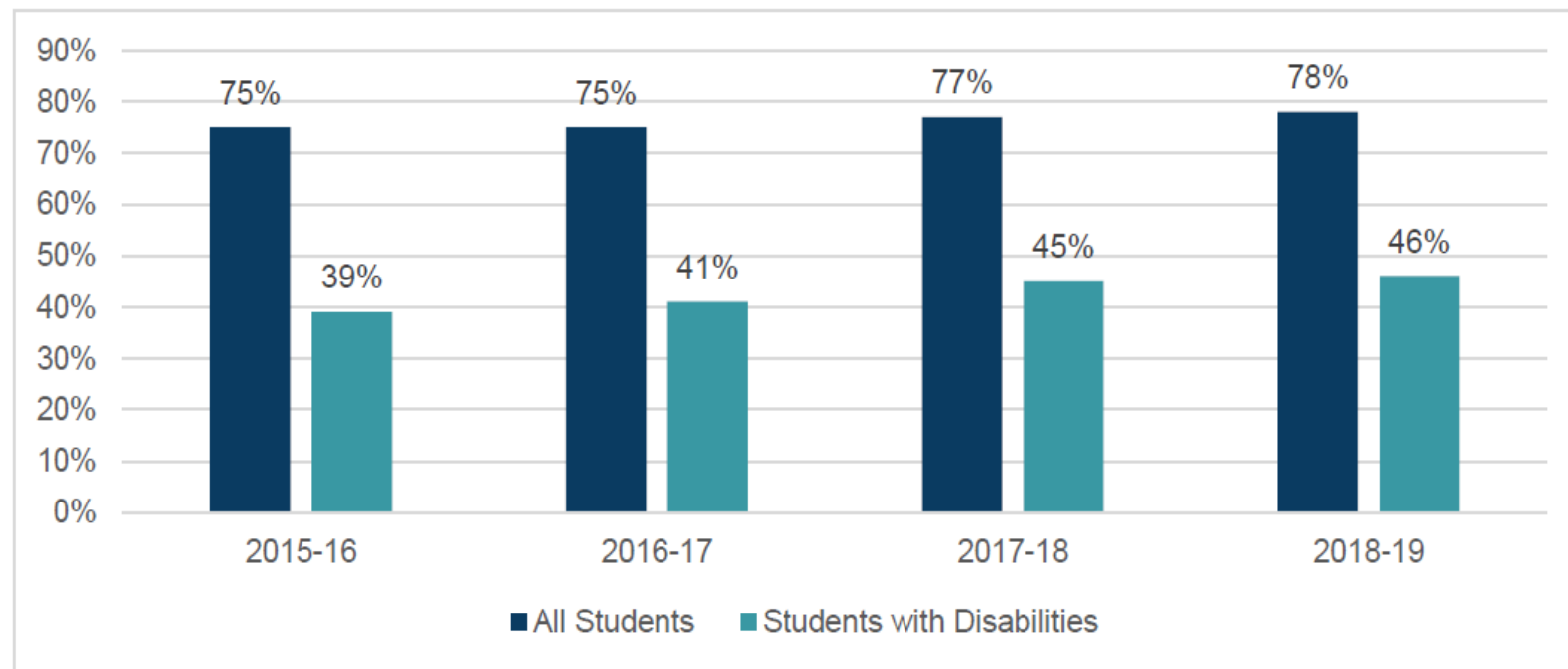
Figure 2. Texas Number of Students with Disabilities, 2011-12 to 2020-21



Source. U.S. Department of Education, National Center for Education Statistics. (2016). Digest of Education Statistics, 2015 (NCES 2016-014), Chapter 2

Achievement gaps continue to exist between students with disabilities and their non-disabled peers, although achievement gaps are narrowing. Figure 4 presents STAAR results (approaches grade level) for all students and students with disabilities for all subjects from 2015-16 to 2018-19 (pre-COVID). During this time, the achievement gap decreased from 36 percent to 32 percent.

Figure 4. STAAR Percentage Approaching Grade Level, All Subjects, All Students and Students with Disabilities, 2015-16 to 2018-19



Source. TEA Texas Annual Performance Reports, 2015-16 to 2018-19

“Over the past four years, TEA has achieved major accomplishments towards implementing a more effective and efficient monitoring system.”

Audit Executive Summary

- **New philosophy** – a transformational change in TEA’s monitoring philosophy is already apparent, based on the assessment of the Evaluation Team and the words expressed by LEA representatives.
- **New monitoring approach** – the entire monitoring system procedural documentation has been re-written and implemented, including the Differentiated Monitoring and Support (DMS) Guide, the Desk Review Rubric, and Desk Review Operating Procedures.
- **More efficient** – TEA’s monitoring system is more efficient due primarily to the recent implementation of the *Ascend* information system.
- **More program-experienced staff** – all R&S Specialists are program-certified, placing the R&S unit in a better position to evaluate compliance and to help LEA’s address compliance concerns.
- **High quality work** – based on the implementation fidelity evaluation, the Evaluation Team agreed with more than 96.7 percent of the compliance determination decisions made at the compliance indicator level.
- **More controlled** – beginning in FY 2021, TEA now selects the sample of student Individualized Education Program (IEP) files for compliance testing; in prior years LEAs selected the sample based on criteria provided by TEA.
- **More stakeholder engagement** – TEA now has six formal stakeholder groups involved in the planning and vetting of monitoring decisions and initiatives.
- **Education Service Center Liaisons** – Special Education liaisons, employed by Education Service Centers (ESCs) and funded by TEA, provide individualized technical assistance, training, coaching, and implementation support to LEAs that is aligned to monitoring outcomes.
- **Differentiated Monitoring and Support (DMS) Data Validation** – automates many of the monitoring management activities, including the annual updating of the list of LEAs to be monitored and the automatic assignment of LEAs for monitoring activities.

Agenda



Audit Overview



Objectives of the 3rd Party Audit



Major Findings/Outcomes



Monitoring Accomplishments



LEA Perceptions



Monitoring Process Audit



Desk Review Implementation Audit



Audit Recommendations and TEA Next Steps

What is the 3rd Party Audit?

As proposed in the TEA Special Education Strategic plan, an independent review of the new special education monitoring was conducted to provide external feedback, review, and verification of the processes developed.

[TEA Special Education Strategic Plan](#)

Evaluate the new general supervision and monitoring process and the progress of its implementation

- What are the processes and systems being put in place?
- What roles and responsibilities are changing?
- What staff and other resources are being dedicated?
- Are sufficient data captured to monitor compliance and performance?
- Are TEA staff applying procedures consistently?
- How do LEAs perceive the quality of support to improve compliance and student performance?
- What measurable outcomes demonstrate improvement in compliance and performance?
- How can TEA improve the quality of its Monitoring Program?
- How can TEA improve the implementation of its plan?



Audit Objective #2

Address two major evaluation questions posed by TEA:

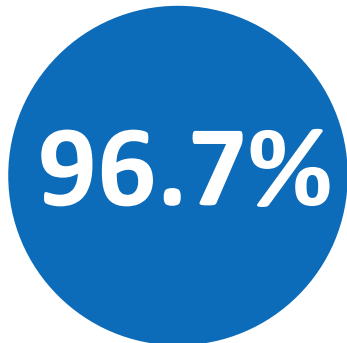
- ① Does the Department of Review and Support (R&S) meet the requirements of the Special Education Strategic Plan?
- ② Do the monitoring components meet requirements of the strategic plan?

- ***Task 1: TEA R&S Monitoring System Definition*** - Based on the information collected through the data provided and interview results, process maps were developed for cyclical and targeted desk reviews. As-is process maps were developed for each type of review, depicting the current processes and tools applied to conduct a desk review.
- ***Task 2: Conduct Evaluation of TEA Desk Review Implementation*** - The process maps developed under Task 1 were analyzed to identify opportunities for streamlining, improved controls, and additional technology opportunities. The maps were also used in case study interviews with R&S Specialists to evaluate the implementation fidelity of the desk review process.
- ***Task 3: Conduct Evaluation of TEA Desk Review Implementation*** - The Evaluation Team evaluated the implementation fidelity of the desk review process at the macro and micro levels.
- ***Task 4: LEA Data Collection*** - Interviews were conducted with district and campus level positions for a sample of LEAs to capture their perspectives on the new monitoring system at TEA at its implementation progress.
- ***Task 5: Recommendations and Reporting*** - Recommendations for improvement were developed for TEA's consideration.



Key audit take aways

- New monitoring system meets requirements of the Special Education Strategic Plan
- Transformational change is occurring – from compliance “watchdog” to “continuous improvement”
- Progress on many initiatives
- LEAs noticing and appreciating changes
- Opportunities for further operational improvement exist
- 96.7% agreement between auditors and TEA on noncompliance findings



96.7% agreement between auditors and TEA on findings of noncompliance.

“

There is more trust in the monitoring system than there has been in the last several years.

“

We never thought of the monitoring system as a "gotcha" - but instead to do better and be better.



Major Findings/Outcomes



1 Transformational change was made in the improvement of TEA's monitoring system

- Helping hand vs. Watchdog – more supportive of LEA efforts to improve compliance and student achievement
- LEAs have noticed and appreciate the changes

2 New monitoring system is more efficient:

- *Ascend* platform
- Improved LEA communications

3 High quality work

- 96.7 percent desk review implementation fidelity at the compliance indicator level
- Increase in staff (now 57 positions) and more experienced practitioners



Accomplishments

- 4 Improved controls over IEP file sampling
 - TEA began selecting the LEAs sample prior to monitoring
- 5 Increased external stakeholder engagement in TEA monitoring policy, processes, and outcomes
- 6 LEA Self-Assessments to drive continuous improvement
 - Engages LEAs in challenges and self improvement opportunities
 - LEAs commented on the benefits of the process for improved understand of special education programs
- 7 ESC Liaisons – funded by TEA to provide technical assistance aligned to monitoring outcomes
 - Provide individualized technical assistance, training, coaching, and implementation support



3rd Party Determinations



In completing the 3rd party audit, the Gibson consulting evaluation team:

- *Extracted* monitoring requirements from the TEA Special Education Strategic Plan
- *Reviewed* TEA processes, monitoring tools, documents and flow charts
- *Interviewed* internal TEA staff on processes, consistency and application
- *Conducted* a verification audit of IEPs and student records using TEA tools
- *Reviewed* TEA findings of compliance, noncompliance, and recommended technical assistance
- *Interviewed* LEA personnel on experiences, outcomes, benefits and challenges to monitoring

Gibson used this information to define and answer the evaluation questions.



Evaluation Questions

1

Does the Department of Review and Support (R&S) meet the requirements of the Special Education Strategic Plan?



Standardized processes for reviews and monitoring visits?



Apply risk assessment index and student-centered practices?



Technical assistance?

- 100% of desk reviews sampled included technical assistance opportunities.



Escalate support for LEAs experiencing challenges?



Demonstration of LEA success?

- 100% of desk reviews sampled included LEA successes.



2

Does the Monitoring System meet the requirements of the Special Education Strategic Plan?

- Quantitative data points applied?
- Review specific strategies listed in IEPs?
- Student achievement addressed?
- LEA staffing addressed?
- Review LEA policies and procedures?
- Apply state and federal compliance / performance indicators?
- Apply qualitative indicators?



LEA Perceptions

Over the March to June 2022 period, Gibson conducted either individual or group interviews with 26 individuals across eight geographically diverse LEAs.

Depending upon the LEA, the number of interviews conducted ranged from one (where the SPED Director was the primary contact) to seven (where LEA staff in varied roles participated in TEA monitoring activities).

The following positions participated in interviews with the Gibson project team:

 Superintendent

 DCSI

 Special Education Director

 Sped Program Manager

 Principal

 Diagnostician

 Chief Financial Officer



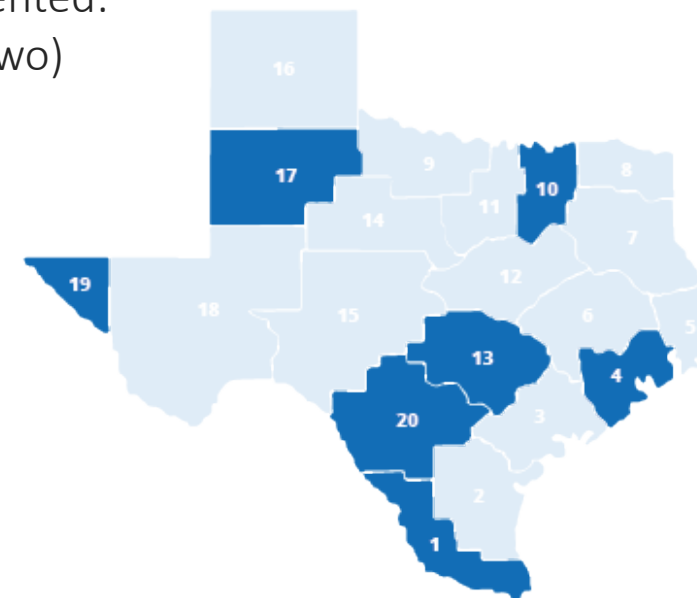
LEA Profiles – Interviews

8 Total LEAs Interviewed
7 ISDs
1 Charter School

5 LEAs in Cyclical Monitoring

3 LEAs in Targeted Monitoring (1 LEA in both cyclical and targeted)

Regions represented:
(Region 4 had two)



LEA sizes (student enrollment):

- Less than 1,000
- 1,000-2,000
- 2,000-5,000
- 5,000-10,000
- 40,000-50,000
- Approximately 200,000



Positive:

- LEAs feel more actively engaged “with” the Agency in monitoring
- TEA’s efforts to help them improve practices and student outcomes
- TEA’s new Ascend system; available resources and support from TEA Specialists and ESCs impact of the monitoring process on resulting positive changes in the LEA
- LEAs also feel more connected to the TEA Specialists conducting the review, due to new video conferencing activities, more frequent email communications, and the perceived new attitude of TEA Specialists caring about the LEAs they are monitoring

Opportunities/Concerns

- Additional training needed for TEA Specialists
- Maintaining communications with the LEA after the monitoring process is complete
- Relaxing timelines for document submissions,
- Chief Financial Officers more involved in the monitoring process
- Monitoring is time consuming process putting more stress on a taxed system.

Finding 1: Flexible and responsive communications by TEA empowers LEAs to ask questions and more actively engage with the monitoring process.



Effective Communication: Video Conferencing is humanizing, Email Responsiveness provides rapid feedback, Constant communication and frequent touchpoints are highly effective.

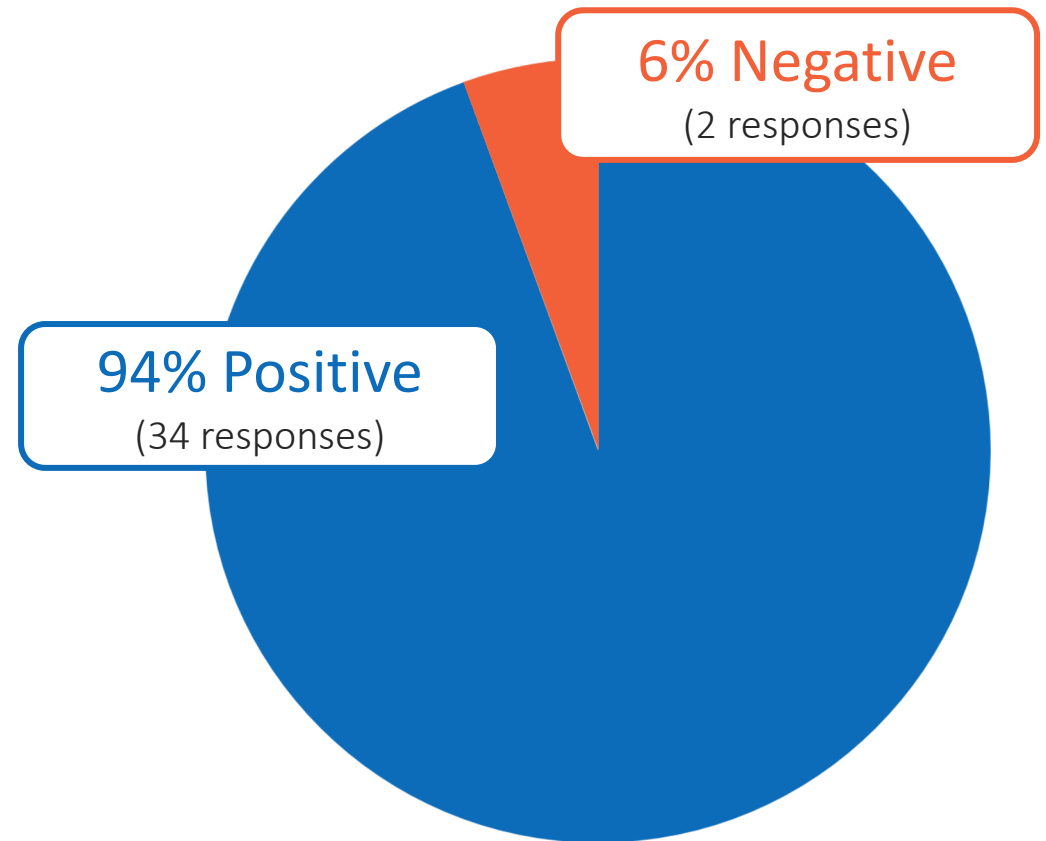
Less Effective: Lack of sustained communication once the CAP has been submitted and/or corrected.



Finding 2: Strong relationships between TEA Specialists and LEAs are successfully reframing the monitoring process.

The Evaluation Team coded 36 statements relating to TEA Specialists' relationships with the LEA staff:

- Ninety-four percent (34 responses) described positive interpersonal relationships with TEA staff members.
- Six percent (two responses) expressed areas for growth regarding interpersonal relationships with TEA staff members. These two comments reflect individual perspectives from two different LEAs.



“

I have been very pleased with the customer service through the entire process.

“

My experience with the Review and Support team and process has been very positive. Staff are helpful, supportive, and knowledgeable.

“

I hope and pray that this process will make our department stronger and more effective when meeting the needs of our students.



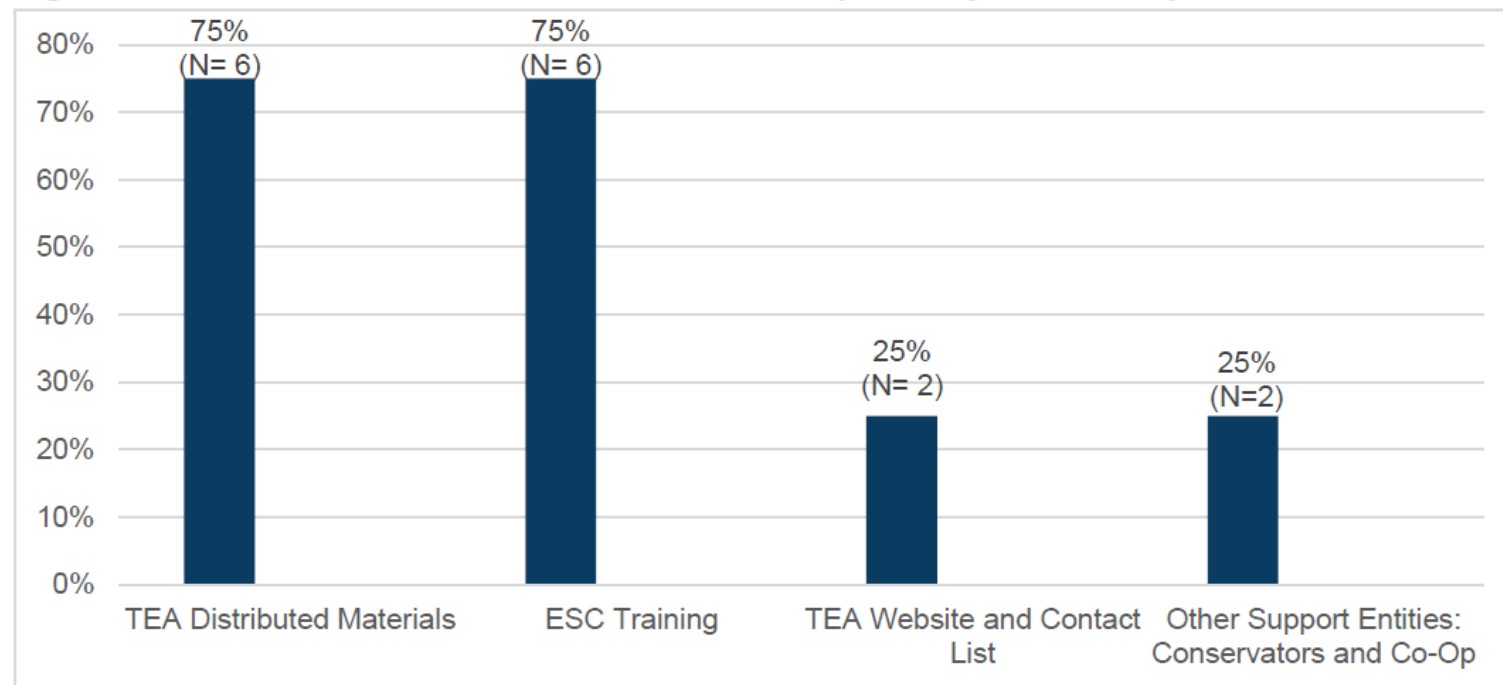
This process puts more pressure on our staff that already feel taxed and overwhelmed.



There should be ongoing support from Review and Support following monitoring to allow LEAs to continue to improve.

Finding 3: LEAs value external resources and supports.

Figure 8. TEA Documentation and ESC Resources Reported by LEA Participants



Source. Gibson aggregation of coded data collection results

Figure 8 presents the prevalence of resources and supports noted by LEAs.

Finding 4: LEAs perceive monitoring timelines to be challenging.

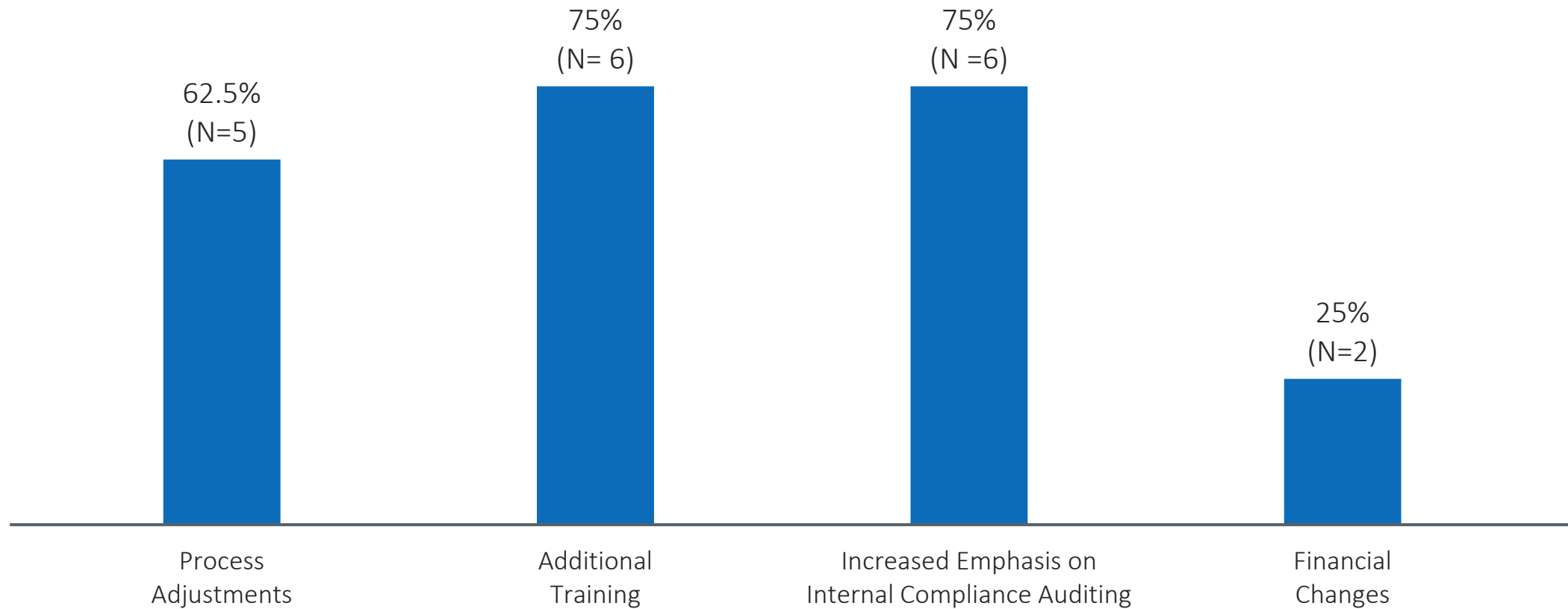
Explanation	Percentage of LEAs (n)
Staffing Issues	50% (n=4)
Overlap with Other Audits	25% (n=2)
Impact of COVID-19 Pandemic	12.5% (n=1)

Note. LEAs may have indicated multiple reasons for difficulty with the timeline. Thus, percentages in this table do not add up to 100 percent.

Source. Gibson aggregation of coded data collection results



Finding 5: LEAs implemented a wide range of changes as a result of TEA's monitoring.



“ It all has been a wonderful process. Working together as a Team to analyze and create a plan has been rewarding. The questions in the SA were hard to review because we had to face some hard facts, but we are better for it.

“ This whole process and all the activities have produced deep conversations and we are getting stronger because of it.

“ There was a lot to do but it made us better for it. We grumbled in the beginning but then we enjoyed the process. Reflectively, collaboration has never been more positive and productive. All the discussions crossed over the activities to make each contribution a meaningful one.



Finding 6: *The new online monitoring platform was well-received by LEAs, although improvement opportunities exist.*

Benefits:

Benefits	Percentage of LEAs (N)
Ease of use of online system	85.7% (n=7)
Better documentation	37.5% (n=3)
Improved communication with TEA Program Specialist as single point of contact	37.5% (n=3)

Source. Gibson aggregation of coded data collection results

Constraints:

Constraints	Percentage of LEAs (N)
Learning curve for TEA staff and LEAs	35.7% (n=3)
Cumbersome process	50% (n=4)

Source. Gibson aggregation of coded data collection results

“
“ *Ascend* was more easily facilitated in an LEA that has online records than the previous paper-based system.

“
“ Relationship with assigned TEA Specialist not only provided consistent communication, but also provided many opportunities to address difficulties or problems.

“
“ While beneficial, the self-assessment required extensive work to complete.



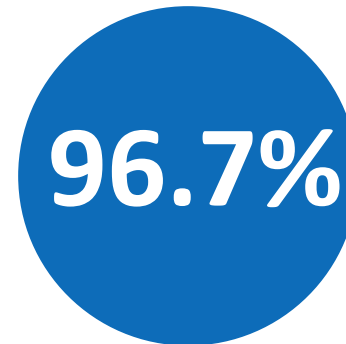
Desk Review Implementation Fidelity Drill down



3rd Party Audit Approach for the Desk Review

- Audit Objective - evaluate implementation fidelity
- Compare a sample of student IEP file review results generated by TEA to those generated by the Evaluation Team and understand differences
- Tested for inter-rater reliability on the Evaluation Team
- Coded 65 student IEP files across a sample of 13 LEA cyclical desk reviews (Cycle 3, Group 1)

The evaluation team agreed with TEA's assessment of individual compliance indicators
3,348 out of 3,576 instances evaluated or



of the time.



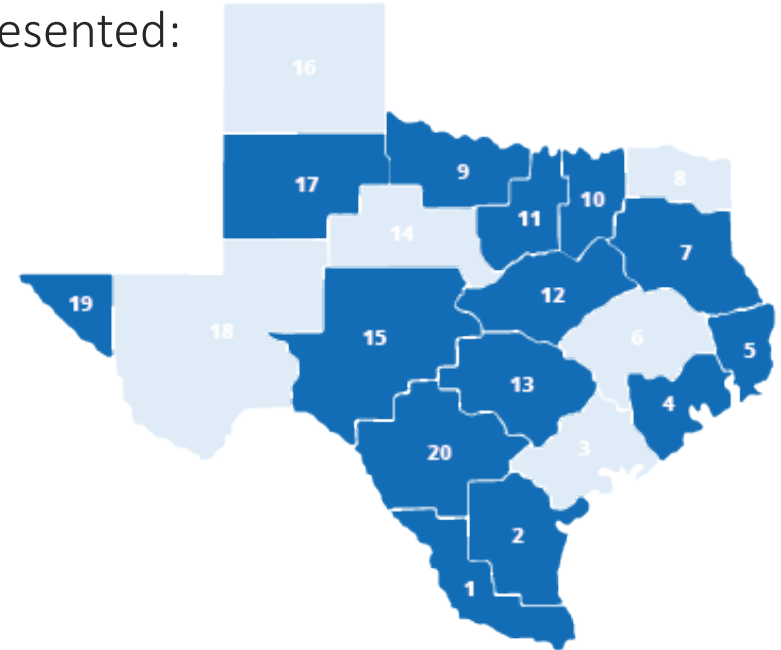
Profile of LEAs selected for Desk Review Audit

13 Total LEAs
12 ISDs
1 Charter School

6,174 Average student enrollment:
40,000+ Largest
143 Smallest

68% Average percent economically disadvantaged:
100% Largest
8.80% Smallest

Regions represented:



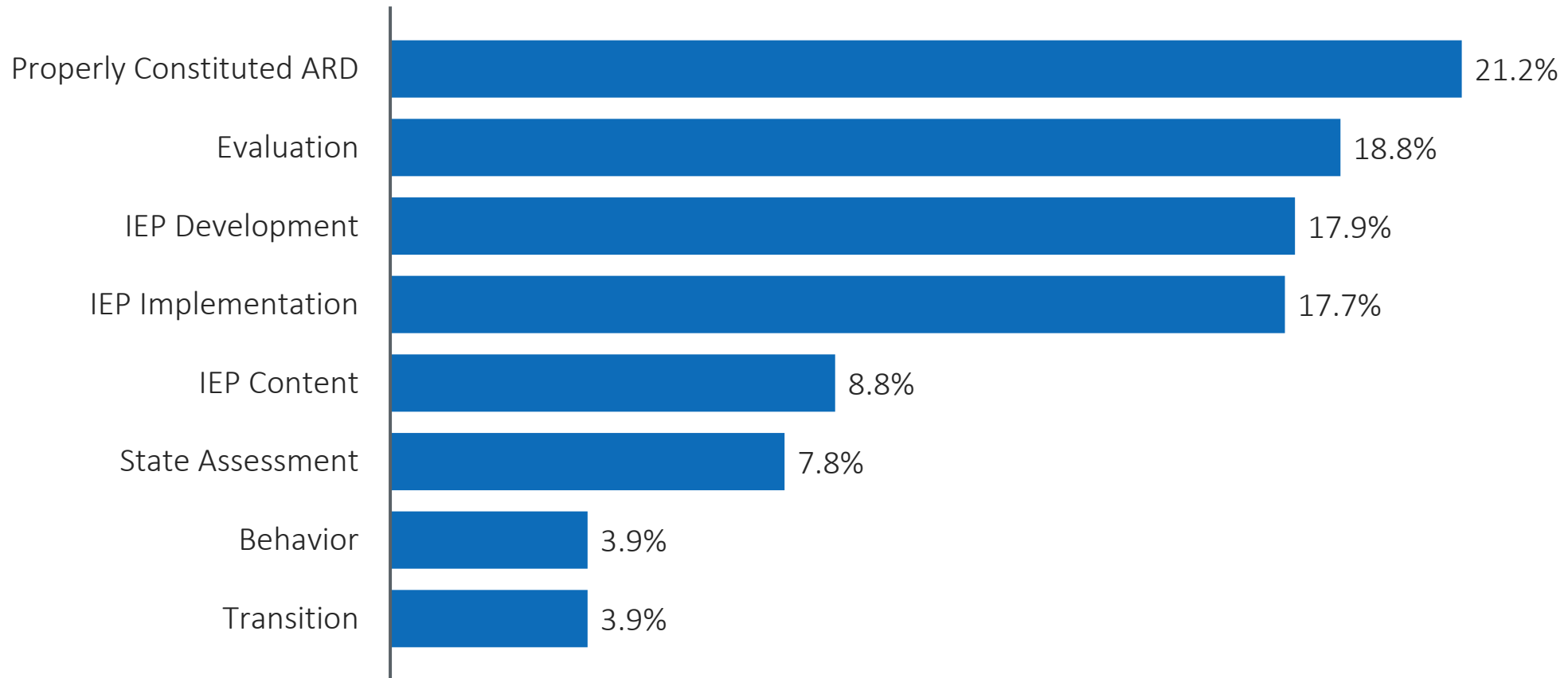
776 | 12% Average number of students served through special education:
5,891 | 15.6% Largest
12 | 7.9% Smallest



Results of Desk Review Audit

3,576 instances of indicator compliance evaluated (274 per LEA; 55 per student IEP file)

% Distribution of Indicators Evaluated by Compliance Area

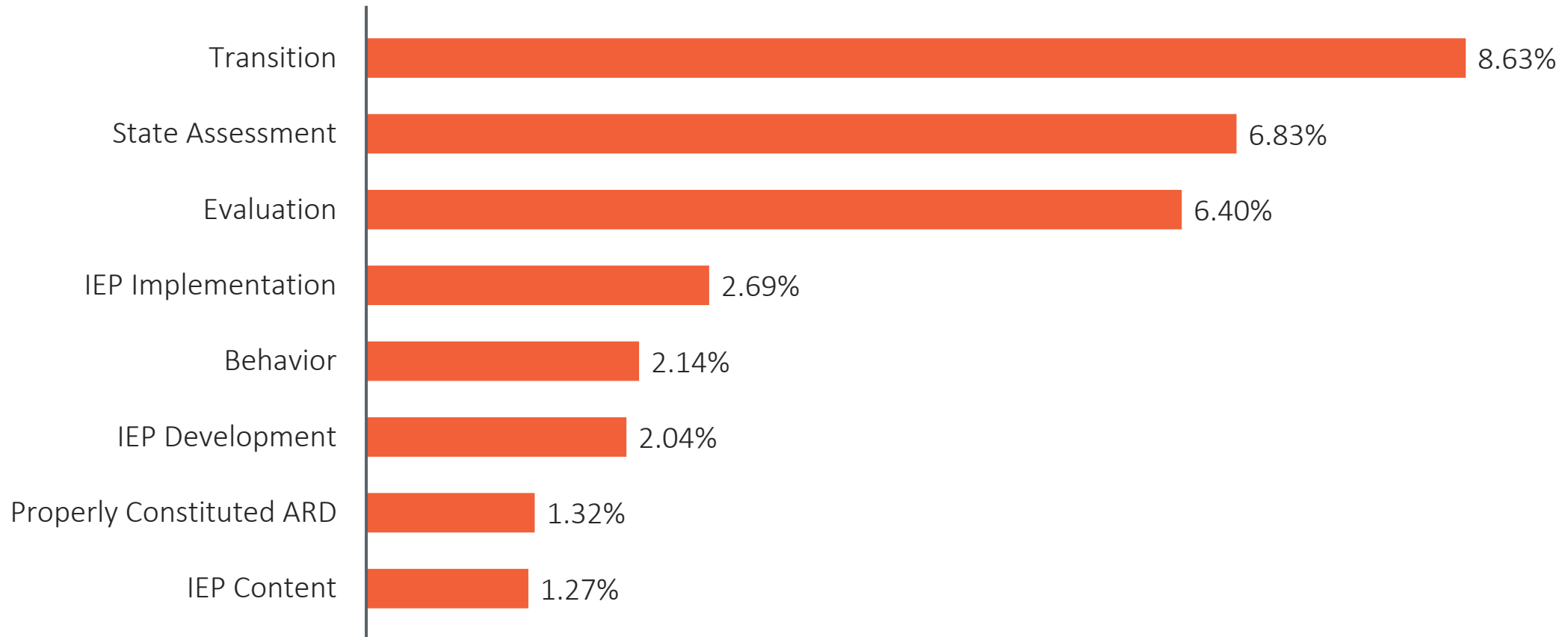




Results of Desk Review Audit

Evaluation Team agreed with 96.7% of the compliance assessments at the indicator level

Desk Review Evaluation Exception Rates, by Compliance Area





Exception of Audit to DMS process

What was the vendor unable to mimic that exists within the DMS monitoring process?

- Audit team did not:
 - Participate in TEA Compliance Review Team Process and Calibration of findings.
 - Engage in the clarification process with LEAs

Gibson conducted their analysis after TEA completed the LEA monitoring, engaging in these processes would have drawn out the LEA process and put additional burdens on LEA staff time.



Audit Observations, Recommendations, and TEA next steps



AUDIT OBSERVATION

Desk Review process still dependent on offline spreadsheets for following tasks:

- Compliance tracking
- Clarification process
- Quality Rubric/Cross walk implementation

1

TEA NEXT STEPS

TEA continues to develop and build the Ascend monitoring tool to connect processes and systems, to include all SPED Corrective Action Plans, complaints information, compliance tracking and clarifications process resources.

The cross walks are being imbedded within the Quality Rubric for pilot Spring/Fall 2023.

TEA has worked with the Sped Technical Assistance Dashboard developer to integrate the T/A Dashboard with the Ascend platform to launch the 2023-2024 SY.

Quality Rubric will be imbedded in T/A Dashboard for LEA access and use by Spring 2024.



AUDIT OBSERVATION

Ascend:

- Some indicators in *Ascend* do not yet have “expectation” or “documents” requirements defined
- Enhance *Ascend* management reporting capabilities (in process)

Some compliance indicators are:

- Vague with respect to specific compliance requirement
- Overly complex and difficult to evaluate
- Inconsistently worded / referenced across procedures / systems

2

TEA NEXT STEPS

Based on stakeholder feedback to begin with Cycle 4:

- TEA removed instances where an LEA could have a duplicative finding and removed redundant processes.
- Desk Review indicator language was updated to be more explicit and clear for users without modifying the intent, process, or procedures of monitoring.

TEA will continue to develop internal data mapping and element mapping to support consistency and alignment within the monitoring process.



Example of language clarification

Original Question

IE 1: Was the parent/guardian notified of the ARD meeting (including purpose, time and location) at least five (5) school days prior to the meeting?

34 CFR §300.322(a)(1); 19 TAC § 89.1050(d)

2

Clarified Question

IE1: Was the parent/guardian notified of the ARD meeting (including purpose, time, and location) at least five (5) school days prior to the meeting, or within a shorter time period if agreed upon by the parent?



Example of Removed question

Original Question

- State Assessment Question 2: Is there evidence to support the state assessment decision?

2

Reason

- *This question is addressed in another area of the desk review for students taking an alternative assessment.*
- IEP Development Q6a: Does the IEP include benchmarks or short-term objectives aligned to alternate achievement standards (in addition to the annual goals)?
- IEP Development Q6b: Is it clear why the student cannot participate in the regular STAAR assessment?



AUDIT OBSERVATION

LEAs can still manipulate IEP files before submission (2 weeks) but must attest in writing that files have not been altered.

- Evaluate the feasibility of controlling student IEP files immediately after selection to prevent LEA changes before submission

3

TEA NEXT STEPS

Beginning with Cycle 3 for the 21-22 SY based on feedback from Gibson Consulting, TEA revised the file selection process using TEA generated student lists instead of LEA selected student files.

Though the auditor recommends reducing the window of time between request and submission or “locking the files down” once notified, LEAs have requested more time due to resource and staffing constraints.

TEA requires the LEA to attest when submitting files that no records have been adjusted since selected or to denote any that were.

TEA will continue to follow current procedures.

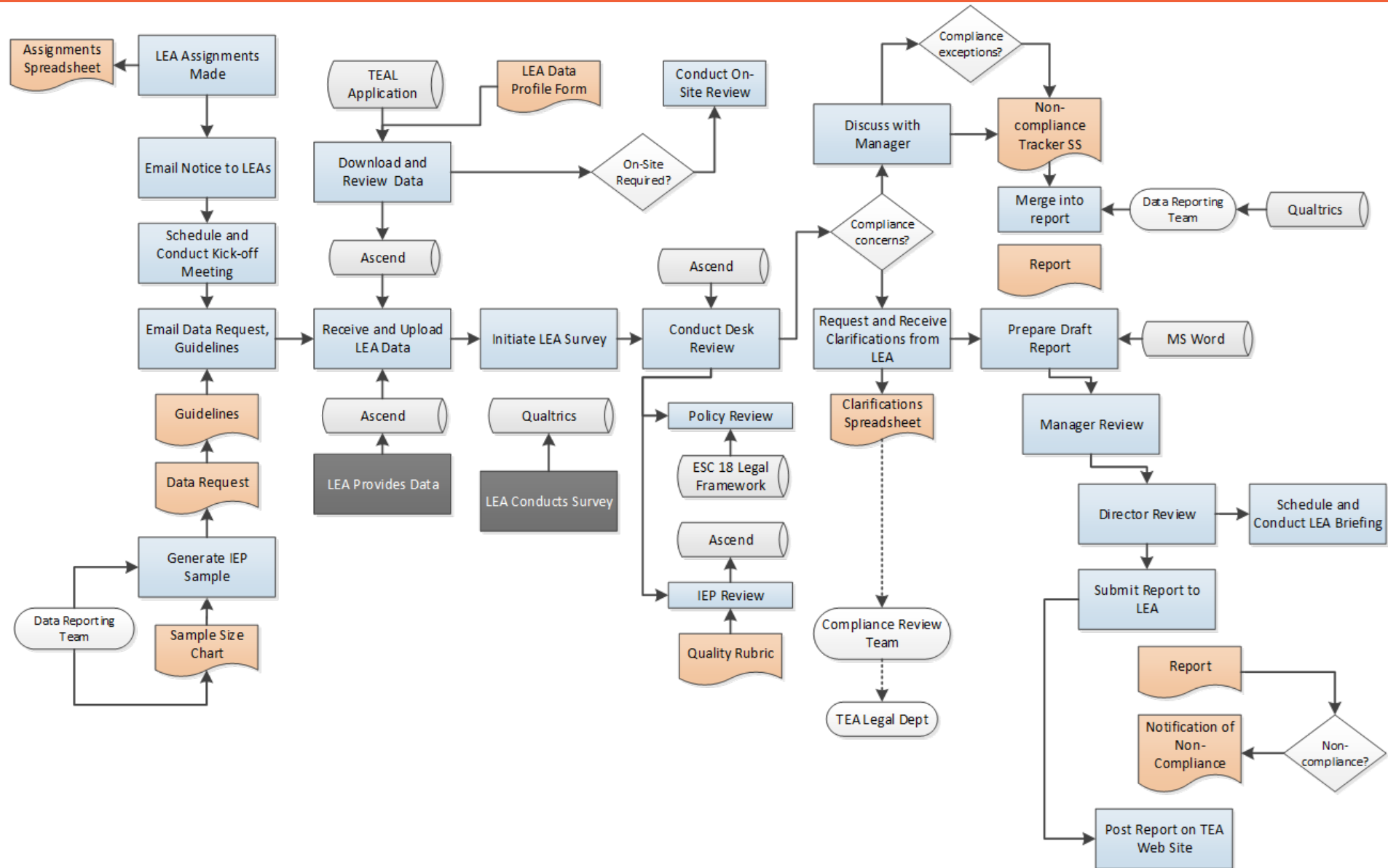


1. Review Gibson audit report and engage with stakeholders to define the next steps by gathering feedback and suggestions for the next 6-year cycle of the DMS.
2. Conduct internal tests of implementation fidelity to help ensure continuous improvement of the desk review process and inter-rater consistency.
3. Develop an LEA Special Education staffing capacity analysis, beyond the required staffing certification checks for the next 6-year cycle of the DMS.
4. Ensure alignment across TEA monitoring procedural documents.
5. Implement the time tracking feature within the Ascend platform to maintain time and effort records for TEA staff.

Questions?

Appendix

Cyclical Monitoring Process



Targeted Desk Review Process

