

Special Education Cyclical Compliance Audit

March 23, 2021

Purpose of Report

The intent of this report is to provide the Board of Trustees with a summary of the Special Education Compliance Audit.

Background Information

Beginning 2019-2020 the Texas Education Agency initiated a new monitoring system known as Differentiated Monitoring and Support. The DMS system consists of cyclical reviews and targeted reviews. A cyclical review determines compliance with federal and state laws and assists the District in resolving specific issues of concern that impact services and outcomes for students with disabilities. District special education programs will participate in a cyclical review every six years. Components of the comprehensive compliance audit include: 1) review of District policies, 2) review of the Department of Special Education Operating Procedures, 3) Comprehensive Desk Audit, 4) Student Eligibility Folders, 5) Stakeholder Survey, 6) Self-Assessment, and 7) Strategic Support Plan.

Denton ISD was selected to participate in Cycle 2 Group 1 beginning October 2020 through January 2021. As required, the Department updated Operating Procedures and posted those to the Legal Framework for access to all stakeholders. The Desk Review evaluated seven areas of compliance (Evaluation, IEP Implementation, Properly Constituted ARDCs, IEP Contents, IEP Development, Transition, and State Assessment). Additional documents reviewed during the Desk Audit included: student referral documentation; progress reports; campus determination of state assessment and accommodations; intensive program of instruction; parent contact attempts; staff certification; foster parent training; receipt of procedural safeguards; and IEP supplements. The Agency requested and reviewed 24 student folders. The Department in collaboration with Communications, sent the stakeholder survey to each parent of a student receiving special education services, teachers, support staff, campus administration and program department leadership. Currently, the Department is in the process of collaborating with additional District and community stakeholders to complete the Self-Assessment.

Summary of Findings

On January 29, 2021, the District received the Department of Special Education Compliance Audit Report from the Texas Education Agency. Non-compliance was identified in the areas of State Assessment and Timelines for FIEs; therefore, requiring a Correction Action Plan. The District must correct any non-compliance as soon as possible. The first non-compliance identified was specific to IPIs (Intensive Program of Instruction) as required in TEC 28.0213. A school district shall offer an intensive program of instruction to students who: (1) do not perform satisfactorily on a state assessment; or is not likely to graduate before the 5th year following 9th grade enrollment. Specifically, for Denton ISD, 3 of the 24 students with disabilities files lacked an Intensive Program of Instruction (IPI) for student that did not perform satisfactorily on the State Assessment. Consequently, the Department must review policies and procedures, including the operating guidelines on this procedures; provide training to the appropriate staff (general and special educators, diagnosticians, and campus administration); convene ARD meetings for the 3 students; and develop processes that allow for self-monitoring this area of non-compliance.

A second area of non-compliance was identified; however, this was corrected in August 2021. The non-compliance was 1 of the 24 student files showed that the FIE (full individual evaluation) was not

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completed within 45 days of the date the Campus/District received written consent. The required actions for this area are the same as noted above.

Areas of non-compliance were identified as both individual (3 students (IPI) and 1 student (FIE)) and systemic.

Operational Impact:

The requirement for a school district shall offer an intensive program of instruction (IPI) to students who do not perform satisfactorily on a state assessment is not targeted at students with disabilities, it applies to all students. However, the Department was required to submit a Corrective Action Plan (CAP); therefore, the Department researched the IPI requirement and has since revised and/or created the Department of Special Education's procedures for campus teaching staff and Annual Review and Dismissal Committees (ARDs) to facilitate and manage for each student with a disabilities who does not perform satisfactorily on the state assessment. The procedure, process and documentation will be shared with campuses and the Department will provide training to the appropriate staff (general and special educators, diagnosticians, and campus administration).

Benefit of Action:

Students with disabilities who do not perform satisfactorily on the state assessment or are not likely to graduate before the 5th year following 9th grade enrollment will have an Intensive Program of Instruction (IPI) as required by TEC 28.013. Campus and evaluation staff will be aware of the procedures required to create the IPI.

Other Comments:

The District contact in the TEA Department of Review and Support commented that considering the size of the District, the compliance audit was impressive. She praised the current processes and procedures in the Department. Finally, she stated that the student folders were well organized and "clean". She asked that I thank the staff and support staff for their diligence and commitment to serving students with disabilities. We have been informed that non-compliance with the IPI (Intensive Program of Instruction) is a state-wide issue and concern; therefore, an Education Service Center will create a state training to be shared with Districts.