

LEA Name:	Denton ISD	County-District Number:	061-901
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**Texas Education Agency
Division of Program Monitoring and Interventions
Residential Facility Monitoring
2006-2007**

Summary of Documentation of Noncompliance

Investigatory Topic	Subtopic	Legal Reference*	Specific Areas of Noncompliance	Student-Specific or Systemic
Properly Constituted Admission, Review, and Dismissal (ARD) Committee	Parent Attendance	34 Code of Federal Regulations (CFR) §300.321(a)(1)	A review of student eligibility folders indicated that, for fewer than five students, the LEA did not convene a properly constituted ARD committee. Specifically, student records reflected that RF staff members signed as the parent for students residing in the RF.	Systemic
	Regular Education Teacher(s) at ARD Committee Meetings	34 CFR §300.321(a)(2), (e)(2)	A review of student eligibility folders indicated that, for fewer than five students, the LEA did not convene a properly constituted ARD committee. Although ARD committee documents indicated a regular education teacher would be excused from the meeting(s), input into the development of the IEP was not obtained from the general education teacher prior to the meeting.	Student-Specific

* In this document, citations to the Code of Federal Regulations are from the new Individuals with Disabilities Education Act (IDEA) regulations that took effect on October 13, 2006. The 2006-2007 RF Monitoring Manual was completed prior to the effective date of the new IDEA regulations, and citations in the manual have not yet been updated to reflect the new IDEA regulations. Changes in federal regulations, state laws, and state board of education/commissioner's rules are referenced in the Special Education Rules and Regulations Side-by-Side, December 2006, available on the TEA website at <http://www.tea.state.tx.us/special.ed/rules>.

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	Student's Participation in Transition Planning	34 CFR §300.321(b)(2)	A review of student eligibility folders indicated that, for fewer than five students, the LEA did not take other steps to ensure that the student's preferences and interests were considered when the student was not in attendance at an ARD committee meeting regarding transition services.	Systemic
Surrogate Parents and Foster Parents	Appropriate Assignment of Surrogate Parents	34 CFR §300.519; 19 Texas Administrative Code (TAC) §89.1047	Interviews with LEA staff and a review of student eligibility folders indicated that the LEA does not have a system in place to determine whether a student residing in an RF needs the assignment of a surrogate parent. Specifically, RF staff signed as the parent for students residing in an RF.	Systemic
Current Evaluation	Determination of Eligibility	19 TAC §89.1040(b)	A review of student eligibility folders indicated that, for fewer than five students, the ARD committee determined that the student continued to be a student with a disability without documentation to support that the decision was made by a group of qualified professionals. Specifically, evaluation reports contained the signature of only one multidisciplinary team member.	Student-Specific
	Comprehensive Evaluation	34 CFR §300.305(a)(1)	A review of student eligibility folders indicated that, for fewer than five students, the review of existing data conducted by an ARD committee determined students eligible for a specific disability category without evidence of the students' disabilities. Specifically, the ARD committee determined that students continued to be eligible for special education services without an evaluation or eligibility reports.	Student-Specific

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Individualized Education Program (IEP) Implementation	Implementation of IEP as Written	34 CFR §300.17(d)	A review of documentation in student eligibility folders and campus schedules indicated that, at an RF, the students' IEPs were not implemented as developed by the ARD committee. Specifically, the students' class schedules did not match the schedules of service in the students' most current ARD/IEP documents.	Systemic
	Provision of Assistive Technology Devices/Services	34 CFR §300.105(a), §300.323(c)(2)	Campus observations, staff interviews, and a review of documentation in student eligibility folders indicated that, for fewer than five students, there was no evidence that assistive technology device(s)/service(s) were being provided as indicated in the students' most current ARD/IEP documents.	Student-Specific
	Documentation of Annual IEP Goals and Objectives	34 CFR §300.324(b)(1)(i)	A review of student eligibility folders indicated that, for fewer than five students, there was no evidence that the IEP was reviewed within one calendar year.	Student-Specific
Least Restrictive Environment (LRE)	Access to Nonacademic and Extracurricular Services	34 CFR §300.116(d), §300.117, §300.320(a)(5)	A review of student eligibility folders indicated that, for 10 students, the documentation in the students' most current IEP did not address all required considerations and/or indicated that the students would have access to nonacademic and extracurricular services, including meals, and recess periods, with nondisabled students. Campus observations and staff interviews revealed that access to nonacademic and extracurricular services was at the discretion of the classroom teacher.	Systemic
Certified/Qualified Staff	Certified Staff	34 CFR §300.156(a)	A review of personnel records showed that one teacher providing general education services to RF students was not properly certified.	Systemic

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Commensurate School Day	Decisions Regarding Length of Day	19 TAC §89.1075(d)	A review of student eligibility folders for students residing in one RF reflected that the students were provided education and related services for a 330-minute school day, whereas nondisabled peers at the home campus received a 360-minute school day. ARD documentation did not reflect that a modified school day would be provided to the students and did not state individualized, student-based justification for the shortened school day.	Systemic
Related Services Provision	Documentation of a Related Services	34 CFR §300.320 (a)(2), (4), (7)	A review of student eligibility folders and staff interviews indicated that there was no designation of goals and objectives for consultative related services for Denton ISD students. Specifically, staff interviews indicated that consultative related services were integrated into student instructional IEPs, yet there was no designation for related services goals and objectives.	Systemic
Transition Services	Individualized Decision Making: Transition	34 CFR §300.320(b); 19 TAC §89.1055(g)	A review of student eligibility folders indicated that, for fewer than five students, there was no evidence that an ARD committee annually addressed student transition goals and services.	Student-Specific
Extended School Year Services (ESY)	Documentation of Services for ESY	34 CFR §300.106(a)(1), §300.320(a)(2), (4), (7); 19 TAC §89.1065(2)	A review of ARD documentation in student eligibility folders indicated that, for five students, ESY services would be provided, but documentation was not evident regarding goals/objectives and duration or amount of ESY services to be provided to the students.	Systemic

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	Use of Documentation for ESY Determinations	19 TAC §89.1065 (1), (2)	A review of eligibility folders indicated that, for fewer than five students, the LEA did not have documentation to support the students' need for ESY services.	Student-Specific
Texas Assessment of Knowledge and Skills (TAKS)	Appropriate Selection of Statewide Assessments	34 CFR §300.320(a)(6)	A review of student eligibility folders indicated that, for fewer than five students, the IEP did not reflect appropriate decisions concerning the students' participation in the statewide assessment, taking into account the students' current levels of educational performance. Specifically, students' levels of performance did not match their assigned levels for state assessment.	Student-Specific
Noncompliance Findings Not Contained in the <i>RF Monitoring Manual</i>	Subtopic	Legal Reference*	Specific Areas of Noncompliance	Student-Specific or Systemic
	Transition Services Participants at ARD Committee Meetings	34 CFR §300.321(b)(3)	A review of student eligibility folders indicated that, for seven students, the LEA failed to consider whether representatives of any participating agency that is likely to be responsible for providing or paying for transition services would be invited to the ARD committee meeting. Interviews with LEA personnel indicated that the Denton ISD does not invite outside agencies to ARD meetings; they instead provide students/ parents with agency information.	Systemic

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	Individualized Decision Making: Instructional Services	34 CFR §300.320(a)(4)	ARD documentation for students residing in the RF reflected patterns of decision making related to the provision of instructional services. Specifically, students with varying educational needs are routinely placed in five general education courses each day in a mainstream instructional setting.	Systemic
	Content of IEP	34 CFR §300.320(4), (7)	A review of eligibility folders and campus visits indicated that, for fewer than five students, the schedule of services as identified in the ARD committee meeting listed the classes as a block of time, i.e., 358 minutes, instead of listing specific academic and nonacademic areas.	Student-Specific
Educational Benefit	Free Appropriate Public Education (FAPE)	34 CFR §300.17, §300.101(a)	A review of student eligibility folders indicated that, for fewer than five students previously identified as students with disabilities in a previous LEA, the LEA failed to provide special education and related services for several months after the students transferred into the LEA.	Student-Specific

Required Corrective Action(s)

The Denton ISD is required to complete and submit to the TEA a Corrective Action Plan (CAP) no later than August 13, 2007. The CAP template may be downloaded at <http://www.tea.state.tx.us/pmi/rfmon>. Additional information related to completion of the CAP can be referenced on page 95 of the *2006-2007 RF Monitoring Manual* available at the link noted above.

For areas of noncompliance, the TEA may require documentation verifying that:

- policies and procedures, including operating guidelines and practices, have been reviewed and revised, as necessary;
- policies and procedures, including operating guidelines and practices, have been implemented as written;
- the LEA has a system in place that ensures policies and procedures are being implemented consistently;
- decision-making frameworks/guidelines have been implemented;
- a review of all student eligibility folders impacted by identified noncompliance has been conducted; and
- for any student whose services were impacted, the ARD committee has met within 12 weeks of receipt of this report to address and correct those items and to consider compensatory services, if appropriate.