

Texas Education Agency
Division of Program Monitoring and Interventions
Residential Facility Monitoring
2009-2010

Summary of Documentation of Noncompliance

Investigatory Topics	Subtopic	Legal Reference	Specific Areas of Noncompliance	Student-Specific or Systemic
Individualized Education Program Implementation	Implementation of Individualized Education Program (IEP) as Written	34 Code of Federal Regulations (CFR) §300.17(d), §300.101	Interviews with local education agency (LEA) staff and students and a review of documentation in student eligibility folders indicated that, for fewer than five students, class schedules did not match the schedules of services in their most current admission, review, and dismissal (ARD) committee documents. Additionally, IEPs were not implemented as written. Specifically, the students' IEPs stated that general education teachers and special education teachers would implement the goals and objectives jointly; however, there was no evidence of instruction by special education teachers.	Student-Specific
Individualized Education Program Implementation	IEP Implementation	34 CFR §300.17(d), §300.101	A review of student eligibility folders and individual student schedules indicated that the students' IEPs were not implemented as developed by the ARD committee. Specifically, the schedules of services for students who were placed at the Juvenile Justice Alternative Educational Program (JJAEP) did not reflect an additional class period provided at the facility.	Systemic
Least Restrictive Environment	Continuum of Placement Options	34 CFR §300.115	A review of student eligibility folders indicated that, for fewer than five students, a continuum of placement options was not provided. Specifically, students who were placed in special education classes at their previous LEAs were placed in general education classes without discussion or justification for the changes in placement.	Student-Specific

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Certified/Qualified Staff	Certified Staff	34 CFR §300.156(a)	A review of State Board for Educator Certification (SBEC) and LEA records indicated that one teacher was not certified/highly qualified in the area of assignment. Specifically, the teacher was certified as Secondary Life-Earth Science Grades (6-12) and was not highly qualified to teach Integrated Physics and Chemistry.	Student-Specific
Transition	Transition Requirements	19 TAC §89.1055(g)	A review of student eligibility folders indicated that, for fewer than five students, ARD documents did not reflect transition requirements in the development of the IEPs. Specifically, there was no evidence of parental input for the students' transition planning.	Student-Specific

Required Corrective Action(s)

The Ector County ISD is required to complete and submit to the TEA a corrective action plan (CAP) no later than June 4, 2010. The CAP template may be downloaded at <http://ritter.tea.state.tx.us/pmi/rfmon>. Additional information related to completion of the CAP can be referenced on page 93 of the 2009-2010 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.