Special Education Update

TEA Correspondence

September 7, 2023

Recent Actions Related to TEA

March 31, 2023

Final report issued with recommendations to the Commissioner to appoint a Conservator or Management Team and require an external audit and associated training.

April 17, 2023

District request for Informal Review seeking a Monitor as opposed to the proposed Conservator or Management Team.

May 10, 2023

District representatives met with Commissioner Morath to request Informal Review.

August 30, 2023

Proposed Agreed Order received from TEA.

September 29, 2023

Deadline for executing the Proposed Agreed Order

Progress Highlights

- Pending evaluations decreased by over 40% since January 2023.
- Tested approximately 80% more students this summer over Summer 2022.
- More than tripled evaluation staff from 22 to 74 LSSPs and diagnosticians.
- Staff at every school completed two days of Special Education Professional
- Development last spring in preparation for additional training over the
- summer to support all learners.
- Added 50 Special Education staff to accommodate the influx of students
- needing services.
- Increased Special Education budget by $30.2 million for a total district
- investment of $156 million

Evaluation Progress Comparison

Evaluation Rate of Completion: Spring/Summer 2022&2023

Month	2023 Count of Evaluations	2022 Count of Evaluations
January	481	262
February	407	241
March	262	235
April	497	419
May	446	404
June	529	474
July	739	692
August	952	72

2023 Average: 539/month

2022 Average: 350/month

Pending Evaluations Trendline

Existing Pending Evaluations by Month 2023

Month	Count of Pending Evaluations		
	Total Pending	In Timeline	Past Due
January	3085	1305	1780
February	3128	1362	1766
March	3295	1487	1808
April	3527	1685	1842
May	3536	1694	1842
June	3339	1751	1588
July	2606	1232	1374
August	1758	1270	488

Intervention Levels

- **Monitors** make recommendations and report back to TEA.
- **Conservators and Management Teams** issue directives to staff, superintendent, or board.
    - Management teams are usually focused on a specific area—in this case, special education.
- **Board of Managers** after 2 consecutive years of Conservator, have ability to replace Superintendent and assume the role of Board of Trustees.

Key Points in TEA Proposed Agreed Order

- Placement of one of more TEA-appointed **monitor(s)**
- Requirements for the Board
- Requirements for the Administration
- Failure to comply with the requirements, TEA may appoint a Conservator(s) or Management Team.
- Requires district to waive right to appeal

Key points regarding the Board Requirements of the Proposed Agreed Order

- Lone Star Governance Training, including hiring a LSG Coach
- Lone Star Governance Implementation
    - Must achieve "Meets Focus"
    - 50% of Board meeting time must be committed to student outcomes
    - Set new student outcome goals (Scorecard)
- Board Policy Revisions

What is Lone Star Governance?

From TEA:

"Founded on research, Lone Star Governance (LSG) is a continuous-improvement model for governing teams—boards in collaboration with their superintendents—who choose to focus intensely on only one objective: improving student outcomes."

"Lone Star Governance accomplishes this intense focus through tailored coaching aligned to the five pillars of the Texas Framework for School Board Development…"

- Vision & Goals
- Systems & Processes
- Progress & Accountability
- Advocacy & Engagement
- Synergy & Teamwork

Proposed Board Policy Revisions

1. Adopt board operating procedures that contain best governance practices, codify such procedures in **BE (local)**;
2. Revise **DC (local)** to provide the Superintendent with exclusive hiring authority on all district staff except for the internal auditor…including with regard to campus principals;
3. Revise **CH (local)** such that board approval is required for contracts related to special education only when the duration of such contracts is three years or longer or the amount of the contract exceeds $500,000, and to remove the requirement to inform the board of the renewal of such contracts;

4. Revise **BP (local)** to ensure administrative regulations related to special education are not subject to board review, board approval, or publication in the Board Policy Manual unless required by law;
5. Revise **DFBB (local)** to add "failure to comply with special education requirements" as a reason for non-renewal;
6. Revise **DGB (local)** such that consultation shall not be required related to special education issues unless required by law;
7. Revise **DGBA (local)** to reflect best practices regarding the role of management versus the governing body in order to ensure administrative progress in special education; and
8. Revise **DN (local), DNA (local), and DNB (local)** to require that special education criteria relevant to employee job responsibilities be added to teacher and principal personnel evaluations

Key points regarding the Administration Requirements of the Proposed Agreed Order

TEA Appendix A: 4 Priority Areas

Priority I

Satisfy Open Corrective Action Plans

- 2021-16617 Original Corrective Action Plan
    - Complete evaluations and eligibility determinations for initial referrals prior to 22-23 (by October 31)
    - Complete remaining 111 untimely evaluations
    - Complete compensatory determinations
- Remaining/Outstanding Initial Evaluations for 22-23
    - October 31: Any Referrals from June 30-Dec 30, 2022
    - December 31: Any Referrals from January 1-June 30, 2023
    - January 1: All compensatory determinations for 22-23
- 14 Corrective Actions from November 2022-June 2023
    - Fulfill timelines, submissions, and correction(s)
- Satisfy CAP for Existing Non-Compliance on State Performance Plan 11 (School-Aged Evaluations)
    - Federally Required Element 1: State Performance Plan Indicators
        - 23-24 (PL 2), 24-25 (PL 1), and 25-26 (PL 0)

Priority II

Implement Practices to Address Systemic Special Education Compliance

2023-24

- Third-Party Audit
- Strategic Plan (April 30, 2024)
- State of Special Education Public Report (June 31, 2024)
- Defined Professional Learning Plan (2023-24 and thereafter)

- District Evaluation Manual (May 31, 2024)
- Multi-Tier Systems of Supports Training (January 2024)
- District-wide MTSS Program (TEA approved)
    - MTSS Manual Drafted for Review (March 1, 2024-Sept. 2024)
    - Dissemination of Approved MTSS Manual (October 2024)
- Extensive MTSS Professional Learning (by September 2024)

2024-25

- Implement MTSS Program and Monitoring
    - Progress monitoring tools and classroom walkthrough protocols
    - Calibration, visits, conference tools
    - Coaching sessions and Professional Development
    - Monitoring Process Protocols and Fidelity of Implementation

Priority III

Improve Data Management and Reporting Systems

- Accurate Data and Reporting System (August 2024):
    - Monthly Monitoring of Special Education Compliance Primarily Regarding Evaluations
    - Accurate Tracking and Reporting
- Detailed Monthly Data Reporting (October 2024)
    - Reporting to the Agency and Trustees
    - Referrals, Completion, Disability Type, LRE, IEP Minutes, etc.

Priority IV

- Establish a Parent Outreach Campaign
- Central Communication for Parents for Child Find
- Parent Facing Materials for Federal and State Requirements
    - Evaluations, Procedural Safeguards
- Website Updates
- Child Find Awareness Activities/Materials
    - Information Sessions, Videos, Outreach Materials, FAQs
- Parent Advisory Group

Right to Appeal

- If the district does not accept the proposed action, the Commissioner could impose sanctions initially recommended in the Final Report issued in March.

- At that point, the district may file an ***administrative appeal*** and request a hearing before the State Office of Administrative Hearings (SOAH).
    - SOAH must uphold the Commissioner's decision unless there was not substantial evidence for his determination.
    - SOAH's decision may not be appealed.
- The Proposed Agreed Order waives any right to a hearing before the State Office of Administrative Hearings (SOAH) or action in a state or federal court regarding the appointment of a conservator or management team.