



April 17, 2023

**Via email (EnforcementCoordination@tea.texas.gov)**

Division of Enforcement Coordination  
Texas Education Agency  
1701 North Congress Avenue  
Austin, Texas 78701

Re: Request for Informal Review; Response to Final Report for IR2021-08-001 &  
IR2023-10-004

Dear Commissioner Morath:

On March 31, 2023, the Texas Education Agency (TEA) submitted its Final Report for IR2021-08-001 and IR2023-10-004 (the Final Report) and made recommendations. The deadline for Austin Independent School District (AISD or the District) to request an informal review is April 17, 2023. In the Final Report, the Special Investigations Unit (SIU) recommended that you “appoint[] . . . a Management Team who will work with AISD to identify the issues that led to non-compliance and report to the agency on the development of a plan to address the issue.” Final Report at 29. The SIU also recommends that you “require AISD to be assigned an external auditor,” at District expense, “who will perform a full and complete audit of the deficiencies that contribute to ongoing challenges in AISD’s special education program.” Final Report at 30–31. According to the SIU, that audit will necessitate “appropriate training” for AISD “staff, officers, and board.” Final Report at 31.

The District understands the TEA’s rationale behind its proposal for an audit and will, therefore, arrange for an audit to be conducted. The District will collaborate with the TEA regarding the scope of work and deliverables for the audit. However, the SIU’s recommendation to appoint a management team does not fully account for the unique circumstances present in this case. Lesser interventions will help the District achieve compliance promptly without disrupting the District’s momentum to evaluate and provide special education services to students. In fact, AISD has already completed 45% more evaluations so far this school year than it completed during the entire previous

school year. Therefore, the District requests an informal review and the opportunity to meet, discuss the findings, and provide additional information for review with regards to the appointment of a conservator/management team. 19 Tex. Admin. Code § 157.1123(a)–(c).

**A. Response to TEA’s Proposed Recommendations**

***External Audit***

The District firmly believes in the value of audits and training. The previous external and internal reviews have helped the District understand and respond to the identified challenges. For the TEA’s reference, the District notes that Stetson & Associates (Stetson) comprehensively evaluated the District’s special education services in 2021. It generated a detailed report articulating the strengths and weaknesses of the District’s special education program (the Stetson Report). The Stetson Report contained many recommendations, which the District is in the process of implementing. See Stetson Report at 13–14, 18–19, 20, 23–24, 29–30, 39–40, 42, 45. The District acknowledges that it has not yet achieved full compliance with the recommendations made in the Stetson Report. Additionally, the District has completed internal reviews to identify areas of weakness and propose remedial steps.

The District appreciates the guidance that TEA representatives have provided regarding an external audit following the issuance of the Final Report. The District will arrange for an audit to be conducted at the District’s expense; an order is not necessary. The District would like to collaborate with the TEA regarding the audit’s scope and goals. The District will work with the TEA’s representative, Dr. Ed O’Neill, to define the audit’s scope and deliverables.

***Management Team***

The District appreciates that the TEA intends to offer resources to assist the District. Final Report at 28 (“TEA acknowledges and agrees that the path towards AISD’s full compliance . . . will require TEA interventions.”). The TEA’s assistance is welcome; however, the District has developed a new system and a comprehensive action plan to



reach full compliance (the Action Plan). *See* Attachments A and B. As such, the District requests that the Commissioner appoint a TEA monitor and provide guidance as outlined in the District’s January 30, 2023 Response (the Response), as opposed to a management team. The District respectfully asserts that appointment of a monitor will be sufficient and, indeed, the most effective means to enable the District to achieve compliance. The District’s position is supported by (1) the tremendous progress the District has already made toward systemic reform with increased transparency, and (2) an existing partnership with Stetson & Associates. The District strongly desires alignment between its efforts and the efforts of TEA to see this through. Further, a new management team will disrupt the momentum to evaluate and provide special education services to students.

The District’s comprehensive Action Plan has sections addressing evaluations, staffing, training, and systematic changes. Response at 9–12; Attachments A and B. Additionally, the District requested the TEA’s assistance. Specifically, the District requested that (1) “[t]he TEA provides feedback and recommendations concerning the Action Plan”; (2) “[t]he TEA identifies any additional evaluators with the capacity to provide the needed services”; (3) “[t]he TEA identifies any policy or procedure changes that will assist the District in overcoming the identified challenges”; (4) “[t]he TEA provides any other assistance that will help the District overcome the identified challenges”; (5) “[t]he TEA appoints a monitor to partner with the District’s leadership”; (6) “[t]he monitor frequently meets with the District to ensure the implementation of the Action Plan and suggests any additional innovative modifications or strategies.” Response at 12–13.

Additionally, please find attached to this letter a detailed schedule regarding how the District is implementing the previously described Action Plan, along with a summary document. Attachments A and B. Please let us know if the TEA needs any additional documentation to confirm the District’s prior actions and continued commitment to resolving these issues.

As such, a management team is not required for the District to achieve compliance. Lesser interventions will accomplish the same goals without disrupting the District’s

current momentum or entangling the TEA in avoidable disputes.<sup>1</sup> The District has repeatedly articulated its willingness to work with the TEA. To start at the conservator level would overlook and bypass appropriate interventions and substantially disrupt the District's operations. See Tex. Educ. Code § 39A.002(6).

## **B. AISD's Comprehensive Action Plan**

It is a new day in AISD. Specifically, the District has had several recent leadership changes and actions demonstrating a commitment to special education compliance:

### ***Completion of Evaluations***

- Significant progress is occurring in the District when compared to previous school years as demonstrated by the number of completed evaluations over the past several years.

2019-2020 – AISD completed 2701 initial evaluations (re-evaluations were not tracked that school year).

2020-2021 – AISD completed 3134 total evaluations.

2021-2022 – AISD completed 3166 total evaluations.

2022-April 14, 2023 – AISD has already completed 4577 total evaluations with approximately six weeks remaining in the school year. This is a 45% increase in the number of evaluations completed compared to last school year and the District anticipates completing close to 4800 by the end of May which will be an approximate 50% increase in evaluations over last school year. These are significant gains towards completing all evaluations for students with disabilities or students suspected of having a disability.

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<sup>1</sup> For example, the District is currently litigating the matters at issue in this case. See *generally* Plaintiffs' Original Complaint, *J.R. et al. v. Austin Indep. Sch. Dist.*, No. 1:21-CV-00279-LY (Mar. 29, 2021). If the TEA manages the District's response to the special education challenges rather than monitoring and providing recommendations, the TEA will be a necessary party to the lawsuit.

- Further, the District anticipates completing 4700-4900 special education evaluations during the 2023-2024 school year.
- Additionally, as of the end of March 2023, all initial evaluations and ARD committee meetings were held for the students involved in the underlying corrective action for SPP 11 and 12 for school year 2021-2022.

### ***Recruiting and Retaining Evaluation Staff***

- In preparation for the 2023-2024 school year, the District has taken steps to double the number of evaluators. Specifically, this month (1) three evaluators were recommended for hire; (2) 14 more evaluators interviewed and are in the hiring process; and (3) six more potential evaluators are currently scheduled to be interviewed soon for full-time employment by the district. If all of these potential evaluators are hired, the District will increase its current evaluation staff from 22 to 45.
- The District credits its aggressive recruitment for the recent increase in interviews and hiring of evaluators. The District previously increased salaries for these high-need positions and plans to implement an even higher salary beginning May 1, 2023. *This next pay increase of 20%+ in additional pay will make Licensed Specialists in School Psychology (LSSPs) in AISD the highest paid evaluators in Central Texas by far.* The District is committing the resources where needed.
- The District filled the Director of Evaluation position last month after a year of that position being vacant. The District also hired the final Evaluation Supervisor position which filled all the special education leadership positions for the first time in over a year. These are key leadership roles to assist with the efficient completion of evaluations.

### ***Implementation and Training***

- The District has conducted and continues to conduct extensive training for all faculty and staff. As noted in the District's January 30, 2023 Response, the District has trained (and continues to train) its principals, teachers, and evaluators on (1) how and when to refer students for evaluation; (2) the

implementation of students' IEPs; and (3) timely completing evaluations and re-evaluations. Response at 5.

- Every principal completed a multi-day Principal Institute training in Summer 2022. Response at 5.
- All general education and special education teachers and staff also completed essential courses in Summer 2022.
- Over the past six weeks, 116 campuses across AISD received the "2 Step" training provided by Stetson & Associates.
- The District developed an online dashboard for principals and special education department heads to readily track evaluations and initial ARD committee meetings to increase compliance.
- Further, the District's Special Education leadership recently met with the Educational Psychology department for the University of Texas (UT). UT received a multi-year grant that involves bringing in experts in various mental-health related topics, and the District will publicize these opportunities and encourage participation from AISD LSSPs.
- While the District agrees with the TEA that training is critical, it is concerned that inundating the District's limited, already-overwhelmed staff with redundant training will exacerbate the evaluation backlog. However, if the new audit reveals that additional training is necessary, the District will arrange for its faculty, staff, and Board to complete any additional recommended training.

### ***Governance***

- May 2022: *First*, the Stetson Report was shared with the Board and the public. *Second*, the Board approved additional funds for special education contracts, including 22 new vendors. *Third*, The District worked to elevate its special education department.
- Summer 2022: *First*, the District appointed an Assistant Superintendent for Special Education. *Second*, all administrators attended a leadership institute with Stetson & Associates. *Third*, all general and special education teachers attended essential courses. *Fourth*, the special education department was

redesigned for campus community support. *Fifth*, the District took additional steps to ensure parent engagement.

- November 2022: The new Board was constituted. Four new trustees were elected, and one trustee was re-elected. The Board is intimately aware of the District's needs in the special education sphere and is committed to resolving these challenges. Response at 2.
- December 2022: *First*, the new Board was seated and unanimously appointed Mr. Mathias Segura as Interim Superintendent. *Second*, the new Board members were informed of the TEA investigation and special education issues at their very first meeting. *Third*, the Board and Administration collaborated to develop a special education initiative, leading to the District's commitment to special education as its "1(A)" priority.
- January 2023: *First*, the Board established an *ad hoc* special education committee and hired special education counsel to provide advice and assistance. *Second*, the District proposed its Action Plan and developed multiple subsidiary plans and initiatives. *Third*, the District continued its community engagement, structurally realigned its special education department, and committed to transparency with all stakeholders.

## **Systems**

- The District identified each student needing an evaluation and prepared related documentation.
- The District is implementing a reliable special education case management system.
- The District generated a reliable system for tracking the evaluation process. In less than six weeks from the date Interim Superintendent Segura contracted with the District, his team developed this tracking system.
- The District has trained (and continues to train) its principals, teachers, evaluators, and other special education providers.
- The District has implemented (and will continue to implement) improvements for Tier 1 instruction.

- The District has retained (and continues to retain) hundreds of outside evaluators to assist the District.
- The District has completed (and continues to complete) weekend, holiday, and summer testing for students.
- The District established and implemented accountability standards for campus principals.

Response at 3–7.

### ***Student Outcomes***

- With community input, the District developed a shared vision and goals. Moreover, the District formulated a scorecard to assist in monitoring the smart goals based on its training with A.J. Crabill. This includes a goal focused on outcomes for students with disabilities. Attachment C.
- Students currently receiving special education services demonstrated achievement on State assessments in all grades and all subjects at 26% for Meets Grade Level. This is higher than the State average. The District’s goal is for this metric to increase to 60% by August 2026.

### **C. Conclusion**

The District seeks and welcomes the TEA’s assistance. Instead of a management team, however, the Commissioner should “appoint an agency monitor to participate in and report to the agency on the activities” of the District. Tex. Educ. Code § 39A.002(6). If the Commissioner appoints a monitor, the District is confident that it will become readily apparent that a monitor is an appropriate intervention. Therefore, the District requests that the TEA appoint a monitor for a one-year term to participate in District’s plans to address the identified challenges, provide insight and recommendations, and report back to the TEA on the District’s progress. If, after the one-year term, TEA continues to have concerns regarding the District’s progress, then the District would invite further consideration of a conservator at that time.

The District is confident that the TEA monitor will observe significant efforts and





improvements. For example, the TEA monitor would see the increased rate of evaluations, the increased compensation for District evaluators, and the District's exhaustive training measures. Please let us know if the TEA needs any additional evidence to demonstrate the appropriateness of a monitor. If there is any additional evidence the TEA might wish to review in its consideration of the appropriateness of a monitor, the District will promptly provide it.

The District remains optimistic that the TEA will consider partnering with AISD. With support from lifelong educators like Dr. Frances Stetson and her recognition of the "extraordinary work of [the] district," AISD is confident it will support all students, particularly students with disabilities. Attachment D. The District urges the Commissioner to consider less severe interventions to accomplish the same goals without undermining the District's momentum to evaluate and provide special education services to students with disabilities. AISD also welcomes the opportunity to meet with you or your designee to discuss its current plan and share more regarding its progress.

Very truly yours,

Arati Singh  
BOARD PRESIDENT  
*ON BEHALF OF THE AUSTIN ISD*  
BOARD OF TRUSTEES

Matias Segura  
INTERIM SUPERINTENDENT



cc: Dr. Jacob Reach, Chief of Governmental Relations & Board Services, Austin ISD  
Dr. Dru McGovern-Robinett, Asst. Superintendent of SPED Programs, Austin ISD  
Ms. Christine Badillo, Counsel for Austin ISD  
Ms. Pam Kaminsky, Counsel for Austin ISD

Enclosures: Attachment A: Special Education Action Plan  
Attachment B: Executive Summary of Special Education Action Plan  
Attachment C: 2021-2026 Austin ISD Scorecard  
Attachment D: Letter from Dr. Frances Stetson