

# Administration

## ADMINISTRATION OF PROGRAM INFORMATION

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Model operating procedures created by



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## Administration of Program Information

### What is Required

The District must provide the Texas Education Agency (TEA) with necessary information relating to the performance of students with disabilities participating in programs carried out under the IDEA in order for the TEA to carry out its own duties under the IDEA. Specifically, according to the IDEA, the TEA must have in effect established goals and performance indicators to assess progress toward achieving these goals for the performance of children with disabilities in the state of Texas that:

- Promote the purpose of the IDEA which is to ensure that all students with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet the student's unique needs and prepare them for further education, employment and independent living; to ensure that the rights of students with disabilities and their parents are protected; to assist states, localities, educational service agencies and federal agencies to provide for the education of all students with disabilities; and to assess and ensure the effectiveness of efforts to educate students with disabilities;
- Are the same as Texas' long-term goals and measurements of interim progress for students with disabilities under section 1111(c)(4)(A)(i) of the ESEA;
- Address graduation rates and dropout rates, as well as such other factors as Texas may determine; and
- Are consistent, to the extent appropriate, with any other goals and academic standards for students established by Texas.

However, it is important to note that the TEA does not have a performance indicator in any agency monitoring system, including the Results Driven Accountability (RDA), formerly Performance-Based Monitoring Analysis System (PBMAS), that solely measures a District's aggregated number or percentage of enrolled students receiving special education and related services.

### Information Regarding Disproportionality

The TEA collects and examines data through the Public Education Information Management System ("PEIMS") to determine if there is significant disproportionality based on race and ethnicity occurring within the state and Texas school districts with respect to:

- The identification of students as students with disabilities, including the identification of students as students with particular impairments;

- The placement of students with disabilities in particular educational settings of such children; and
- The incidence, duration, and type of disciplinary removals from placement, including suspensions and expulsions.

If it is determined by TEA that there is significant disproportionality related to the identification of students as students with disabilities or the placement of such students in particular educational settings, including disciplinary removals of such students, the District will be required to publicly report on the revision of policies, practices, and procedures consistent with the requirements of FERPA.

### **Information Regarding the Provision of a FAPE**

Annually, the District must provide the TEA data through PEIMS regarding the number and percentage of students with disabilities receiving FAPE, disaggregated by race, ethnicity, limited English proficiency status, gender, and disability category. The TEA will then report this information to the secretary of education and the public.

### **Information Regarding Least Restrictive Environment (“LRE”)**

Annually, the District must provide the TEA data through PEIMS regarding the number and percentage of students with disabilities who are (1) participating in regular education; and (2) in separate classes, separate schools or facilities, or public or private residential facilities, disaggregated by race, ethnicity, limited English proficiency status, gender, and disability category. The TEA will then report this information to the secretary of education and the public.

### **Information Regarding the Termination of Services**

Annually, the District must provide the TEA data through PEIMS regarding the number and percentage of students with disabilities ages 14-21 who have stopped receiving special education and related services because of program completion including graduation with a regular secondary school diploma, or other reasons, and the reasons why those students stopped receiving special education and related services. This information must be disaggregated by race, ethnicity, limited English proficiency status, gender, and disability category. The TEA will then report this information to the secretary of education and the public.

### **Information Regarding Children Parentally-Placed in Private Schools**

The District must maintain in its records and provide to the TEA information regarding the number of students parentally-placed in private schools who were evaluated, who were

determined to be students with disabilities, and who were served. The District must provide this information to the TEA

### **Information Regarding Participation in State or Districtwide Assessments**

With the same frequency and in the same detail as it reports on the assessment of students without disabilities, the TEA, or the District in the case of a District-wide assessment, will make available and report to the public the following:

- The number of students with disabilities participating in regular assessments, and the number of those students who were provided accommodations that did not result in an invalid score in order to participate in those assessments;
- The number of students with disabilities participating in alternate assessments aligned to the state's content and achievement standards in school years prior to 2017-2018;
- The number of students participating in alternate assessments based on modified academic achievement standards prior to 2016-2017;
- The number of students with disabilities participating in alternate assessments aligned to alternate achievement standards; and
- The performance of students with disabilities on regular assessments, modified assessments prior to 2016-2017, and on alternate assessments prior to 2017-2018, if statistically reliable information does not reveal personally identifiable information about an individual student, compared with the achievement of all students, including students with disabilities, on those assessments.

### **Information Regarding Discipline**

Annually, the District must provide data to the TEA through PEIMS regarding the number and percentage of students with disabilities who are in each of the following separate categories:

- Removed to an interim alternative educational setting ("IAES");
- The acts or items causing removals to an IAES;
- The number and percentage of students with disabilities who are subject to long-term suspensions or expulsions; and
- The incidence and duration of disciplinary actions including suspensions of one day or more; and

- The number and percentage of students with disabilities who are removed to alternative educational settings or expelled compared to students without disabilities who are removed to alternative educational settings or expelled.

This information must be disaggregated by race, ethnicity, limited English proficiency status, gender, and disability category. The TEA will then report this information to the secretary of education and the public.

The state may require the District to include a statement of any current or previous disciplinary action that has been taken against the student in the student's records and to transmit such statement to the same extent that the disciplinary information is included in, and transmitted with, the records of students without disabilities. The statement may include a description of any behavior that the student engaged in that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals involved with the student. If the student transfers from one school to another, the transmission of any of the student's records must include both the student's current IEP and any such statement of current or previous disciplinary action that has been taken against the student.

### **Information Regarding Children Who Are Migratory**

The District must cooperate in the secretary of education's efforts to ensure the linkage of records related to students with disabilities who are migratory for the purpose of electronically exchanging health and educational information regarding such students among the states.

### **Information on Direct Services by the TEA**

If the TEA determines that the District has not provided the information needed to establish eligibility of the District or State agency under the IDEA or if the District has elected not to apply for its Part B allotment, the TEA will use payments that would otherwise have been available to the District to provide special education and related services directly to students with disabilities residing in the area served by the District.

### **Additional Procedures**

Special education services shall be provided to eligible students in accordance with all applicable federal law and regulations, state statutes, rules of the State Board of Education (SBOE) and the State Plan under IDEA Part B.

The District must make available to the TEA, parents of children with disabilities and to the general public all documents relating to the eligibility of the District under IDEA Part B.

## Public Education Information Management System (“PEIMS”)

PEIMS contains all public education personnel, financial, and organizational data requested and received by TEA. The District will collect and generate the student data necessary to be reported through PEIMS through a standard, district-wide system. Personnel entering this data into PEIMS should ensure that all data are entered accurately and timely. Additional information on PEIMS coding is provided in the Student Attendance Accounting Handbook, available for download at <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>.

## Results Driven Accountability (RDA)

Results Driven Accountability (RDA), formerly Performance-Based Monitoring Analysis System (PBMAS), is an automated data system of the TEA that reports annually on the performance of school districts in selected program areas including special education. The RDA framework is utilized by the TEA to assign required intervention activities to a school district based on annual performance on individual indicators or patterns across indicators. The 2020 SPED RDA report includes 18 indicators across Domains I through III that are used to measure and ensure the academic success of students receiving special education services in Texas. A school district’s performance is compared to the RDA cut points on applicable indicators and Performance level (PL) standards are applied.

Indicators included in SPED Domain I relate to student academic achievement as measured on the STAAR and include the following indicators:

- SPED STAAR 3-8 passing rate
- SPED Dyslexia STAAR 3-8 Reading passing rate
- SPED Year-After Exit (YAE) STAAR 3-8 passing rate
- SPED STAAR EOC passing rate
- SPED STAAR Alternate 2 participation rate.

Indicators included in the SPED Domain II relate to post-secondary readiness as measured by four-year longitudinal graduation and annual dropout rates and include the following indicators:

- SPED graduation rate
- SPED annual dropout rate (grades 7-12)

Indicators included in SPED Domain III relate to disproportionate and significant disproportionate analysis measured in difference rates and risk ratios for certain

indicators. Some of these indicators are applicable as Report Only to provide school districts and the TEA with an opportunity to review results and ensure policies and procedures are not discriminatory, creating over or under representation in these populations. For some indicators, a school district's performance is compared to the RDA cut points and PL standards are applied. The indicators in this domain include:

- SPED Dyslexia representation (ages 6-21)
- SPED Regular Early Childhood Program rate (ages 3-5)
- SPED Regular Class  $\geq$  80% rate (ages 6-21)
- SPED Regular Class  $<$  40% rate (ages 6-21)
- SPED Separate Settings rate (ages 6-21)
- SPED Representation (ages 3-21)
- SPED OSS and expulsion  $\leq$  10 days rate (ages 3-21)
- SPED OSS and expulsion  $>$ 10 days rate (ages 3-21)
- SPED ISS  $\leq$  10 days rate (ages 3-21)
- SPED ISS  $>$ 10 days rate (ages 3-21)
- SPED Total disciplinary removals rate (ages 3-21)

Performance indicator information from the RDA and other available data are used by TEA to identify school districts and charter schools with potential concerns related to student performance, program effectiveness, program compliance and data integrity and accuracy. *See below regarding interventions and sanctions.*

### **Addressing Disproportionality**

Districts must take steps to address disproportionate representation in special education. These reporting requirements allow for a more extensive examination of disproportionality, as the IDEA requires TEA to review the District to determine the extent to which the disproportionate representation and racial and ethnic groups in special education and related services is due to inappropriate identification. The TEA may determine what constitutes significant disproportionality. TEA's definition of significant disproportionality must be based on an analysis of numerical information, and may not include consideration of state or district policies, procedures or practices.

If disproportionality is identified in the same area for three consecutive years, the TEA must require the District to correct the noncompliance, including revising deficient policies, procedures, and practices. The TEA must also require the District to reserve the maximum amount (15%) of IDEA Part B funds to be used for early intervening services to serve students in those groups who have not been identified as a student with a disability and students in those groups that were significantly over-identified. The District must also publicly report on the revision of policies, procedures, and practices through school board meetings, public notices, letters to parents, the District's website, etc.



## **Interventions and Sanctions**

The TEA has established and implemented a system of interventions and sanctions, as necessary, to ensure program effectiveness and compliance with federal and state requirements regarding the implementation of special education and related services.

The system of interventions and sanctions may include, but is not limited to, the following:

- On-site review for failure to meet program or compliance requirements;
- Required fiscal audit of specific program(s) and/or of the district, paid for by the district;
- Required submission of corrective action(s), including compensatory services, paid for by the district;
- Required technical assistance from the education service center, paid for by the district;
- Public release of program or compliance review findings;
- Special investigation and/or follow-up verification visits;
- Required public hearing conducted by the local school board of trustees;
- Assignment of a special purpose monitor, conservator, or management team, paid for by the district;
- Hearing before the Commissioner of Education or designee;
- Reduction in payment or withholding of funds; and/or
- Lowering of the special education monitoring/compliance status and/or the accreditation rating of the district.

[ADD ADDITIONAL DISTRICT PROCEDURES AS APPROPRIATE]

## **Evidence of Implementation**

- PEIMS data
- State Performance Plan data and reports
- Results Driven Accountability data and reports
- Audits or On-Site Reviews
- Corrective Action Plans
- Publications of Data or Reviews
- [DISTRICT FORMS]

## **Resources**

[The Legal Framework for the Child-Centered Special Education Process: Administration of Program Information - Region 18](#)

[OSEP Letter to Woolsey \(June 26, 2012\) - U.S. Department of Education](#)

[OSEP Memorandum to State Directors of Special Education \(Apr. 24, 2007\) - U.S. Department of Education](#)

[Results Driven Accountability Overview - Texas Education Agency](#)

[Local Educational Agency Reports and Requirements - Texas Education Agency](#)

[PEIMS Standard Reports - Texas Education Agency](#)

[District Profile of State Performance Plan Indicators - Texas Education Agency](#)

**[ADDITIONAL DISTRICT RESOURCES]**

## **CITATIONS**

20 USC 1418(a)(1)(A), 6311, 6398(b), 7801(20); 34 CFR 300.1, 300.132(c), 300.157, 300.160, 300.170(a), 300.211, 300.213, 300.227, 300.229, 300.27, 300.645(a), 300.646(a),(c); Texas Education Code § 29.0011(a)-(b), 48.008