

Texas Continuous Improvement Process

# State Performance Plan | 2005 - 2010

**Texas Education Agency  
Division of IDEA Coordination**

<http://www.tea.state.tx.us/special.ed/spp/>

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## Part B State Performance Plan (SPP) for 2005-2010

### Overview of the Texas State Performance Plan

The Individuals with Disabilities Education Act (IDEA) of 2004, signed on December 3, 2004, requires each state to develop a six year performance plan. This State Performance Plan (SPP) evaluates the state's efforts to implement the requirements and purposes of IDEA and illustrates how the state will continuously improve upon this implementation. The SPP is submitted to the Office of Special Education Programs (OSEP) at the U.S. Department of Education (USDE). Beginning in February 2007, an annual progress report related to the SPP, known as the State's Annual Performance Report (APR), will be submitted to the Secretary of Education. An APR will be submitted annually through the 2010-1011 school year.

In alignment with IDEA, the OSEP has identified five monitoring priorities and twenty indicators to be included in the SPP. For each of the indicators, the State must report progress on measurable and rigorous targets and improvement activities over a six-year period of time in the APR. These indicators are performance or compliance in nature. Federal regulations and state law set the determination of compliance targets. The Texas Education Agency (TEA), in conjunction with the Texas Steering Committee (TSC), is responsible for the process of determining targets for performance-based indicators. These indicators may also be distinguished as either previously or newly required. And while reporting performance and targets on previously established indicators is a required element of the SPP, newly established indicators require only describing the plan for reporting baseline data and targets by the next APR submission in February 2007.

In addition to reporting state-level data related to the indicators and targets in the SPP, the State is also obligated to report to the public on the performance of each local educational agency (LEA) for certain indicators. The SPP will also clarify how the state obtained 'broad input' from stakeholders and how the SPP will be disseminated to the public. These elements will be included annually in the State's APR.

The following is an overview of the State's plan for improved performance.

#### ***Texas Continuous Improvement Process***

For Texas, the requirements of IDEA related to the development of an SPP as well as the accompanying APR are synonymous with our existing philosophy to build a system which encompasses data-driven, research-based improvement efforts based on stakeholder needs and input. Texas views the SPP as an extension of and guiding tool for the Texas Continuous Improvement Process (TCIP).

Texas' system for sustained improvement originated in September of 2000 with the OSEP Continuous Improvement Monitoring Process (CIMP) and the Texas Self Assessment (see <http://www.tea.state.tx.us/special.ed/cimp/>).

This process, which began with one stakeholder group known as the Texas Steering Committee, has now evolved into an intricate continuous improvement system made up of multiple stakeholder groups which are focused specifically on the application of IDEA within the state of Texas. These committees use a data-driven process to address specific areas of improvement within the state. Membership for these groups is deliberately designed to provide knowledgeable representation of our state's population (see <http://www.tea.state.tx.us/special.ed/tcip/index.html>).

#### ***Broad Stakeholder Input***

The state of Texas has designated improvement planning groups as exemplary sources for providing guidance and feedback on our continuous improvement cycle and the preparation of APRs. Based on the representative make-up of these groups and their previous efforts in this area, Texas is in the fortunate position of leveraging these groups as foundations for receiving broad stakeholder input.

It is through these groups that Texas will gather ongoing broad stakeholder input regarding the SPP and subsequent APRs. Improvement groups are centered on topics such as Access to General Curriculum (FAPE/LRE), Personnel Development, Discipline/ Behavior Management, Early Childhood Transition, Parent Training, Post-School Results, and State Supervision. More information about the Texas Continuous Improvement Process and these improvement groups can be found on the TEA website at <http://www.tea.state.tx.us/special.ed/tcip>.

### ***Targets***

In the development of this initial SPP, the targets are based on compliance measures of 100% or 0%, based on the wording of the indicator. Others were set based on performance measures established by the Texas Legislature, and still others, by requirements under No Child Left Behind (NCLB). To address the remaining targets in the current SPP, the State gathered input from the Texas Steering Committee (TSC). The TSC met in January 2006 to review baseline data and set targets. A chart located at the end of this Overview section reflects the source for setting targets. As previously mentioned, the improvement planning groups and the Texas Steering Committee will set the targets for the new indicators based on the analysis of baseline data.

### ***New Indicators***

The sampling methodology used in gathering information for new indicators is explained in each indicator narrative and highlighted below:

- Include the 14 largest LEAs with ADA over 50,000 students each year of the time span of the State Performance Plan.
- Report all districts within the time span of the State Performance Plan.
- To ensure accurate representation of LEAs within the state in order to report state level data, the following demographic strata will be used: gender, race/ethnicity, age, disability category. In addition, Selection of LEAs will continue to be representative of the State based on district size and geographical region.
- To ensure accurate representation within an LEA in order to report LEA level data, the following demographic strata will be used: gender, race/ethnicity, age, disability category.
- All LEAs will be required to report data through an online data reporting system. LEAs with an N size less than 30 students will report on all students.
- Data will be reported at the state and LEA level on an annual basis throughout the span of the State Performance Plan. However, LEAs with an ADA determined to be small enough to result in the disclosure of personally identifiable information about individual children or where the data is insufficient will not be reported publicly.

As the data collection systems become more formalized, the State will consider improvement efforts related to factors such as reliability, validity, incomplete data, response rates, and the data collection and analysis process overall.

### ***Public Dissemination of Information***

Again, beginning with CIMP and the Texas Self Assessment in 2000, and throughout the Texas Continuous Improvement Process, the State has established, and will continue to improve upon, methods of ensuring public awareness and knowledge through public dissemination of information. A primary source of shared information continues to be the TEA special education website found at <http://www.tea.state.tx.us/special.ed/>.

Other means of disseminating information include:

### ***Education Service Centers (ESC)***

Information is continuously disseminated through multiple avenues between the TEA and regional education service centers (ESC). These 20 regional ESCs were established throughout the state to provide leadership, training, and technical assistance in the area of special education for students with disabilities in accordance with the TEA's focus on improved results for all students. Each regional ESC serves as first point of contact for school districts, parents, and other community stakeholders. ESCs also provide for the joint training of parents and special education, related services, and general education personnel.

ESC information (including list of contacts, phone numbers, email and website addresses) can be found on the TEA website at <http://www.tea.state.tx.us/special.ed/escinfo/contact.html>

### ***ESC Statewide Leadership for Decentralized Functions and Projects***

The TEA has established ten decentralized functions and four projects housed in various ESCs throughout the state to provide state leadership in specified areas of special education. Leadership, training, technical assistance, and dissemination of information throughout the state is a primary responsibility for each of these lead ESC decentralized functions and projects. To accomplish this result, each lead ESC is required to establish a 20-region network to ensure ongoing communication among ESCs regarding state-level needs assessment processes, planning, and implementing and evaluating statewide activities. Additionally, these decentralized functions and projects are responsible for the implementation of many of the State's continuous improvement activities.

Information about ESC Decentralized Functions and Projects (including list of contacts, phone numbers, email and website addresses) can be found on the TEA website at <http://www.tea.state.tx.us/special.ed/escinfo/contact.html>

### ***Special Education Listserv***

The TEA maintains the Special Education Updates Listserv, which provides subscribers with e-mail notification of updates to the special education area of the TEA website.

### ***Texas Council of Administrators of Special Education (TCASE)***

The Texas Council of Administrators of Special Education, Inc. (TCASE) is a statewide source of information dissemination. This professional society comprised of nearly 1,200 members administers and supports special education programs throughout the state of Texas. The mission of the organization is to promote proactive leadership in special education in Texas. TCASE sponsors a summer and mid-winter annual conference, during which the TEA disseminates information related to the Texas Continuous Improvement Process.

### State Performance Plan | Target Overview

SPP Indicators	Indicator	Type of Indicator	Type of Indicator	Type of Target	Targets set by
1	Graduation	Performance	Old	Stakeholder input	Texas Steering Committee
2	Dropout	Performance	Old	State mandated	Dropout rate defined by Texas Legislature Performance Measure
3A	Adequate Yearly Progress	Performance	Old	Federally mandated	No Child Left Behind (NCLB) Guidance
3B	Adequate Yearly Progress	Performance	Old	Federally mandated	No Child Left Behind (NCLB) Guidance
3C	Adequate Yearly Progress	Performance	Old	Federally mandated	No Child Left Behind (NCLB) Guidance
4A	Suspension and Expulsion	Performance	Old	Stakeholder input	Texas Steering Committee
4B	Suspension and Expulsion	Performance	New	Stakeholder input	Improvement Planning Groups/Texas Steering Committee by 2007
5A	Educational Environments, Aged 6-21	Performance	Old	Stakeholder input	Texas Steering Committee
5B	Educational Environments, Aged 6-21	Performance	Old	Stakeholder input	Texas Steering Committee
5C	Educational Environments, Aged 6-21	Performance	Old	Stakeholder input	Texas Steering Committee
6	Educational Environments, Aged 3-5	Performance	Old	Stakeholder input	Texas Steering Committee
7	Early Childhood Outcomes	Performance	New	Stakeholder input	Improvement Planning Groups/Texas Steering Committee by 2008
8	Parent Participation	Performance	New	Stakeholder input	Improvement Planning Groups/Texas Steering Committee by 2007
9	Disproportionality	Compliance	New	0%	U.S. Department of Education Office of Special Education Programs (OSEP) set the target for compliance
10	Disproportionality	Compliance	New	0%	U.S. Department of Education Office of Special Education Programs (OSEP) set the target for compliance
11	Child Find	Compliance	New	100%	Federal Regulations define the timeline
12	Early Childhood Transition	Compliance	Old	100%	Federal Regulations define the timeline
13	Secondary Transition	Compliance	New	100%	Federal Regulations define the required items in the IEP
14	Post-School Outcomes	Performance	New	Stakeholder input	Improvement Planning Groups/Texas Steering Committee by 2008

## State Performance Plan | Target Overview

SPP Indicators	Indicator	Type of Indicator	Type of Indicator	Type of Target	Targets set by
15A	Effective General Supervision	Compliance	Old	100%	U.S. Department of Education Office of Special Education Programs (OSEP) set the timeline for correcting noncompliance
15B	Effective General Supervision	Compliance	Old	100%	U.S. Department of Education Office of Special Education Programs (OSEP) set the timeline for correcting noncompliance
15C	Effective General Supervision	Compliance	Old	100%	U.S. Department of Education Office of Special Education Programs (OSEP) set the timeline for correcting noncompliance
16	Complaint Investigation Timeline	Compliance	Old	100%	Federal Regulations define the timeline
17	Due Process Hearing Timeline	Compliance	Old	100%	Federal Regulations define the timeline
18	Resolution Sessions	Performance	New	Stakeholder input	Improvement Planning Groups/Texas Steering Committee by 2007
19	Mediation Agreements	Performance	Old	Stakeholder input	Texas Steering Committee
20	State Data Reporting	Performance	Old	100%	U.S. Department of Education Office of Special Education Programs (OSEP) set the deadlines for reporting

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: FAPE in the LRE

**Indicator 1:** Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

#### Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth.  
Explain calculation.

#### Overview of Issue/Description of System or Process:

In Texas, students with disabilities graduate with the same diploma as their nondisabled peers; therefore, the State views graduation rates of students with disabilities and without disabilities in the same manner. Graduation requirements for students with disabilities can be found in state Commissioner's rules, specifically 19 Texas Administrative Code §89.1070. *Graduation Requirements* at <http://www.tea.state.tx.us/rules/tac/chapter089/ch089aa.html#89.1070>.

Additional information about graduation can be found on the Texas Education Agency (TEA) Division of Curriculum's web page at <http://www.tea.state.tx.us/curriculum/>.

#### Explanation of Calculation of Graduation Rates:

The State follows a class of students, or cohort, over a period of years, and determines the status of each student after the anticipated graduation date of the cohort. This allows the State to produce a dataset that provides rates for graduates, students still enrolled and continuing their education, recipients of General Educational Development (GED) certificates, and dropouts.

The graduation rate is calculated as follows:

$$\frac{\text{number of students from the cohort who received a high school diploma by the end of 2003-04}}{\text{divided by total number of students in the 2000-01 cohort (graduation + GED + continuing + dropout)}}$$

The State's Academic Excellence Indicator System (AEIS) pulls together a wide range of information on the performance of students in each school and district every year. This information is compiled into the annual AEIS reports, which are available each year in the fall on the TEA Division of Performance Reporting's web page at <http://www.tea.state.tx.us/perfreport/aeis/>.

Performance on a variety of indicators (including dropout and graduation) is shown disaggregated by ethnicity, sex, special education, low income status, and limited English proficient status. The reports also provide extensive information on school and district staff, finances, programs, and

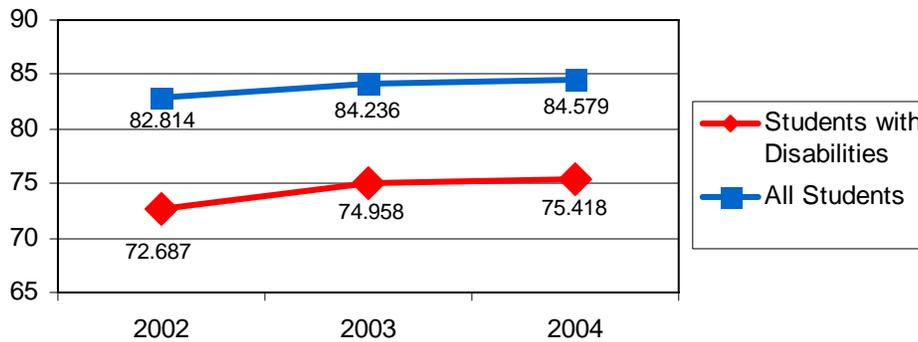
student demographics. In addition, the TEA Division of Performance Reporting publishes annually a document titled *Secondary School Completion and Dropouts in Texas Public Schools*. This document includes detailed information concerning the graduation and dropout rates methodologies, as well as state-level data. This document is available on the TEA Division of Performance Reporting's web page at <http://www.tea.state.tx.us/perfreport/aeis/>.

**Baseline Data for FFY 2004 (2004-05):**

	Graduation Rates		
	2002	2003	2004
Students with Disabilities	72.687	74.958	75.418
All Students	82.814	84.236	84.579

Source: Academic Excellence Indicator System (AEIS) Datasets, Class of 2002-2004

**Graduation Rates**



**Discussion of Baseline Data:**

Graduation rates for students with disabilities continue to increase and remain comparable in year-to-year gain with the rate of all students graduating (see table below).

	Rate of Change: Texas Graduation Rates		
	2002 to 2003	2003 to 2004	2002 to 2004
Students with Disabilities	+3.1%	+0.6%	+3.8%
All Students	+1.7%	+0.4%	+2.1%

Source: Academic Excellence Indicator System (AEIS) Datasets, Class of 2002-2004

More data are needed to understand trends concerning the State's graduation rates. The State anticipates continued positive increases in graduation rates long term as a result of statewide activities such as the implementation of the state-required Personal Graduation Plan (beginning with the 2003-04 school year) for students at risk of not graduating in four years.

FFY	Measurable and Rigorous Target
2005 (2005-06)	The graduation rate for students with disabilities will increase 0.2% from the previous year's rate.
2006 (2006-07)	The graduation rate for students with disabilities will increase 0.2% from the previous year's rate.
2007 (2007-08)	The graduation rate for students with disabilities will increase 0.2% from the previous year's rate.
2008 (2008-09)	The graduation rate for students with disabilities will increase 0.2% from the previous year's rate.
2009 (2009-10)	The graduation rate for students with disabilities will increase 0.2% from the previous year's rate.
2010 (2010-11)	The graduation rate for students with disabilities will increase 0.2% from the previous year's rate.

**Improvement Activities/Timelines/Resources:**

The improvement activities related to increasing the graduation rate for students with disabilities are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 2: Dropout Rate
- Indicator 3: Adequate Yearly Progress (participation and performance of students with disabilities on statewide assessments)
- Indicator 4: Suspension and Expulsion Rates
- Indicator 5: Educational Environments, Ages 6-21 (placements in the least restrictive environment)
- Indicator 13: Transition Planning
- Indicator 14: Post-School Outcomes

The data associated with the indicators above must be considered when addressing the graduation indicator. Specific improvement activities related to these areas include:

**Texas Behavior Support Initiative**

Region 4 Education Service Center (ESC) provides statewide leadership for the Texas Behavior Support Initiative (TBSI). Region 4 ESC works in conjunction with a 20-region network to ensure dissemination of information and training to the state. TBSI training modules assist campus teams in developing and implementing a wide range of behavior strategies and prevention-based interventions. These skills have helped educators establish systems of support at school-wide, classroom and individual student levels. Additional information regarding the Texas Behavior Support Initiative is available on the Region 4 ESC website at <http://www.txbsi.org/>.

TBSI is designed to build capacity in Texas schools for the provision of Positive Behavior Support (PBS) to all students. The goal of PBS is to enhance the capacity of schools to educate all students, especially students with challenging behaviors, by adopting a sustained, positive, preventative, and effective instructional approach to school wide discipline and behavior management. This approach focuses on teaching and encouraging positive school wide behavioral expectations and increasing school capacity to support sustained use of empirically validated practices.

Improvement activities of the TBSI Network center around three areas:

- TBSI School-wide Core Team PBS Implementation
- Statewide-Level PBS Capacity Building Training and Implementation Support
- TBSI Statewide PBS Conference, Summer 2006

School-wide Core Team PBS implementation includes providing training of trainers support for ESCs on discipline monitoring software, as well as providing the software for campuses participating in TBSI. Capacity building at the statewide level involves maintaining and enhancing the TBSI website and the developing and delivering of campus and parent training modules for ESC staff. In summer 2005, the TBSI worked collaboratively with the statewide network to plan and implement a conference featuring national and state level presenters to spotlight research-based implementation, linking implementation to results for students, families, and campuses.

#### **Access to the General Education Curriculum**

The primary source of improvement planning in the area of Access to General Curriculum (AGC) rests with a decentralized function at Region 20 ESC. This ESC is responsible for coordinating with all other regions to develop a statewide AGC network. The purpose of the 20-region network is to ensure ongoing communication among ESCs about state-level needs assessments, program planning and implementation, and evaluating statewide activities regarding access to the general curriculum.

The AGC Network has developed a framework for statewide collaboration through a comprehensive planning process. The primary purpose of this process is to provide professional development and technical assistance focused on ensuring that all students with disabilities gain access to and show progress in the general curriculum through curricular and instructional adaptations in the least restrictive environment (LRE).

Continuous improvement efforts concerning AGC are supported through the following activities of the leadership function of Region 20 ESC:

#### **AGC District Program Analysis**

In 2002-2003, the AGC Network developed a data analysis process to provide intensive support to local education agencies (LEAs) addressing LRE issues.

Results from this project include:

- Increased number of students served in less restrictive environments for K-12 students with disabilities as evidenced by comparing Public Education Information Management System (PEIMS) reports;
- Increased access to the general education curriculum and Texas Essential Knowledge and Skills (TEKS)-Based Instruction; and
- Increased student progress for students with disabilities grades 3-11, as evidenced by statewide assessment reports.

### **AGC TEKS-Based Instruction Video Series and Training Modules**

The AGC Network has developed and disseminated an instructional video series and training modules aligned with the TEKS. These training modules have been developed for the purpose of promoting understanding, knowledge, and skills among administrators, educators, and parents in order that:

- Students with disabilities have greater access to the general education curriculum.
- Students with disabilities have opportunities to develop meaningful social relationships and friendships.
- Students with disabilities engage in meaningful and relevant instruction.

### **LRE Brochure**

The AGC Network developed the *LRE Question and Answer* brochure to serve as a resource for parents and educators of the state to better understand the basic laws surrounding free appropriate public education (FAPE) in the LRE. The document was later enhanced to include additional information for parents. The brochure was revised in 2004-2005 to include the new transition regulations and will continue to be amended as needed. This document was designed to provide current information about LRE to ensure that the applicable requirements governing the education of students with disabilities are accurately understood and properly implemented. The State encourages the dissemination of the *LRE Question and Answer* brochures to a wide range of educators and parents. This brochure is available in English and in Spanish on the Region 20 ESC website at <http://www.esc20.net/>.

### **Pre-Referral Pilot Project**

The AGC Network is piloting a project to proactively address pre-referral issues surrounding special education. A stakeholder-based task force has been formed to thoroughly research available resources in this area. This task force will develop a district-level resource to outline the key stages of building and implementing an effective pre-referral process at the district level. This resource will eventually include links to a clearinghouse of intervention tools which can be utilized to aid districts in making sound decisions regarding early intervention processes.

### **Response to Intervention**

The State anticipates that the implementation of activities associated with the Response to Intervention (RtI) framework will have a positive effect on this indicator. RtI may be described as a model addressing the needs of all students through a continuum of services which provide:

- High-quality instruction and tiered intervention strategies aligned with individual student need;
- Frequent monitoring of progress to make results-based academic or behavioral decisions; and
- The application of child response data to important educational decisions (such as those regarding placement, intervention, curriculum and instructional goals and methodologies).

The State hosted an RtI Summit in January 2006. Stakeholders representing both general and special education parents, teachers, administrators, universities, and state agencies were among the wide variety of individuals in attendance at this event.

The purpose of the summit was to provide:

- Research-based information to participants in order to set the stage for a common understanding of the topic; and
- An opportunity for a wide variety of stakeholders to discuss the topic and provide advisement to the state.

Next steps related to RtI will include dialogue between divisions at the TEA and general and special education staff from the 20 ESCs regarding the development of a process for understanding how best to implement this framework throughout the state.

The implementation of RtI has the potential to have a positive impact on the ability of local education agencies to meet the needs of all struggling students. The RtI framework also has the possibility of assisting the state in addressing concerns related to:

- Coordination between general and special education
- Disproportionality and over-representation based on race and ethnicity
- Discipline and behavior management
- The provision of Early Intervening Services
- Improvements in the special education referral process and use of special education resources
- Learning disability evaluation and determination of eligibility

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: FAPE in the LRE

**Indicator 2:** Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

#### Measurement:

Measurement for youth with IEPs should be the same measurement as for all youth.  
Explain calculation.

#### Overview of Issue/Description of System or Process:

Dropout information is collected from the local education agencies (LEAs) after the end of each school year. LEAs report the number of dropouts through the Public Education Information Management System (PEIMS); instructions for identification of dropouts are included in the PEIMS Data Standards. Dropout information is collected for grades 7-12. A student is identified as a dropout if the individual does not return to school by the fall of the following school year, or if he or she completes the school year but fails to reenroll the following school year.

For additional information about dropouts, the Texas Education Agency (TEA) maintains a web page for the Dropout Prevention Clearinghouse at <http://www.tea.state.tx.us/dpchse/>.

#### Explanation of Calculation of Dropout Rates:

The State follows a class of students, or cohort, over a period of years, and determines the status of each student after the anticipated graduation date of the cohort. This allows the State to produce a dataset that provides rates for graduates, students still enrolled and continuing their education, recipients of General Educational Development (GED) certificates, and dropouts.

The dropout rate is calculated as follows:

$$\frac{\text{number of students from the cohort who dropped out before the fall of 2003-04}}{\text{divided by total number of students in the 2000-01 cohort (graduation + GED + continuing + dropout)}}$$

The State's Academic Excellence Indicator System (AEIS) pulls together a wide range of information on the performance of students in each school and district every year. This information is compiled into the annual AEIS reports, which are available each year in the fall on the TEA Division of Performance Reporting's web page at <http://www.tea.state.tx.us/perfreport/aeis/>.

Performance on a variety of indicators (including dropout and graduation) is shown disaggregated by ethnicity, sex, special education, low income status, and limited English proficient status. The reports also provide extensive information on school and district staff, finances, programs, and student demographics. In addition, the TEA Division of Performance Reporting publishes annually a document titled *Secondary School Completion and Dropouts in Texas Public Schools*. This document includes detailed information concerning the graduation and dropout rates

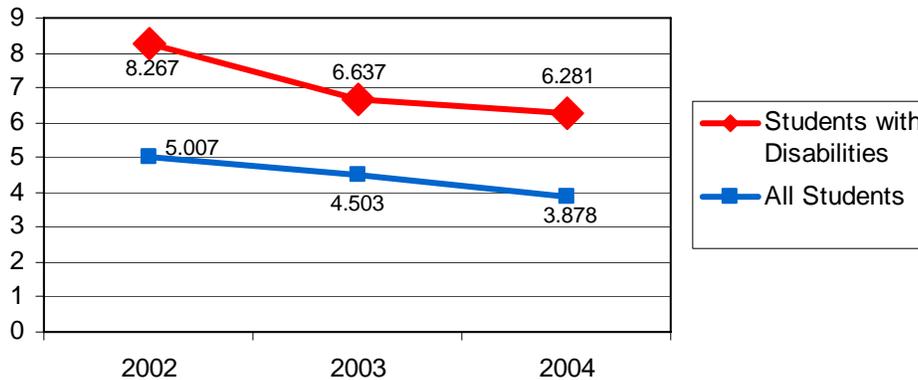
methodologies, as well as state-level data. This document is available on the TEA Division of Performance Reporting's web page at <http://www.tea.state.tx.us/perfreport/aeis/>.

**Baseline Data for FFY 2004 (2004-05):**

	Dropout Rates		
	2002	2003	2004
Students with Disabilities	8.267	6.637	6.281
All Students	5.007	4.503	3.878

Source: Academic Excellence Indicator System (AEIS) Datasets, Class of 2002-2004

**Dropout Rates**



**Discussion of Baseline Data:**

Dropout rates for students with disabilities continue to decrease and remain comparable in year-to-year decline with the rate of all students dropping out (see table below).

	Rate of Change: Texas Dropout Rates		
	2002 to 2003	2003 to 2004	2002 to 2004
Students with Disabilities	-19.7%	-5.4%	-24.0%
All Students	-10.1%	-13.9%	-22.5%

Source: Academic Excellence Indicator System (AEIS) Datasets, Class of 2002-2004

More data are needed to understand trends concerning the State's dropout rates.

In 2003, the 78th Texas Legislature passed Senate Bill 186 requiring LEAs to report dropout data using the National Center for Education Statistics (NCES) definition by 2005-06. Districts will begin collecting dropout data consistent with the NCES dropout definition starting in the 2005-06 school year.

In addition, more study of statewide activities to prevent dropouts is required.

FFY	Measurable and Rigorous Target
2005 (2005-06)	The dropout rate for all students shall not exceed 1.9%*
2006 (2006-07)	The dropout rate for all students shall not exceed 2.9%* Note: increase reflects change in State dropout definition for 2005-06
2007 (2007-08)	The dropout rate for all students shall not exceed 2.9%* Note: Target will be updated by the Texas Legislature in September 2007
2008 (2008-09)	The dropout rate for all students shall not exceed 2.9%* Note: Target will be updated by the Texas Legislature in September 2007
2009 (2009-10)	The dropout rate for all students shall not exceed 2.9%* Note: Target will be updated by the Texas Legislature in September 2009
2010 (2010-11)	The dropout rate for all students shall not exceed 2.9%* Note: Target will be updated by the Texas Legislature in September 2009

\*Target defined by Texas Legislature

**Improvement Activities/Timelines/Resources:**

The improvement activities related to decreasing the dropout rate for students with disabilities are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 1: Graduation Rate
- Indicator 3: Adequate Yearly Progress (participation and performance of students with disabilities on statewide assessments)
- Indicator 4: Suspension and Expulsion Rates
- Indicator 5: Educational Environments, Ages 6-21 (placements in the least restrictive environment)
- Indicator 13: Transition Planning
- Indicator 14: Post-School Outcomes.

The data associated with the indicators above must be considered when addressing the dropout indicator. Specific improvement activities related to these areas include all the activities listed in Indicator 1 (Graduation).

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: FAPE in the LRE

**Indicator 3:** Participation and performance of children with disabilities on statewide assessments:

- A. Percent of districts meeting the State's AYP objectives for progress for disability subgroup.
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

#### Measurement:

A. Percent = # of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.

B. Participation rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above

Overall Percent =  $b + c + d + e$  divided by a.

C. Proficiency rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent =  $b + c + d + e$  divided by a.

**Overview of Issue/Description of System or Process:**

The *No Child Left Behind Act of 2001* (NCLB) (Public Law 107-110), which was signed by the President on January 8, 2002, reauthorizes and amends federal programs established under the *Elementary and Secondary Education Act of 1965* (ESEA). Under NCLB, accountability provisions that formerly applied only to districts and campuses receiving Title I, Part A funds now apply to all districts and campuses. All public school districts, campuses, and the state are evaluated annually for Adequate Yearly Progress (AYP). The Texas AYP Plan approved by the United States Department of Education (USDE) in July 2004 meets the requirements in NCLB and provides a mechanism for evaluating district and campus AYP in 2005.

The AYP requirements in NCLB are based on the following principles:

**All Schools:** A single statewide definition of AYP applies to all districts and campuses, including Title I and non-Title I districts and campuses, alternative education campuses, and open-enrollment charter schools.

**All Students:** All students must be tested and all results must be included in the AYP calculation. Assessments included in the AYP calculation are:

- Texas Assessment of Knowledge and Skills (TAKS) in Reading/Language Arts and Mathematics;
- State-Developed Alternative Assessment II (SDAA II) in Reading/Language Arts and Mathematics;
- Locally-Determined Alternate Assessments (LDAA) for students exempted from the TAKS and SDAA II by the Admission, Review, and Dismissal (ARD) committee for Reading/Language Arts and Mathematics;
- Reading Proficiency Tests in English (RPTE) for recent immigrant limited English proficient (LEP) students who were exempted in Reading/Language Arts by the Language Proficiency Assessment Committee (LPAC);
- Linguistically Accommodated Testing (LAT) of the TAKS or SDAA II Mathematics assessments for recent immigrant LEP students who were exempted by the LPAC.

**Standards:** Baseline performance standards for Reading/Language Arts and Mathematics measures are determined using the methodology required in NCLB. The standards must increase over time to reach 100 percent by 2013–14.

**Participation:** Districts and campuses must meet test participation standards as well as performance standards for students tested.

**Student Groups:** All students, and African American, Hispanic, White, economically disadvantaged, special education, and LEP student groups must meet the same performance and participation standards. States individually develop minimum size requirements for evaluation of student groups.

**Other Measures:** High schools must meet a Graduation Rate standard set by the state. States individually identify an additional measure for elementary and middle/junior high schools.

For more information about AYP, including guidance and reports is available on the TEA website at <http://www.tea.state.tx.us/ayp>.

**Baseline Data for FFY 2004 (2004-05):**

**Table 3A** | Adequate Yearly Progress, LEA Performance, 2004-05

Did not meet AYP Objective	45 LEAs
Met AYP Objective	1184 LEAs
% Met AYP Objective	96.34

Source: 2004-05 Adequate Yearly Progress Dataset

**Table 3B.1** | Participation Rate, Math, 2004-05

	#	%
a. # of children with IEPs in grades assessed	297,680	---
b. # of children with IEPs in regular assessment with no accommodations	101,607	34.13
c. # of children with IEPs in regular assessment with accommodations	---	---
d. # of children with IEPs in alternate assessment against grade level standards	47,379	15.92
e. # of children with IEPs in alternate assessment against alternate achievement standards	145,933	49.02
Total, Grades 3-8, 10	294,919	99.07
Non-participants	2,761	00.03

Source: 2004-05 Adequate Yearly Progress Dataset

**Table 3B.2** | Participation Rate, Reading, 2004-05

	#	%
a. # of children with IEPs in grades assessed	299,038	---
b. # of children with IEPs in regular assessment with no accommodations	95,118	31.95
c. # of children with IEPs in regular assessment with accommodations	---	---
d. # of children with IEPs in alternate assessment against grade level standards	45,345	15.23
e. # of children with IEPs in alternate assessment against alternate achievement standards	155,467	52.23
Total, Grades 3-8, 10	295,930	99.41
Non-participants	3,108	00.59

Source: 2004-05 Adequate Yearly Progress Dataset

**Table 3C.1 | Performance Rate, Math, 2004-05**

	#	%
a. # of children with IEPs in grades assessed	271,803	100.00
b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations	51,779	19.05
c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations	---	---
d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards	37,485	13.79
e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards	93,680	34.47
Total, Grades 3-8, 10	182,964	67.31

Source: 2004-05 Adequate Yearly Progress Dataset

**Table 3C.2 | Performance Rate, Reading, 2004-05**

	#	%
a. # of children with IEPs in grades assessed	271,546	100.00
b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations	56,607	20.85
c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations	---	---
d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards	36,190	13.33
e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards	97,561	35.93
Total, Grades 3-8, 10	190,358	70.10

Source: 2004-05 Adequate Yearly Progress Dataset

**Discussion of Baseline Data:**

**Indicator 3A**

Forty-five LEAs did not meet AYP objectives, while 1,184 LEAs met AYP objectives. 96.34% of LEAs met AYP objectives.

**Indicator 3B**

The State was within 1% of meeting its target of 100% participation in Math and Reading assessments.

**Indicator 3C**

The State is exceeding the AYP Targets in No Child Left Behind (NCLB) for performance on Math and Reading assessments.

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-06)</p>	<p><b>Indicator 3A</b> 100%</p> <p><b>Indicator 3B</b> Participation on Math Assessments = 100% Participation on Reading Assessments = 100%</p> <p><b>Indicator 3C</b> Performance on Math Assessments = 42% (AYP Target in NCLB) Performance on Reading Assessments = 53% (AYP Target in NCLB)</p>
<p><b>2006</b> (2006-07)</p>	<p><b>Indicator 3A</b> 100%</p> <p><b>Indicator 3B</b> Participation on Math Assessments = 100% Participation on Reading Assessments = 100%</p> <p><b>Indicator 3C</b> Performance on Math Assessments = 50% (AYP Target in NCLB) Performance on Reading Assessments = 60% (AYP Target in NCLB)</p>
<p><b>2007</b> (2007-08)</p>	<p><b>Indicator 3A</b> 100%</p> <p><b>Indicator 3B</b> Participation on Math Assessments = 100% Participation on Reading Assessments = 100%</p> <p><b>Indicator 3C</b> Performance on Math Assessments = 50% (AYP Target in NCLB) Performance on Reading Assessments = 60% (AYP Target in NCLB)</p>

FFY	Measurable and Rigorous Target
<b>2008</b> (2008-09)	<p><b>Indicator 3A</b> 100%</p> <p><b>Indicator 3B</b> Participation on Math Assessments = 100% Participation on Reading Assessments = 100%</p> <p><b>Indicator 3C</b> Performance on Math Assessments = 58% (AYP Target in NCLB) Performance on Reading Assessments = 67% (AYP Target in NCLB)</p>
<b>2009</b> (2009-10)	<p><b>Indicator 3A</b> 100%</p> <p><b>Indicator 3B</b> Participation on Math Assessments = 100% Participation on Reading Assessments = 100%</p> <p><b>Indicator 3C</b> Performance on Math Assessments = 67% (AYP Target in NCLB) Performance on Reading Assessments = 73% (AYP Target in NCLB)</p>
<b>2010</b> (2010-11)	<p><b>Indicator 3A</b> 100%</p> <p><b>Indicator 3B</b> Participation on Math Assessments = 100% Participation on Reading Assessments = 100%</p> <p><b>Indicator 3C</b> Performance on Math Assessments = 75% (AYP Target in NCLB) Performance on Reading Assessments = 80% (AYP Target in NCLB)</p>

**Improvement Activities/Timelines/Resources:**

The improvement activities related to increasing the participation and performance rates for students with disabilities are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 1: Graduation Rate
- Indicator 5: Educational Environments, Ages 6-21  
(placements in the least restrictive environment)

The data associated with the indicators above must be considered when addressing the adequate yearly progress indicator. Specific improvement activities related to these areas include all the activities listed in Indicator 1 (Graduation).

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: FAPE in the LRE

#### Indicator 4: Rates of suspension and expulsion:

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year; and
- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity. **[New Indicator]**

(20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

#### Measurement:

- A. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the State times 100.
- B. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions for greater than 10 days in a school year of children with disabilities by race ethnicity divided by # of districts in the State times 100.

Include State's definition of "significant discrepancy."

#### Overview of Issue/Description of System or Process:

Texas collects data on students with disabilities through the statewide general education Public Education Information Management System (PEIMS) and reports suspension and expulsion data to the U.S. Department of Education Office of Special Education Programs on the Annual Federal Data Report (AFDR) each fall. The State has reported suspension and expulsion data in its past two Annual Performance Reports (APR).

The Texas Education Agency (TEA) has developed and implemented a selection and review process through the Performance-Based Monitoring (PBM) System and Performance-Based Monitoring Analysis System (PBMAS) to identify and select for interventions those LEAs whose data indicate significant patterns of disproportionate removal of students with disabilities. Each LEA is evaluated annually against established criteria to determine whether such data patterns exist. LEAs reflecting a disproportionate data pattern are required to conduct a comprehensive data analysis and engage in improvement planning regarding their patterns of disproportionate removal. Additionally, LEAs will be required to review their policies, practices, and procedures and report publicly on any revisions to their policies, practices, and procedures. The TEA engages in ongoing follow up with and monitors the progress of LEAs in implementing required improvement activities and achieving desired results in this area. Information on the PBM and PBMAS systems is available on the TEA website at <http://www.tea.state.tx.us/pbm> (PBMAS Manual) <http://www.tea.state.tx.us/pmi> (Interventions).

**For the purposes of the State Performance Plan, the State identifies a significant discrepancy in the rates of suspension and expulsion when an LEA's relative difference exceeds 0.2 (see "Methodology," next page).**

**Methodology**

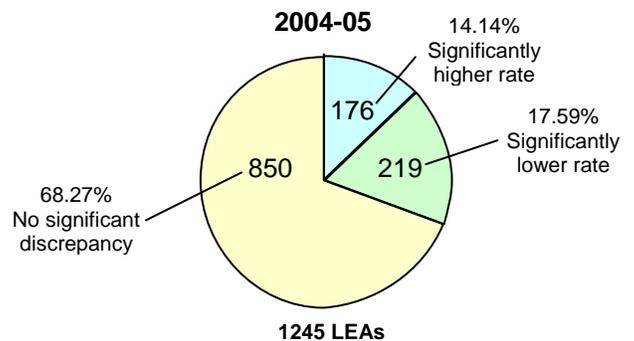
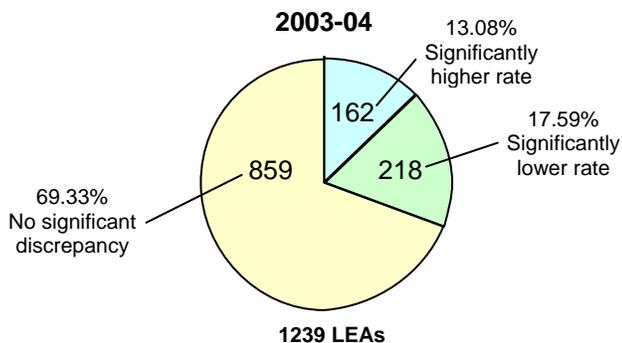
(a) rate of suspensions > 10 days for students with disabilities	=	$\frac{\text{\# of students with disabilities suspended}}{\text{\# of students with disabilities enrolled in school year}}$
(b) rate of suspensions > 10 days for students without disabilities	=	$\frac{\text{\# of students without disabilities suspended}}{\text{\# of students without disabilities enrolled in school year}}$
Difference in the rates of suspension between (a) and (b)	=	(a) – (b)
Relative Difference in the rates of suspension <i>(the number of times the rate of suspension for students with disabilities has increased in comparison to the rate of suspension for students without disabilities)</i>	=	$\frac{(a) - (b)}{(b)}$

**Baseline Data for FFY 2004 (2004-05):**

**Indicator 4A**

**Students with Disabilities**

I. Number of Single Suspensions and Single Expulsions > 10 Days

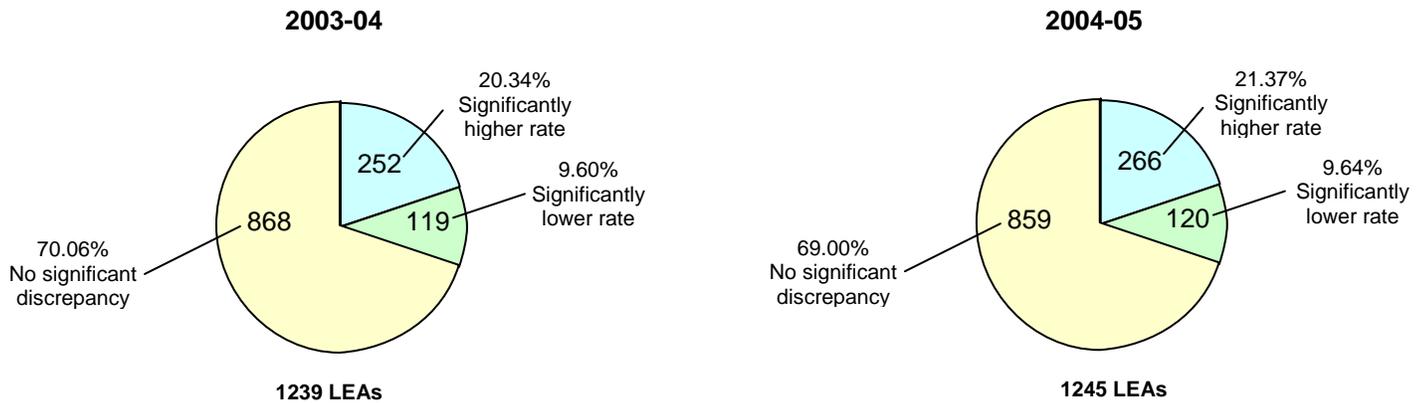


**Baseline Data for FFY 2004 (2004-05):**

**Indicator 4A**

**Students with Disabilities**

**II. Number of Multiple Suspensions and Multiple Expulsions > 10 Days**



**Discussion of Baseline Data:**

**Indicator 4A**

**Rate of Change for % of Local Education Agencies with significantly higher rates of suspending/expelling students with disabilities**

	<b>Rate of Change 2003 to 2004</b>
<b>Number of Single Suspensions and Single Expulsions &gt; 10 Days</b>	+8.1%
<b>Number of Multiple Suspensions and Multiple Expulsions &gt; 10 Days</b>	+5.1%

Source: Annual Federal Data Reports, 2003-04, 2004-05

The number of single suspensions and single expulsions and the number of multiple suspensions and multiple expulsions of students with disabilities are increasing. The numbers of LEAs determined to have a significantly lower rate, no significant discrepancy, or significantly higher rate remains static.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	<b>Indicator 4A</b> The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will be 0%.  <b>Indicator 4B</b> Measurable and rigorous targets will be provided in the FFY 2005 APR due February 1, 2007.
<b>2006</b> (2006-07)	<b>Indicator 4A</b> The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will be 0%.
<b>2007</b> (2007-08)	<b>Indicator 4A</b> The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will be 0%.
<b>2008</b> (2008-09)	<b>Indicator 4A</b> The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will be 0%.
<b>2009</b> (2009-10)	<b>Indicator 4A</b> The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will be 0%.
<b>2010</b> (2010-11)	<b>Indicator 4A</b> The percent of districts identified by the state as having a significant discrepancy in the rates of suspension and expulsions of students with disabilities for greater than 10 school days in a school year will be 0%.

Note: Under certain circumstances suspensions and expulsions are mandatory by state law; therefore, in some cases, it would be impossible for LEAs to meet the 0% target.

**Improvement Activities/Timelines/Resources:**

The improvement activities related to decreasing the rates of suspension and expulsion for students with disabilities are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 1: Graduation Rate
- Indicator 5: Educational Environments, Ages 6-21  
(placements in the least restrictive environment)

The data associated with the indicators above must be considered when addressing the suspension and expulsion indicator. Specific improvement activities related to these areas include all the activities listed in Indicator 1 (Graduation).

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: FAPE in the LRE

**Indicator 5:** Percent of children with IEPs aged 6 through 21:

- A. Removed from regular class less than 21% of the day;
- B. Removed from regular class greater than 60% of the day; or
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.

(20 U.S.C. 1416(a)(3)(A))

#### Measurement:

- A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

#### Overview of Issue/Description of System or Process:

Texas collects data on students with disabilities through the statewide general education Public Education Information Management System (PEIMS) and reports Educational Environment of Children with Disabilities, ages 6-21, to the U.S. Department of Education Office of Special Education Programs on the Annual Federal Data Report (AFDR) each spring. In addition to the AFDR, the State has reported educational environment data in its past two Annual Performance Reports (APR).

The Texas Education Agency (TEA) has developed and implemented a selection and review process through the Performance-Based Monitoring (PBM) System and Performance-Based Monitoring Analysis System (PBMAS) to identify and select for interventions those LEAs whose data indicate concerns with students with disabilities placed in the least restrictive environments (LRE). Information on the PBM and PBMAS systems is available on the TEA website at <http://www.tea.state.tx.us/pbm> (PBMAS Manual) <http://www.tea.state.tx.us/pmi> (Interventions).

**Baseline Data for FFY 2004 (2004-05):**

**Educational Environment, Aged 6-21**

	2002-03		2003-04		2004-05	
	#	%	#	%	#	%
A. Less Than 21% of Day	243891	53.154	245858	52.741	252110	53.337
B. More Than 60% of Day	61785	13.466	61362	13.163	61098	12.926
C. Public/Private/Residential/Homebound	7029	1.532	6891	1.478	6642	1.405

Source: Annual Federal Data Reports, Texas Education Agency

**Discussion of Baseline Data:**

The educational environment data reflect decreases in environments B and C, and a slight increase in environment A over time.

	Rate of Change: Educational Environment, Ages 6-21		
	2002 to 2003	2003 to 2004	2002 to 2004
A. Less Than 21% of Day	-0.8%	1.1%	0.3%
B. More Than 60% of Day	-2.3%	-1.8%	-4.0%
C. Public/Private/Residential/Homebound	-3.5%	-4.9%	-8.3%

More data are needed to understand trends concerning increases and decreases to these environments and how the data reflect students with disabilities receiving a free appropriate public education (FAPE) in the least restrictive environment (LRE).

FFY	Measurable and Rigorous Target
<b>2005 (2005-06)</b>	<p>A. The percent of children with IEPs ages 6-21 removed from regular class less than 21% of the day will increase by 1.1% above the baseline year's rate.</p> <p>B. The percent of children with IEPs ages 6-21 removed from regular class greater than 60% of the day will decrease by 0.48% below the baseline year's rate.</p> <p>C. The percent of children with IEPs ages 6-21 served in other locations will decrease by 0.06% below the baseline year's rate.</p>

FFY	Measurable and Rigorous Target
<p><b>2006</b> (2006-07)</p>	<p>A. The percent of children with IEPs ages 6-21 removed from regular class less than 21% of the day will increase by 1.1% above the previous year's rate.</p> <p>B. The percent of children with IEPs ages 6-21 removed from regular class greater than 60% of the day will decrease by 0.48% below the previous year's rate.</p> <p>C. The percent of children with IEPs ages 6-21 served in other locations will decrease by 0.06% below the previous year's rate.</p>
<p><b>2007</b> (2007-08)</p>	<p>A. The percent of children with IEPs ages 6-21 removed from regular class less than 21% of the day will increase by 1.1% above the previous year's rate.</p> <p>B. The percent of children with IEPs ages 6-21 removed from regular class greater than 60% of the day will decrease by 0.48% below the previous year's rate.</p> <p>C. The percent of children with IEPs ages 6-21 served in other locations will decrease by 0.06% below the previous year's rate.</p>
<p><b>2008</b> (2008-09)</p>	<p>A. The percent of children with IEPs ages 6-21 removed from regular class less than 21% of the day will increase by 1.1% above the previous year's rate.</p> <p>B. The percent of children with IEPs ages 6-21 removed from regular class greater than 60% of the day will decrease by 0.48% below the previous year's rate.</p> <p>C. The percent of children with IEPs ages 6-21 served in other locations will decrease by 0.06% below the previous year's rate.</p>
<p><b>2009</b> (2009-10)</p>	<p>A. The percent of children with IEPs ages 6-21 removed from regular class less than 21% of the day will increase by 1.1% above the previous year's rate.</p> <p>B. The percent of children with IEPs ages 6-21 removed from regular class greater than 60% of the day will decrease by 0.48% below the previous year's rate.</p> <p>C. The percent of children with IEPs ages 6-21 served in other locations will decrease by 0.06% below the previous year's rate.</p>
<p><b>2010</b> (2010-11)</p>	<p>A. The percent of children with IEPs ages 6-21 removed from regular class less than 21% of the day will increase by 1.1% above the previous year's rate.</p> <p>B. The percent of children with IEPs ages 6-21 removed from regular class greater than 60% of the day will decrease by 0.48% below the previous year's rate.</p> <p>C. The percent of children with IEPs ages 6-21 served in other locations will decrease by 0.06% below the previous year's rate.</p>

**Improvement Activities/Timelines/Resources:**

The improvement activities related to increasing and decreasing the appropriate educational environment rates for students with disabilities are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 1: Graduation Rate
- Indicator 3: Adequate Yearly Progress (participation and performance of students with disabilities on statewide assessments)

The data associated with the indicators above must be considered when addressing the educational environment indicator. Specific improvement activities related to these areas include all the activities listed in Indicator 1 (Graduation).

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: FAPE in the LRE

**Indicator 6:** Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

#### Measurement:

Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.

#### Overview of Issue/Description of System or Process:

Texas collects data on students with disabilities through the statewide general education Public Education Information Management System (PEIMS) and reports Educational Environment of Children with Disabilities, ages 3-5, to the U.S. Department of Education Office of Special Education Programs on the Annual Federal Data Report (AFDR) each spring. In addition to the AFDR, the State has reported educational environment data in its past two Annual Performance Reports (APR).

The Texas Education Agency (TEA) has developed and implemented a selection and review process through the Performance-Based Monitoring (PBM) System and Performance-Based Monitoring Analysis System (PBMAS) to identify and select for interventions those LEAs whose data indicate concerns with students with disabilities placed in the least restrictive environments (LRE). Information on the PBM and PBMAS systems is available on the TEA website at <http://www.tea.state.tx.us/pbm> (PBMAS Manual) <http://www.tea.state.tx.us/pmi> (Interventions).

#### Baseline Data for FFY 2004 (2004-05):

#### Educational Environment, Aged 3-5

	2002-03		2003-04		2004-05	
	#	%	#	%	#	%
Early Childhood Setting	2102	5.644	2016	4.965	2117	5.093
Early Childhood Special Education Setting	8556	22.973	10332	25.444	10232	24.617
Home	267	0.717	213	0.525	197	0.474
Part-Time Early Childhood/ Part-Time Early Childhood Special Education Setting	6602	17.726	6539	16.103	7059	16.983
Itinerant Service Outside The Home (Optional)	19630	52.706	21450	52.823	21893	52.673

Source: Annual Federal Data Reports, Texas Education Agency

**Discussion of Baseline Data:**

Although the preschool placement data may indicate concerns with least restrictive environment, the data does not provide a full understanding of the many factors associated with this issue. 21,893 of preschool students (52.67%) are coded "Itinerant Services Outside of the Home." In PEIMS, the code "Itinerant Services Outside of the Home" does not indicate a specific instructional setting; it is used to denote services provided less than five days a week and/or less than two hours per day. An example of the use of this code is for students receiving speech therapy services only. Of the 21,893 preschool students coded "Itinerant Services Outside of the Home," 99% have speech impairments.

FFY	Measurable and Rigorous Targets
2005 (2005-2006)	The percent of preschool children with IEPs who received special education and related services in the Early Childhood setting will increase by 1.65% above the baseline year's data.
2006 (2006-2007)	The percent of preschool children with IEPs who received special education and related services in the Early Childhood setting will increase by 1.65% above the previous year's data.
2007 (2007-2008)	The percent of preschool children with IEPs who received special education and related services in the Early Childhood setting will increase by 1.65% above the previous year's data.
2008 (2008-2009)	The percent of preschool children with IEPs who received special education and related services in the Early Childhood setting will increase by 1.65% above the previous year's data.
2009 (2009-2010)	The percent of preschool children with IEPs who received special education and related services in the Early Childhood setting will increase by 1.65% above the previous year's data.
2010 (2010-2011)	The percent of preschool children with IEPs who received special education and related services in the Early Childhood setting will increase by 1.65% above the previous year's data.

**Improvement Activities/Timelines/Resources:**

The primary source of improvement planning in the area of Access to General Curriculum (AGC) rests with a decentralized function at Region 20 Education Service Center (ESC). This ESC is responsible for coordinating with all other regions to develop a statewide AGC network. The purpose of the 20-region network is to ensure ongoing communication among ESCs about state-level needs assessments, program planning and implementation, and evaluating statewide activities regarding AGC.

The AGC Network has developed a framework for statewide collaboration through a comprehensive planning process. The purpose of this process is to provide professional development and technical assistance focused on ensuring that all students with disabilities gain access to and show progress in the general curriculum through curricular and instructional adaptations in the least restrictive environment.

Continuous improvement efforts concerning AGC are supported through the following Region 20 ESC decentralized function leadership:

### **Preschool LRE Initiative**

In promoting an increase of preschool services in the least restrictive environment and an expansion of placement options throughout the state, the AGC decentralized leadership function has developed and implemented a Preschool Least Restrictive Environment District Program Analysis (Preschool LRE) Initiative. The Texas Education Agency (TEA) makes funds available to all regional education service centers to support districts involved in the Preschool LRE Initiative. As this initiative moves into its fourth year, the focus will remain on creating partnerships within communities in order to broaden the continuum of placement options and increase the number of preschool students receiving services in the least restrictive environment. Some of the specific activities surrounding this focus include an annual statewide *Inclusion Works* conference, AGC Network training via both telecommunication and face-to-face meetings, and the addition of a component for visiting best practice sites. Detailed information related to the Preschool LRE Initiative can be found on the Region 20 ESC website at <http://www.esc20.net/sped/preschoollre.htm>.

### **Early Childhood Special Education Network**

The TEA and Early Childhood Special Education contacts from each ESC will continue to serve as sources of guidance, leadership and resources for the expansion and improvement of both placement options and service in the least restrictive environment. This network of ESC preschool specialists works to promote increased awareness of the requirements and benefits of LRE settings, methods for expanding placement options via community and interagency relationships, the development and improvement of resources regarding LRE (including a *LRE Q & A* brochure available on the Region 20 ESC website at <http://www.esc20.net/>), and regional training and technical assistance.

These Preschool LRE improvement activities will be ongoing through the 2010-2011 school year.

### **District-Level Data Collection and Reporting**

The State will explore opportunities to collect more informative data regarding preschool students coded "Itinerant Service Outside of the Home". The TEA will develop, through both monitoring and programmatic efforts, a standardized method by which LEAs provide district-level analysis regarding actual placements for preschool students in this code. This information will increase the State's ability to make informed decisions and enhance guidance surrounding improvement activities in the area of preschool services in the least restrictive environment.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: FAPE in the LRE

**Indicator 7:** Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

#### Measurement:

A. Positive social-emotional skills (including social relationships):

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

B. Acquisition and use of knowledge and skills (including early language/communication and early literacy)

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improved functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or c. If a + b + c does not sum to 100%, explain the difference.

## Overview of Issue/Description of System or Process:

### **This indicator is new to the State Performance Plan and Annual Performance Report.**

#### **Data Collection Activities for Baseline and Measurable Targets for FFY 2006 APR:**

As presented in the State's 2005 Annual Performance Report (APR), multiple efforts pertaining to improved services and outcomes for preschool-aged children receiving services through the State's Preschool Programs for Children with Disabilities (PPCD) have been initiated and are ongoing. Also referenced in the APR was the State's plan to consider assessing early childhood special education through two processes:

1. Following a cohort of children who received PPCD services through their elementary school years to collect longitudinal data which may include, but not be limited to: placement, advancement in the elementary system, change in disability category, required level of services, and dismissal from special education services; and
2. Reviewing the Early Childhood Outcomes (ECO) Center recommendations regarding outcomes and measurement methodologies and the appropriate application within the state.

Based upon the specifics designated within this indicator and the requirements to report data for all local education agencies (LEAs), the State will apply the ECO Center's *ECO Summary Form* model as a method for developing an Early Childhood Outcomes Measurement System. This form is a template which allows LEA staff to record multiple sources of assessment information regarding a student's level of functioning in each of the prescribed outcome areas. The form also serves as a template for converting individualized assessment data into a consistent system for statewide reporting. An example of the ECO Summary Form is located on the ECO Center's website at [www.fpg.unc.edu/~eco/pdfs/co\\_form\\_7pt.pdf](http://www.fpg.unc.edu/~eco/pdfs/co_form_7pt.pdf).

Comprehensive details regarding the parameters of the ECO Summary form model are presented within the *Overview of the Child Outcomes Summary Form* (12.1.05) available on the ECO Center's website at [www.fpg.unc.edu/~eco/pdfs/co\\_overview.pdf](http://www.fpg.unc.edu/~eco/pdfs/co_overview.pdf).

The State will follow the sampling procedures defined by the U.S. Department of Education Office of Special Education Programs (OSEP). A representative sample will initiate the development of a statewide data collection system and provide baseline data. Based on feedback regarding an analysis of the sampled population, improvement efforts will be applied to the data collection process on an ongoing basis.

Beginning with the 2006-2007 school year, the State will use the following parameters for collecting ECO baseline and subsequent data:

- In addition to the 14 largest LEAs with ADA over 50,000 students, LEAs will be sampled each year so that all LEAs will report within the time span of the State Performance Plan.
- All LEAs will be required to report data through an online data reporting system. LEAs with an *N* size less than 30 students will report on all students.
- To ensure accurate representation of LEAs within the state in order to report state level data, the following demographic stratum will be used: gender, race/ethnicity, age, disability category. In addition, Selection of LEAs will continue to be representative of the State based on district size and geographical region.
- To ensure accurate representation within an LEA in order to report LEA level data, the following demographic stratum will be used: gender, race/ethnicity, age, disability category.

- Both pre- and post-assessment data will be collected through a representative stratified sampling of the selected LEAs. All LEAs will report data through an online data reporting system.
- Data will be reported at the state and LEA level on an annual basis within the time span of the State Performance Plan. However, LEAs with an ADA determined to be small enough to result in the disclosure of personally identifiable information about individual children or where the data is insufficient to yield statistically reliable information will not be reported.
- The TEA will collaborate with the statewide Regional Education Service Centers to ensure accurate and timely submission of required data from LEAs through an online data reporting system.

At this time, the State does not have a data collection mechanism in place to incorporate the specifics of this new indicator. The State will develop and employ a statewide data collection system to meet the specific requirements of the State Performance Plan. This system will be designed to facilitate improvement at the statewide, regional, and district level. Training for use of the data system will be an integral part of the statewide training process for data collection on this indicator.

**Baseline Data for FFY 2004 (2004-05):**

Baseline data will be provided in the APR due February 2008.

**Discussion of Baseline Data:**

Not Applicable

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	Measurable and rigorous targets will be provided in the FFY 2007 APR due February 1, 2008.
<b>2006</b> (2006-07)	Measurable and rigorous targets will be provided in the FFY 2007 APR due February 1, 2008.
<b>2007</b> (2007-08)	Measurable and rigorous targets will be provided in the FFY 2007 APR due February 1, 2008.
<b>2008</b> (2008-09)	Measurable and rigorous targets will be provided in the FFY 2007 APR due February 1, 2008.
<b>2009</b> (2009-10)	Measurable and rigorous targets will be provided in the FFY 2007 APR due February 1, 2008.

FFY	Measurable and Rigorous Target
2010 (2010-11)	Measurable and rigorous targets will be provided in the FFY 2007 APR due February 1, 2008.

**Improvement Activities/Timelines/Resources:**

Not Applicable

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: FAPE in the LRE

**Indicator 8:** Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

(20 U.S.C. 1416(a)(3)(A))

#### Measurement:

Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.

#### Overview of Issue/Description of System or Process:

### This indicator is new to the State Performance Plan and Annual Performance Report.

#### Data Collection Activities for Baseline and Measurable Targets for FFY 2006 APR:

During the Texas Self Assessment in 2000, Family Involvement was identified as an area of improvement for the state. Although the State had many entities providing training, support, and technical assistance to parents of students with disabilities, there was no systematic process of coordination. Additionally, there was very little data available in this area which contributed to the difficulties of understanding the issues and identifying methods to measure improvement.

Region 9 Education Service Center is the statewide lead for Parent Coordination. The ESC is responsible for coordinating with all other regions to develop a statewide Parent Coordination network. The purpose of the 20-region network is to ensure ongoing communication among ESCs regarding state-level needs assessments, program planning and implementation, evaluation of statewide activities, and training regarding parent coordination.

The Parent Coordination Network is committed to ensuring that parents of students with disabilities receive accurate and timely information to assist them in making informed choices in their child's education. The Network has identified the following priorities: joint training opportunities for parents and educators, collaboration with other parent training entities, and technical assistance to parents and school district personnel in the area of special education.

In 2002, the Texas Education Agency (TEA) in conjunction with the Parent Coordination Network, conducted a survey of parental understanding of special education issues. A total of 54 items, or questions, were included in surveys distributed to a sample of parents in all local education agencies (LEAs). Surveys were provided in English and Spanish.

The sampling plan utilized for the distribution of this survey was representative of student groups, disability categories, local education agency size, and geographic area. Of the 32,000 surveys distributed, slightly less than 20 percent were returned in a usable form. The structured data were analyzed along with approximately 2,000 open-ended responses. A comprehensive report was produced and distributed statewide. The results were also posted on the Region 9 ESC website at [www.esc9.net/survey/](http://www.esc9.net/survey/).

### **Development of New Survey**

On September 13, 2005, the Parent Coordination Network, consisting of a representative from each of the 20 regional ESCs, reviewed questions from the National Center for Special Education Accountability Monitoring (NCSEAM) parent survey and the Statewide Survey of Parents of Students with Disabilities Receiving Special Education Services. State Performance Plan (SPP) Indicator 8 was reviewed and discussed. The network members recommended the survey questions reflect both surveys. A separate survey development committee was formed to create the questions.

Prior to the survey development committee meeting on November 3, 2005, the committee members included LEA representatives, ESC representatives, and Academic Management Inc. personnel (contracted consultants) reviewed SPP resources from the Federal Resource Center website at [www.dssc.org](http://www.dssc.org). A copy of the NCSEAM survey and its findings were emailed to the committee members for their review. Committee members also reviewed the results of the Statewide Survey of Parents of Students with Disabilities Receiving Special Education Services. Joyce Epstein's Parent Involvement information was also shared with committee members.

The committee selected questions from both surveys with the focus on parent involvement and participation. The survey questions reflect the following areas: parents' satisfaction, parents and school as partners, communication between parents and school, parents' understanding of information, services and information provided, school climate, teacher's roles, Special Education services impact on the family, and parent participation in trainings.

The survey will be conducted during the 2006-07 school year. The sampling framework will be a stratified random sample with a purposeful addition of all large local education agencies coupled with over-sampling for low incidence disability groups. TEA will draw on the Office of Special Education Programs (OSEP) requirements, prior experience with a generally similar survey and the most recent data to draw an appropriate sample. Districts will receive early notification of the survey and will receive interim return results to help increase the rate of return. Analyses will be conducted to determine any response or non-response biases. The total number of surveys conducted each year is 12,500 distributed according to geographic, district size, ethnic, and disability classifications. Other than the 14 largest districts with ADA over 50,000 students, one-sixth of districts will be sampled each year so that all 1,239 districts will report within the time span of the State Performance Plan. When appropriate considering FERPA and data stability, results will be posted at the state, regional, and district level. A comprehensive report will be generated with attempts made to link survey responses with student performance and district parent involvement programs.

Following OSEP requirements, information will be posted on a web site documenting findings from the survey. However, as earlier noted, a large percentage of districts in Texas will not have at least 30 returned surveys, due in part to there not being 30 students receiving special education services in total in that district. However, the information provided by parents in those districts is important and should be conveyed and used. To account for the large variability in district size, and therefore reasonably stable data, a three level approach is proposed to report data. This strategy is based on a strong position that a *minimum* size of 30 is critical to have any degree of supportability. It may be that this number will be adjusted based on the distribution of responses received in order to promote the balance between stability of information and level of reporting.

If there is no evidence of non-return biases and if the initial sample is correctly constructed, the overall return rate is less critical. However, the larger (percentage-wise) the return rate, the lower the odds that unequal returns by group will bias the survey findings. Initially, the goal for total return rate (statewide) will be set at 40 percent. While this is an aggressive goal based on prior history, strategies will be used to reach this goal. The 2003 parent survey had an almost 20 percent return rate; this rate was obtained with out conducting any follow-up activities and with other factors (such as year to year mobility) that reduced the rate of return that should not be an issue with this survey.

There is an intent that information collected by small districts be used to allow school districts to make corrective actions when needed or to reinforce current parent involvement strategies. The posting of information should provide the needed support for these actions. For the small districts, the use and reporting of information will be carefully considered as it will only be available across districts, not for individual districts. An ESC is well positioned to provide needed services. Therefore, data will be posted at the ESC level. In cases where there are at least 100 respondents (the largest 14 districts), the raw data will be provided to the districts upon request following an agreement to protect individual privacy concerns.

The State plans to pilot the Parent Survey in the fall of 2006. As available, this information will provide baseline information for the Annual Performance Report (APR) due in February 2007.

**Baseline Data for FFY 2004 (2004-05):**

Baseline data will be provided in the APR due February 2007.

**Discussion of Baseline Data:**

Not Applicable

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2006</b> (2006-07)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2007</b> (2007-08)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2008</b> (2008-09)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2009</b> (2009-10)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2010</b> (2010-11)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.

**Improvement Activities/Timelines/Resources:**

Not Applicable

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Disproportionality

**Indicator 9:** Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in special education and related services was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

#### Overview of Issue/Description of System or Process:

### This indicator is new to the State Performance Plan and Annual Performance Report.

#### Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

Texas collects data on students with disabilities through the statewide general education Public Education Information Management System (PEIMS) and reports Child Count data to the U.S. Department of Education Office of Special Education Programs on the Annual Federal Data Report (AFDR) each spring. The State uses the Child Count to report and analyze disproportionate representation. The State has reported disproportionate representation data (statewide, by disability, and by educational environment) in its past two Annual Performance Reports (APR).

The Texas Education Agency (TEA) has developed and implemented a selection and review process through the Performance-Based Monitoring (PBM) System and Performance-Based Monitoring Analysis System (PBMAS) to identify and select for interventions those LEAs whose data indicate significant patterns of disproportionate placement. Each LEA is evaluated annually against established criteria to determine whether such data patterns exist. LEAs reflecting this data pattern are required to conduct a comprehensive data analysis and engage in improvement planning regarding their patterns of disproportionate placement. Additionally, LEAs will be required to review their policies, practices, and procedures and report publicly on any revisions to their policies, practices, and procedures. The TEA engages in ongoing follow up with and monitors the progress of LEAs in implementing required improvement activities and achieving desired results in this area. Information on the PBM and PBMAS systems is available on the TEA website at: <http://www.tea.state.tx.us/pbm> (PBMAS Manual) <http://www.tea.state.tx.us/pmi> (Interventions).

The topic of disproportionate representation is not new to the state. In 2002, the State produced a report entitled *Disproportionate Representation of Minority Children in Special Education*.

One of the findings in the report is cited below:

Based on information about ethnicity alone, African American students were the most likely to be placed in special education, followed by Whites, and then Hispanics. However, many of the factors that potentially influence assignment to special education appeared together in individual students. For example, students who were ethnic minorities may also be poor, at-risk, or face language barriers. These other contributing factors must be accounted for statistically before the role of race can be clearly isolated. After factors other than race were considered, White students were significantly more likely to be assigned to special education programs, followed by African Americans then Hispanics. A logistic regression model was constructed to control for gender, 'at-risk' designation, income status, English proficiency, and immigrant or migrant status. Among students with each of these characteristics, White students were consistently the most likely to be placed in special education.

Full report on the TEA Website at <http://www.tea.state.tx.us/special.ed/pubs/dispreport.html>.

The Access to the General Curriculum (AGC) Improvement Planning Group reviewed data from the previous Annual Performance Report (APR). Their discussions were reflective of the findings of the disproportionality report cited in the paragraph above. The AGC Improvement Planning Group determined that in order to address this concern in a thoughtful manner the state would have to consider that the issue of disproportionality and over-representation is multifaceted. Additionally, this improvement group determined the issue of disproportionate representation was not confined solely to special education; therefore, a solution to the problem resided in general education, specifically what was or was not happening instructionally for the student.

The State anticipates that the implementation of activities associated with the Response to Intervention framework will have an effect on this indicator. Response to Intervention (RtI) may be described as a model addressing the needs of all students through a continuum of services which provide:

- High-quality instruction and tiered intervention strategies aligned with individual student need;
- Frequent monitoring of progress to make results-based academic/behavioral decisions; and
- The application of child response data to important educational decisions (such as those regarding placement, intervention, curriculum and instructional goals and methodologies).

The State hosted an RtI Summit in January 2006. Stakeholders representing both general and special education parents, teachers, administrators, universities, and state agencies were among the wide variety of individuals in attendance at this event.

The purpose of the summit was to provide:

- Research-based information to participants in order to set the stage for a common understanding of the topic; and
- An opportunity for a wide variety of stakeholders to discuss the topic and provide advisement to the state.

Next steps related to RtI will include dialogue between divisions at the Texas Education Agency (TEA) and staff from the 20 regional ESCs regarding development of a process for understanding how best to implement this framework throughout the state.

The implementation of RtI has the potential to have a positive impact on the ability of local education agencies to meet the needs of all struggling students. The RtI framework also has the possibility of assisting the state in addressing concerns related to:

- Coordination between general and special education
- Disproportionality and over-representation based on race and ethnicity

- Discipline and behavior management
- The provision of Early Intervening Services
- Improvements in the special education referral process and use of special education resources
- Learning disability evaluation and determination of eligibility

**Baseline Data for FFY 2004 (2004-05):**

Baseline data will be provided in the APR due February 2007.

**Discussion of Baseline Data:**

Not Applicable

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2006</b> (2006-07)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2007</b> (2007-08)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2008</b> (2008-09)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2009</b> (2009-10)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2010</b> (2010-11)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.

**Improvement Activities/Timelines/Resources:**

Not Applicable

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Disproportionality

**Indicator 10:** Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

#### Measurement:

Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.

Include State's definition of "disproportionate representation."

Describe how the State determined that disproportionate representation of racial and ethnic groups in specific disability categories was the result of inappropriate identification, e.g., monitoring data, review of policies, practices and procedures under 618(d), etc.

#### Overview of Issue/Description of System or Process:

**This indicator is new to the State Performance Plan and Annual Performance Report.**

#### Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

See Indicator 9

#### Baseline Data for FFY 2004 (2004-05):

Baseline data will be provided in the APR due February 2007.

#### Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2006 (2006-07)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2007 (2007-08)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2008 (2008-09)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2009 (2009-10)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2010 (2010-11)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.

**Improvement Activities/Timelines/Resources:**

Not Applicable

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / Child Find

**Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).
- c. # determined eligible whose evaluations and eligibility determinations were completed within 60 days (or State established timeline).

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.

Percent =  $b + c$  divided by  $a$  times 100.

#### Overview of Issue/Description of System or Process:

### This indicator is new to the State Performance Plan and Annual Performance Report.

#### Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

In accordance with Texas Education Code (TEC) §29.004, a written report for a full individual and initial evaluation of a student for purposes of special education shall be completed not later than 60 calendar days following the date on which the local education agency (LEA) receives written consent for the evaluation signed by the student's parent or legal guardian. This timeline requirement is explained and detailed in a variety of publications and materials available to the state. Education service centers (ESCs) routinely provide training to districts, parents, and communities regarding compliance timelines.

The State does not currently collect statewide data from LEAs regarding this timeline. In reporting data for this indicator in the Annual Performance Report (APR) due February 2007, the State will use data available through the Performance-Based Monitoring System (PBMS). The sample size for this report will include districts identified in the Performance-Based Monitoring Analysis System (PBMAS) at a compliance review level. This data will include information about meeting evaluation timelines for students found eligible for special education services.

Texas does not currently have a data collection mechanism in place. Texas plans to develop and employ a statewide data collection system to incorporate the specific requirements of the State Performance Plan. This system will be designed to facilitate improvement at the statewide, regional, and district level. Training for use of the data system will be an integral part of the statewide training process for data collection on this indicator.

#### Baseline Data for FFY 2004 (2004-05):

Baseline data will be provided in the APR due February 2007.

**Discussion of Baseline Data:**

Not Applicable

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-06)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2006</b> (2006-07)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2007</b> (2007-08)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2008</b> (2008-09)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2009</b> (2009-10)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2010</b> (2010-11)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.

**Improvement Activities/Timelines/Resources:**

Not Applicable

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / Effective Transition

**Indicator 12:** Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.
- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

Account for children included in a but not included in b or c. Indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.

Percent = c divided by a – b times 100.

#### Overview of Issue/Description of System or Process:

##### Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR

Texas recognizes the importance of facilitating a timely and effective transition from Part-C early childhood intervention services into Part-B early childhood special education services for eligible students. Initiated by the State's Self-Assessment in 2000, and the accompanying improvement planning phase of the Office of Special Education Programs (OSEP) Continuous Improvement Monitoring Process (CIMP), a joint task force consisting of both Part-C early childhood intervention (ECI) and Part-B early childhood special education stakeholders was formed in February of 2001. The primary goal of this task force of interagency representatives was to address the cooperative responsibilities of assuring a smooth, effective, and well-timed interagency transition process.

Through the Texas Continuous Improvement Process (TCIP) this task force has evolved into what is currently the Early Childhood Transition (ECT) Improvement Planning Group. The ECT Improvement Planning Group continues to serve as a source for advisement in the area of early childhood transitioning and preschool education.

Guidance and accompanying training and technical assistance efforts which have been initiated as a result of the Texas Continuous Improvement Process include:

- The development of a state level interagency memorandum of understanding (MOU) between the Texas Education Agency and the Texas Department of Assistive and Rehabilitative Services Division of Early Childhood Intervention. The Early Transition MOU is available on the TEA website at <http://www.tea.state.tx.us/special.ed/mou/etmou.html>.

- The development of multiple frameworks for local level interagency memorandums of understanding between the local education agencies (LEAs) and local ECI programs.
- A family-focused guidance document, *Beyond ECI*, addressing the stages of transitioning from ECI to Part-B services appropriate for the individual needs of a child. The *Beyond ECI* document is available in English and in Spanish versions on the TEA website at <http://www.tea.state.tx.us/special.ed/>

**Discussion of Baseline Data:**

Texas will collect and review data regarding the provision of services for all three year olds found eligible for Part-B services. Current and future data collection and improvement activities will center not only on the effective transitioning of students between Part-C and Part-B services, but also the effective provision of services for all eligible students upon their third birthday.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	100% of eligible children will have IEPs in place by their 3 <sup>rd</sup> birthday.
<b>2006</b> (2006-07)	100% of eligible children will have IEPs in place by their 3 <sup>rd</sup> birthday.
<b>2007</b> (2007-08)	100% of eligible children will have IEPs in place by their 3 <sup>rd</sup> birthday.
<b>2008</b> (2008-09)	100% of eligible children will have IEPs in place by their 3 <sup>rd</sup> birthday.
<b>2009</b> (2009-10)	100% of eligible children will have IEPs in place by their 3 <sup>rd</sup> birthday.
<b>2010</b> (2010-11)	100% of eligible children will have IEPs in place by their 3 <sup>rd</sup> birthday.

**Improvement Activities/Timelines/Resources:**

The State’s plan for addressing improvement in the area of early childhood transition, including the timely provision of Part-B services for eligible children, will continue to be the work of the ECT Improvement Planning Group. The State intends to gather input from this group as the State develops an assessment process built upon the key elements of state guidance in this area.

**Resources**

Continued guidance, training and technical assistance efforts will be initiated as a result of the Texas Continuous Improvement Process. This includes the production of a resource document developed to address the key elements of an effective early childhood transition process at the LEA level. This document emphasizes the importance of systematically establishing relationships between LEAs and local ECI programs. This document will be a companion resource to the family-focused guidance document, *Beyond ECI*, currently in use, which addresses the stages of transitioning from ECI to Part-B services appropriate for the individual needs of a child.

**District-Level Data Collection and Reporting**

Texas does not currently have a data collection mechanism in place. The State plans to develop and employ a statewide data collection system to incorporate the specific requirements of the State Performance Plan. This system will be designed to facilitate improvement at the state, regional, and district level. Training for use of the data system will be an integral part of the statewide training process for data collection on this indicator.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / Effective Transition

**Indicator 13:** Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

Percent = # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 16 and above times 100.

#### Overview of Issue/Description of System or Process:

### This indicator is new to the State Performance Plan and Annual Performance Report.

#### Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

Secondary transition and the associated requirements have been an identified area of improvement in the Texas Continuous Improvement Process (TCIP) for several years. In addressing this issue the Texas Education Agency (TEA) has worked closely with the Secondary Transition Leadership decentralized function at Region 11 Education Service Center (ESC); and the associated 20-region network. The purpose of the ESC decentralized function is to ensure that secondary students who receive special education services successfully transition from high school to post-school activities.

Transition goals are supported through activities of the statewide Secondary Transition Network. Professional development for Network members included training by a national consultant on creating a statewide system to address transition issues. Network members provided training for districts on transition processes, specifically those related to new reporting requirements. Regional activities also included training events for parents and students to enable their full participation in the transition process.

Additionally, the Secondary Transition State Leadership decentralized function has been conducting a study for the last two years to pilot a system to collect data on the components related to successful secondary transitions. A cluster sample of 123 districts was selected in the spring of 2004. All 20 regions were represented in the sample. From those districts 1,354 student folders were selected for review in a stratified random sampling. The sample included the following individualized education program (IEP) documentation:

- Identified post-school outcomes;
- A coordinated set of identified activities;
- Annual progress towards mastery of post-school outcomes;
- Attendance of or information on support services and responsibilities from agencies that provide services or may provide services;

- Student attendance at admission, review, and dismissal (ARD) committee meetings discussing transition;
- IEPs developed on student needs, interests, strengths, and preferences; and
- Whether some portion of the ARD committee meeting was led by the student.

In addition, evaluations from transition training for parents were sampled to determine that parents understand transition, both process and purpose.

The State does not currently collect data from local education agencies (LEAs) regarding this requirement. The State will use data available through the Performance-Based Monitoring System (PBMS) for reporting on this indicator in the February 2007 Annual Performance Report (APR). The sample for this report will include LEAs identified in Performance-Based Monitoring Analysis System (PBMAS) at a compliance review level. All identified schools will gather data, conduct an analysis, verify both student-level and systemic compliance, and then identify program strengths and areas for improvement. These activities address the statement below which was included in the Program Effectiveness Review: System Analysis document, to specifically address the transition issues. The document is also found on the TEA website at <http://www.tea.state.tx.us/pmi/spedmon/2005/>.

*A review of LEA data indicate that the LEA has established and implemented a system to ensure that the secondary transition process is an individually-determined outcome-oriented process that includes appropriate representatives and/or input from invited agencies and a coordinated set of activities to facilitate a child's transition from high school into appropriate post-secondary situations beginning not later than age 16 (or younger, if determined by the ARD committee).*

Texas does not currently have a data collection mechanism in place. The State plans to develop and employ a statewide data collection system to incorporate the specific requirements of the State Performance Plan. This system will be designed to facilitate improvement at the statewide, regional, and district level. Training for use of the data system will be an integral part of the statewide training process for data collection on this indicator.

**Baseline Data for FFY 2004 (2004-05):**

Baseline data will be provided in the APR due February 2007.

**Discussion of Baseline Data:**

Not Applicable

FFY	Measurable and Rigorous Target
2005 (2005-06)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
2006 (2006-07)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2007</b> (2007-08)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2008</b> (2008-09)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2009</b> (2009-10)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.
<b>2010</b> (2010-11)	Measurable and rigorous targets will be provided in FFY 2005 APR due February 1, 2007.

**Improvement Activities/Timelines/Resources:**

Not Applicable

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / Effective Transition

**Indicator 14:** Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

Percent = # of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.

#### Overview of Issue/Description of System or Process:

**This indicator is new to the State Performance Plan and Annual Performance Report.**

#### Data Collection Activities for Baseline and Measurable Targets for FFY 2005 APR:

##### Texas Effectiveness Study Post-School Survey

The importance of measuring post-school outcomes has been a priority in Texas for several years. In 1990, the Texas Education Agency (TEA) began a Special Education Effectiveness Study. The coordination of this project was decentralized to Education Service Center, Region XI, in 1995. Several studies have been done over the years to look at the effectiveness of special education in preparing youth with disabilities for life after high school. After the Texas Self Assessment in December 2000, it was apparent that the project needed to be retooled in order to provide the relevant information and the sampling representation to address the state's needs in the continuous improvement process. A large allocation of resources was directed to the project to ensure integrity and reliability.

The primary purpose of the current Texas Effectiveness Study is to provide a clear measure of post-school results of youth with disabilities as they transition from high school to adult life. The information collected through the study is intended to assist with decisions made at the state and local level necessary to improve policy and practices leading to successful post-school outcomes for students served under IDEA.

#### Current Activities

- In order to build upon the knowledge collected from previous studies and to meet future needs for ongoing, continuous sources of data an ongoing "system" for collecting post-school outcome data was created.
- Annually, the system begins with the administration of a Grade-12 Exit survey proceeded with the administration of a Post-school survey within the first year of exiting high school in order to gather information about employment, independent living, social/recreation/leisure activities, and participation in post-secondary education/training. A second Post-school survey is administered at two years.

- Qualitative case studies are conducted on a select number of former students annually.
- An electronic, non-static, state level program evaluation report utilizing PEIMS and other data sources within TEA (Special Education Supplemental Report) is currently under development.
- Publish annual reports, conduct conference presentation, provide technical assistance, post information to the TEXASTRANSITION listserv, and develop a joint website with the decentralized Secondary Transition Network.

Additional information regarding the Texas Effectiveness may be found at <http://www.esc11.net/Depart/instruct/txeffstudy/default.htm>.

### ***The Current Statewide Sample***

In the state of Texas the total student enrollment is more than 4.3 million students. The total graduates for the class of 2003 equaled 238,109 of which 23,626 or 9.9% were special education graduates (<http://www.tea.state.tx.us/perfreport/aeis/2004/state.html>).

Every year approximately 10% of the exiting special education population and 1% of the exiting general education population will be included in the Texas Effectiveness Study (TES) statewide sample. Stratified random sampling methods are applied to the special education sample of students using the variables primary disability, gender, ethnicity, and region; representative of percentages at the state level for this population. The general and special education student samples have matched sample distributions on the variables gender, ethnicity, and region/community type.

Every exiting or Grade-12 population of students will be sampled on an annual basis. Once a year districts will be notified of their participation in the statewide sample. The statewide sample is completed by selecting students from both the special education and general education exiting or Grade-12 populations.

The information supplied to the TES for student sampling and identification comes from the fall attendance information for the previous year supplied through PEIMS, Information Analysis Division at TEA.

### ***Sampling Methodology***

Based on 03-04 grade 11 fall enrollment data an initial demographic profile was identified for the statewide special education population. Since comparable data is also collected through the TES, the PEIMS request included records for all students included in the fall enrollment. The total number of students enrolled was 267,682 of which 32,054 were students identified with disabilities. The special education sample was purposefully executed to be a representative sample of the statewide demographics for the exiting special education population in the areas of primary disability, gender, ethnicity, and region.

### ***Sample Size and Selection***

The initial sampling plan proposed utilizing approximately 10% of the exiting special education population in the statewide sample. Based on the class of 2003 there were 23,626 special education graduates which would translate to a sample of approximately 2363.

If a simple random sample were drawn from the population of exiting special education students using a 95% confidence level and a confidence interval of 4 only 589 individuals would be needed for the sample.

A stratified random sampling procedure was used to identify individuals for the statewide sample using the variables primary disability, gender, ethnicity, and region. The disability categories Auditory Impairment and Visual Impairment were over-sampled and Learning Disabled was purposefully under-sampled. No students were assigned the disability category Speech Impaired. The rationale for this

decision was based on the observation from the IEP folder review project that generally students with (09) Speech Impairment in Elementary School go back to the ARD Committee for a disability determination some time before reaching secondary grades and are either dismissed from speech services or there is a change in eligibility status from 09 to Learning Disability, etc.

**The total sample size for the Statewide Special Education 04-05 TES project year was 2665.** (Based on a population size of 32,054 and a population percentage of 9% the sample size of 2665 at a confidence level of 95% yields a confidence interval of +/-1).

Once individual students were randomly assigned via the random stratified sampling process a list of each student's corresponding region, district and campus was generated. The stratified sample ensures that all disability categories are represented in the sample and they are represented in "meaningful" numbers.

### ***Sampling Bias***

A sample stratified by primary disability, ethnicity, and gender is likely to be more representative than a random sample; that is have a lower sampling error or a higher confidence level. By using students as the primary unit for sampling (instead of district or campus), there is less bias (i.e. error) introduced in the selection process.

### ***General Education Sample***

The general education sample matched the special education sampling strata for gender and ethnicity. Individual students were randomly identified at the district level to match the same districts chosen for the special education sample.

### **Current Process**

#### **Grade-12 Exit Survey**

Prior to exiting high school a Grade-12 Exit Survey is administered to gain information regarding the student's education experience and to gather contact information that will be assist in locating the student.

#### **Post-School Survey**

One year following graduation or leaving high school each former student will be contacted by mail and given the opportunity to respond to a Post-School survey. Information to complete the survey online will also be available.

Students who do not respond to the first survey will receive a second notification by post card to respond to the survey. A final contact will be made by phone. At that time the student will be encourage to complete the survey over the phone.

Two years following graduation or leaving high school each former student will be contacted by mail and given the opportunity to respond to a Post-School survey. Information to complete the survey online will also be available. Again, students who do not respond to the first survey will receive a second notification by post card to respond to the survey. A final contact will be made by phone. At that time the student will be encourage to complete the survey over the phone.

After two years data collection will cease. The rationale for this decision is based on historical evidence that the attrition rate for conducting post-school follow-up increases dramatically after the second year that the cost benefit for continuing is counterproductive.

The procedures outlined above will be followed annually, for each exiting cohort of students, and include both the **general and special education samples** in order to provide comparable data.

### **Qualitative Case Study Interview**

Each year a sample of former students from both the general and special education students sample will be voluntarily selected for qualitative case study interviews. The case study interviews are an important component to this project for a number of reasons, a few of which include, they

- provide a face and a voice to the obscurity of quantitative data
- add another dimension to the interpretation and clarification of quantitative data
- provide an opportunity for additional perspectives to be explored (family, employer, educator, etc).

### **TES Mini-Grant Program**

The TES Mini-Grant program was developed to encourage districts (LEAs) to collect and utilize post-school outcome data as part of their own continuous improvement effort to “**improve results for students**” served under IDEA.

### **Seed Grants to Districts**

To encourage district participation in local post-school data collection efforts 2- year Mini-Grants were established, based on continued funding through the Texas Education Agency. Each year additional 2-year Mini-Grants will be awarded to approximately 5% of districts statewide who have not previously participated in the TES Mini-Grant program.

Districts who accept to participate in the TES Mini-Grant program agree to take part in post-school data collection for a 2-year cycle. Starting with a Grade-12 Exit survey to be administered before the first cohort of students leave high school and proceeding with the administration of the Post-school survey after the cohort of students leave high school.

Throughout the duration of the 2-year Mini-Grant cycle districts will receive technical assistance and training through the Texas Effectiveness Study decentralized project to implement and carry out activities for this program.

### **Recommendations for 05-06**

In order to lessen the burden on any one district there was not a concerted effort to focus in on a specific number of districts but to expand the opportunity for district participation. As a result 625 districts were identified to participate in the 04-05 project. Districts with an size less than 30 were asked to administer any where from 2 to 25 surveys depending on the total N size of the district. After the data was entered from the Grade-12 Exit surveys received in our office there were 733 of 5330 or less than 14% participation in administering the surveys to exiting individuals. This lessens the impact of pursuing individuals post-school.

So, even though the current sampling procedures are rigorous, introduce less bias in selection process, and lead to a more representative sample up front there is apparently a large gap in trying to be rigorous in methodology. Many of the initial issues of non-response and measurement error have been addressed through administrative processes, automation and accommodation of surveys, and revision of survey protocols. It is anticipated that throughout the evaluation process adaptations will be necessary and will be noted otherwise.

The state will continue with the current design of the TES for the next three year cycle for the current cohort of students. This will allow the state to honor the work to date. In order to align the current sampling design to the requirement that the state must also annually report to the public on the performance of each Part B district, a district sampling strata based on student population will be incorporated in the overall plan. Each year, within the time span of the State Performance Plan, a sample of districts in the State and all districts with an ADA of 50,000 or greater will first be identified before stratifying at the student level with regard to primary disability, gender and ethnicity. Additionally, the state will begin efforts to partner with General Education in order to capitalize on the investment the State is making to ensure success for all students.

## Sampling Plan Addendum

### District Strata (includes all districts and charter operators)

Strata	Student Population of School District (District Size)	Number of Districts	% of All Students
1	< 999	728	6.6%
2	1,000 – 4,999	342	17.8%
3	5,000 – 9,999	72	11.7%
4	10,000 - 24,999	45	16.8%
5	25,000 - 49,999	26	20.8%
6	50,000 +	14	26.4%

Each year, within the time span of the State Performance Plan, a sample of districts in the State and all districts with an ADA of 50,000 or greater will first be identified before stratifying at the student level with regard to primary disability, gender and ethnicity.

### Annual Random Selection without Replacement (Strata 1-5)

Strata	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
1	121	121	122	121	121	122
2	57	57	57	57	57	57
3	12	12	12	12	12	12
4	7	8	8	8	7	7
5	4	4	5	4	5	4
6	14	14	14	14	14	14
Annual District Sample Size	N=215	N=216	N=218	N=216	N=216	N=216

An annual random selection without replacement for strata 1-5 will occur to identify the districts included in the annual sample. Districts from strata 6 will be included annually.

#### Baseline Data for FFY 2004 (2004-05):

Baseline data will be provided in the APR due February 2008.

#### Discussion of Baseline Data:

Not Applicable

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2008.
<b>2006</b> (2006-07)	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2008.
<b>2007</b> (2007-08)	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2008.
<b>2008</b> (2008-09)	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2008.
<b>2009</b> (2009-10)	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2008.
<b>2010</b> (2010-11)	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2008.

**Improvement Activities/Timelines/Resources:**

Not Applicable

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

#### Measurement:

A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to monitoring priority areas and indicators.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to such areas.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc.) corrected within one year of identification:

- a. # of agencies in which noncompliance was identified through other mechanisms.
- b. # of findings of noncompliance made.
- c. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = c divided by b times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

#### Overview of Issue/Description of System or Process:

##### 2003-2004 Transition Year for Monitoring

Under the previous state monitoring system, approximately 165 local education agencies (LEAs) were scheduled to receive on-site visits in 2003-2004 based on a cycle system. Instead, these LEAs participated in the special education monitoring plan for 2003-2004. See flowchart of the 2003-2004 special education monitoring plan at <http://www.tea.state.tx.us/taa/comm020204a2.ppt>.

Under the special education monitoring plan for 2003-2004, graduated levels of intervention were implemented based on risk levels as determined by updated Data Analysis System (DAS) calculations. In addition to the 165 LEAs, a limited number of other LEAs were identified for intervention based on risk levels as reflected in DAS. Special education interventions will be implemented by the Division of Program Monitoring and Interventions.

- **Stage 1 Intervention** *Public Program Performance Review*: LEAs were required to gather public input on the effective operation and performance of the special education program through community focus groups and/or surveys that address a determined set of questions. The purpose of the review was to (1) conduct a needs assessment and gather feedback from community stakeholders on the operation of the special education program; (2) identify areas in need of improvement; (3) inform the process through the local review of student and program data; and (4) develop a continuous improvement plan (CIP) detailing results, measures, activities, resources, timelines, and follow-up activities should the timelines or results not be met. The Texas Education Agency (TEA) Division of Program Monitoring and Interventions reviewed the findings and CIP according to the decision-making flowchart.

More information on this stage of intervention is available on the TEA website at <http://www.tea.state.tx.us/pmi/spedmon/2004/pppr.html>

- **Stage 2 Intervention** *Focused Data Analysis and Public Program Performance Review*: The activities in the Stage 1 Intervention were conducted. Additionally, LEAs were required to conduct a data analysis and program review to determine factors contributing to DAS results outside the Stage 1 parameters and include results of the review in the CIP.

More information on this stage of intervention is available on the TEA website at <http://www.tea.state.tx.us/pmi/spedmon/2004/fda.html>

- **Stage 3 Intervention** *Focused Data Analysis and Public Program Performance and Corrective Action Review*: The activities in the Stage 1 and Stage 2 Intervention were conducted. Additionally, LEAs were required to complete a thorough review and update on the implementation of any corrective actions resulting from 00-01, 01-02, or 02-03 DEC visits and include results in the CIP.

More information on this stage of intervention is available on the TEA website at <http://www.tea.state.tx.us/pmi/spedmon/2004/car.html>

- **Stage 4 Intervention** *Focused Data Analysis and Public Program Performance and Compliance Review*: The activities in the Stage 1 and Stage 2 Intervention were conducted. Additionally, LEAs were required to complete a review of specified compliance indicators and include results in the CIP.

More information on this stage of intervention is available on the TEA website at <http://www.tea.state.tx.us/pmi/spedmon/2004/cr.html>

The 2003-2004 special education monitoring system required LEAs to include a systemic corrective action plan in the CIP for any identified noncompliance issues discovered during any activity for the stage of intervention. Documentation of specific compliance issues was included in TEA correspondence to districts regarding the status of the program review. The procedures used by TEA reviewers required contact with district personnel for follow-up verification of procedural and systemic corrective action implementation. Summative evaluations of systemic corrective action plans occurred in the late spring and early summer of 2005.

**Baseline Data for FFY 2004 (2004-05):**

As a result of the 2003-04 special education monitoring process and agency review, 32 LEAs were identified with 188 specific noncompliance issues. Within one year of identification of noncompliance issues, only one LEA had five specific noncompliance issues outstanding.

$$\frac{\text{Noncompliance issues identified}}{\text{Noncompliance issue outstanding after one year of identification}} * 100 = \text{Percent}$$

$$(188 / 183) * 100 = 97.3\%$$

**Discussion of Baseline Data:**

A procedure for escalated interventions has been implemented for any LEA that has not demonstrated that corrective action activities and correction of noncompliance have been completed within one year. Escalated interventions initially include, but are not limited to: frequent conference calls with LEA stakeholders involved in the implementation of corrective action activities, written status reports from the LEA, submission of LEA documents verifying implementation of corrective action activities, and on-site verification of compliance. Other escalated interventions may include: required technical assistance, special investigation and/or follow-up verification visits, public hearing conducted by the local board of trustees, assignment of a special purpose monitor or conservator; hearing before the commissioner of education or designee, and/or the withholding of funds.

FFY	Measurable and Rigorous Target
2005 (2005-06)	100% compliance with requirement for correction of non-compliance within one year of identification.
2006 (2006-07)	100% compliance with requirement for correction of non-compliance within one year of identification.
2007 (2007-08)	100% compliance with requirement for correction of non-compliance within one year of identification.
2008 (2008-09)	100% compliance with requirement for correction of non-compliance within one year of identification.
2009 (2009-10)	100% compliance with requirement for correction of non-compliance within one year of identification.
2010 (2010-11)	100% compliance with requirement for correction of non-compliance within one year of identification.

### **Improvement Activities/Timelines/Resources:**

The improvement activities related to an effective general supervision system are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 16: Complaints Timeline
- Indicator 17: Due Process Hearing Timeline
- Indicator 18: Early Resolution Session
- Indicator 19: Mediation Agreements

The data associated with the indicators above must be considered when addressing the effective general supervision indicator. Specific improvement activities related to these areas include:

### **State Supervision**

In Texas, the term “state supervision” refers to the State’s responsibility for a system that ensures all eligible children with disabilities have an opportunity to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). This system identifies and addresses deficiencies and areas of noncompliance and ensures correction in a timely manner. The functions of the state supervision system are the complaints resolution system, mediation, early resolution sessions, due process and monitoring.

Additionally, the Texas Education Agency (TEA) has implemented an internal strategy to ensure agency-wide collaboration and coordination regarding the implementation of monitoring, investigations, and interventions. When traditional methodologies fail to result in (1) improved performance of students, (2) fiscal management and/or program compliance, requiring additional interventions and/or sanctions, each division with accountability, monitoring, audit, and/or program compliance responsibilities brings the issue(s) in question to an agency-wide coordination group for discussion. This coordination group was established by the Commissioner to ensure agency-wide collaboration and coordination of (1) monitoring, (2) audits, (3) investigative, and (4) intervention and sanction activities.

The coordination group is called the Monitoring, Investigation, and Intervention Steering Committee (MIISC). The MIISC meets once a week to discuss issues that have escalated in either time and/or severity regarding student performance, fiscal management, or program compliance. The MIISC is comprised of TEA senior leadership, division directors, and division staff responsible for all agency monitoring, audits, investigations, and interventions. TEA personnel responsible for special education monitoring and oversight serve as members of MIISC.

### **State Supervision Data System**

The State is developing a four-phase technology project that is based on the following goals:



1. Centralize and coordinate disparate data sources concerning due process hearings, mediations, complaints, performance-based monitoring activities and general correspondence.
2. Integrate and analyze data to establish district profiles.
3. Determine and analyze data-driven trends at district, regional and state levels.
4. Interact with LEAs, track intervention activities, monitor LEA progress and maintain continuous improvement plans.

In order to accomplish these goals, we have broken the tasks into four distinct, yet integrated technology applications. The four applications are detailed as follows:

1. **Special Education Ad hoc Reporting System (SPEARS):** This application is a web-based reporting tool designed to allow users the ability to access and analyze data related to special education in the state of Texas. The data provided is collected from disparate data sources throughout the agency and includes data based on the following categories:
  - a. Child Count
  - b. Instructional Setting
  - c. Disproportionality
  - d. Exit
  - e. Disciplinary Action
  - f. Extended School Year

When fully implemented, this application will provide dynamic and meaningful reports on special education data at the district, regional and state level. SPEARS can be accessed on the TEA website at <http://hancock.tea.state.tx.us/tea.spears.web/>.

2. **Dispute Resolution and Communications Management:** This web-based application is designed to centralize data related to dispute resolution issues and to general correspondence received by the department. The system will allow TEA internal users to log, track and correlate individual dispute resolution items as well as consolidate data so that district, regional and state trends can be more easily detected and analyzed. Additionally, the system will log and track general communication, including written correspondence and telephone calls, which will facilitate the creation of frequently asked questions (FAQ) and technical assistance documentation.
3. **Performance-Based Monitoring System:** This application will automate and extend the current model used for performance-based monitoring. The system will automatically determine district intervention levels based on pre-defined indicator thresholds and cut points. The system will be used to communicate these findings with districts and provide them an interface to successfully manage intervention activities and develop and maintain continuous improvement plans.
4. **State Supervision Activities:** This final stage of the project will be a combination of data analysis tools that will monitor data and alert internal users of any potential concerns and will portray the trends found at the district, regional and state levels. Additionally, the reporting tools developed in this phase will integrate data from several disparate data sources across the agency to create district profiles for internal and external use.

It will be some time before the State Supervision Activities system will be in place to provide an automated, overarching overseer of all the data collected within the applications previously described. However, the development and implementation of the Dispute Resolution Management application will allow the state to interface data from complaints, mediation, and due process with the current monitoring data system, providing the state with immediate and actionable findings.

### **Performance-Based Monitoring**

In 2004-2005, the TEA implemented a system in which all LEAs are reviewed and evaluated every year for levels of concern related to specific program effectiveness and student performance indicators as reflected in the Performance-Based Monitoring Analysis System (PBMAS). The results of this analysis, as opposed to a cyclical schedule, are used to select LEAs for intervention.

Additionally, in 2004-2005, the activities required at each stage of intervention were revised slightly, and an additional activity, the *Program Effectiveness Review*, was added to the system of interventions. As part of the *Program Effectiveness Review*, additional data-gathering activities are implemented for identified LEAs related to establishment of LEA systems, provision of services, least restrictive environment, surrogate parents, and suspension and expulsion. The purpose of the *Program Effectiveness Review* is to point out data trends, systemic program issues, and/or areas of noncompliance with program requirements which are to be addressed through improvement planning.

Moreover, additional validation activities have been added to the system as it relates to interventions undertaken by LEAs in 2004-2005. The TEA will conduct on-site system validation and data verification activities to ensure the accuracy of data in the system and the appropriate implementation of intervention activities.

As referenced in the *Discussion of Baseline Data* section, escalated interventions are in place for LEAs with continuing noncompliance issues. Also, for the 2004-2005 monitoring year, the Texas Youth Commission (TYC) was required to engage in data-gathering activities related to the provision of related services. Citations related to 34 Code of Federal Regulations (CFR) §§300.347(a)(3); 300.350(a)(1); 300.551(a); and 300.552(b)(2) were identified, and a plan for correction was included in a required continuous improvement plan that was submitted to the agency. Agency staff will engage in frequent follow-up activities with the TYC to determine the status of corrective action activities. TYC personnel will be required to submit documentation verifying the completion of corrective action activities and corrected noncompliance.

During the 2004-2005 program year, certain LEAs also were identified with findings of noncompliance based on the investigation of a system-level least restrictive environment complaint. These LEAs were required to identify goals, activities, and timelines in a continuous improvement plan to address the complaint finding and correct the noncompliance. Additionally, agency staff members have engaged in follow-up activities, and verification and documentation of corrective actions will be required within the one-year timeline.

For more information see: <http://www.tea.state.tx.us/pmi/spedmon/2005/>.

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 16:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100.

#### Overview of Issue/Description of System or Process:

The State began improvement planning in regard to the complaint resolution process after the State's Continuous Improvement Monitoring Process (CIMP) self assessment in December 2000. The State Supervision Improvement Planning Group advised the State in the development of an improvement plan that is available on the TEA website at <http://www.tea.state.tx.us/special.ed/tcip/gs.html>.

As a result of the State's federal monitoring visit in May of 2002, the State's complaint resolution process was identified as an area of noncompliance. Specifically the monitoring report stated:

"The Complaint Resolution Process fails to meet the requirements of 34 CFR §§300.660-300.662."

Throughout the improvement planning activities associated with the state supervision system, which includes the complaints resolution system, the timeline issues were addressed. When the State submitted the Annual Performance Reports for 2002-2003 and 2003-2004, the data indicated that the State had addressed the issue of compliance with timelines.

In April of 2004, the State began to address the underlying concerns identified through continuous improvement with the complaint resolution process including, but not limited to:

- Appropriate and consistent identification and notification of complaints to the parties involved; and
- Appropriate and consistent investigations and the development of investigative reports.

Activities associated with addressing these concerns included:

- Review and revision of the complaint resolution procedures;
- Development of a process by which complaint review and identification of allegations, as well as development of the investigative report, are completed by a panel of investigators;
- Development of a process for TEA legal staff advisement in complaint investigations, when appropriate; and
- Development of an automated data collection system for managing and monitoring the complaints resolution process.

During the review and revision of the complaint resolution process, the early resolution process has been defined and developed to expand the State's complaint resolution continuum. In addition to expediting the resolution of a dispute and maintaining the requirements of the federal regulation, the local education agency has more direct involvement in reaching resolution.

All of this information and the following data was shared with the Texas Steering Committee (TSC) during the January 2006, meeting. The TSC was supportive of the activities and accomplishments associated with the complaint resolution system and looks forward to the continued positive results associated with the integrity of this system.

**Baseline Data for FFY 2004 (2004-05):**

**Complaint Investigation Timeline, 2004-05**

(1) Signed, written complaints total	485
(1.1) Complaints with reports issued	183
(a) Reports with findings	129
(b) Reports within timeline	14
(c) Reports within extended timelines	0

Source | Texas Education Agency, 2004-05 State Supervision Data

**Measurement** | (1.1(b) + 1.1(c)) divided by (1.1) times 100 = Percent

$$((14 + 0) / 183) * 100 = 7.6\%$$

**Discussion of Baseline Data:**

Due to the time intensive nature of this major overhaul and refinement of the state's complaint resolution process, the State did not complete all investigations in the sixty-day timeframe. Out of 129 investigative reports (IR) with findings, 115 were issued beyond the 60 day timeline. Due to the compromised timelines during 2004-2005, no timelines were extended (see Attachment 1).

As of December 31, 2005, all of the outstanding complaints have been resolved. Additionally, the review and revision of the complaint resolution procedures have resulted in an improved system that includes processes to ensure complaints are resolved in the 60-day timeline. The revised system includes criteria for extensions to the timeline.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	100% of all signed written complaints with reports issued will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
<b>2006</b> (2006-07)	100% of all signed written complaints with reports issued will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
<b>2007</b> (2007-08)	100% of all signed written complaints with reports issued will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

FFY	Measurable and Rigorous Target
<b>2008</b> (2008-09)	100% of all signed written complaints with reports issued will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
<b>2009</b> (2009-10)	100% of all signed written complaints with reports issued will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
<b>2010</b> (2010-11)	100% of all signed written complaints with reports issued will be resolved within the 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

**Improvement Activities/Timelines/Resources:**

The improvement activities related to an effective general supervision system are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 15: Effective General Supervision
- Indicator 17: Due Process Hearing Timeline
- Indicator 18: Early Resolution Session
- Indicator 19: Mediation Agreements

The data associated with the indicators above must be considered when addressing the complaints timeline indicator. Specific improvement activities related to these areas can be found in Indicator 15.

Specific to Indicator 16, as previously stated, the concerns regarding the complaint process timelines have been addressed.

Continuous improvement activities in this area have been and will continue to be ongoing through the 2010-2011 school year. Specific plans include:

- Continued review and revision to the complaint procedures as needed to ensure a neutral, consistent, and responsive process.
- Management of complaint timelines to ensure signed written complaints will be resolved within the 60-day timelines or a timeline extended for exceptional circumstances with respect to a particular complaint.
- Continued refinement of complaint processes related to development of investigative reports, correspondence with complaint parties, and follow-up on corrective actions associated with complaints.
- TEA Division of IDEA Coordination staff members have attended trainings associated with facilitating admission, review, and dismissal (ARD) committee meetings. This information as well as the early and local dispute processes will be used to train staff at education service centers in an effort to enhance their technical assistance to local education agencies in resolving and preventing disputes.

Dispute Resolution Processes (complaints, mediation, and due process hearings):

- Beginning in January, TEA staff associated with the processes in the Dispute Resolution Processes will work with representatives from the Consortium for Appropriate Dispute Resolution in Special Education (CADRE). The purpose of this activity is to continue our work toward an integrated approach to managing and improving state dispute resolution and agreement-reaching systems.
- Development of additional information, guidance, and resources regarding all dispute resolution processes will be added to the TEA website during the spring of 2006.

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 17:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

Percent = (3.2(a) + 3.2(b)) divided by (3.2) times 100.

#### Overview of Issue/Description of System or Process:

In managing the State's due process hearing system, the Texas Education Agency (TEA) continuously monitors special education hearing officer (SEHO) dockets to assure compliance with timelines. On a weekly basis the TEA Docket Administrator emails a copy of each hearing officer's docket to the hearing officer. Cases in which a deadline is forthcoming in the following week are highlighted, thus alerting the hearing officer that TEA must receive either a final decision or an order of continuance in the case no later than the highlighted date on the special education hearings docket.

If an extension of time is granted, the hearing officer must issue a written order identifying the good cause grounds for the extension, the specific number of days of extension that the hearing officer is granting, and the date by which the final decision must be reached. The date by which the final decision must be reached shall be determined by adding the number of days of extension that are granted by the hearing officer to the original 45-day period. The hearing officer must submit a copy of the order of continuance to the TEA Docket Administrator for entry onto the special education hearings docket.

The TEA monitors the date decisions are due and makes contact with the hearing officer before the deadline to assure that the decision will be issued on or before the deadline. Implementation of decisions adverse to local education agencies (LEAs) is managed by the TEA Division of IDEA Coordination.

Effective management of the State's due process hearing system is emphasized in the hiring process for hearing officers. TEA publishes a request for proposal (RFP) advertising for "Independently Contracted Special Education Hearing Officers" which contains as a job requirement compliance with the 45-day deadline for issuing final decisions.

The most recent RFP was published in July 2003, contracts with TEA began on September 1, 2003. The contracts were extended through August 31, 2004, with the option for TEA to extend the contracts for up to two years. Contained within Section One of the RFP are the following Clauses:

#### 1.5 PROJECT DESCRIPTION AND REQUIREMENTS

The following are the job requirements of a special education hearing officer:

- F. A hearing officer must comply with all legal and contractual timelines, including but not limited to:

1. rendering a final written decision disposing of all issues raised by the parties in a hearing **not later than the 45th day following the date on which the request for hearing was filed with TEA, unless the hearing officer has, for good cause, granted a specific extension of time beyond the 45-day timeframe** at the request of either party, in which case the final written decision disposing of all issues must be rendered by the date identified in the order extending the 45-day timeframe (see Competitive Requirements for Special Education Hearing Officers for more specific requirements regarding the granting of an extension of time by a hearing officer);

## 1.6 COMPETITIVE REQUIREMENTS FOR SPECIAL EDUCATION HEARING OFFICERS

### A. Timeliness.

Federal law specifies that the final decision of the hearing officer must be reached and mailed to the parties **not later than 45 days after the receipt by TEA of a request for due process hearing**, unless the hearing officer grants a specific extension of time at the request of either party. 34 C.F.R. §300. 511. Texas law specifies that extensions of time are only permitted upon the finding of “good cause” by the hearing officer. 19 Tex. Admin. Code §89.1185(o). No waiver of the 45-day timeline will be permitted. If an extension of time is granted, the hearing officer must issue a written order identifying (i) the good cause grounds for the extension, (ii) the specific number of days of extension that the hearing officer is granting, and (iii) the date by which the final decision must be reached. The date by which the final decision must be reached shall be determined by adding the number of days of extension that are granted by the hearing officer to the original 45-day period.

The evaluation of hearing officers who apply to renew contracts with the TEA includes a section on compliance with the 45 day rule as indicated in the charts below:

*In the most recent 2 years, the candidate wrote decisions within 45 days from the date of filing. The scale is determined from the last day of the hearing.*

Rank	Criteria
6 (high)	90-100 % of decisions are <=45 days and no decision exceeds 60 days from the last day of the hearing
5	70-89% of decisions are <=45 days and no decision exceeds 60 days from the last day of the hearing
4	50-69% of decisions are <= 45 days and no decision exceeds 60 days from the last day of the hearing
3	< 50% of decisions are <=45 days and no decision exceeds 60 days from last day of the hearing
2	One decision exceeds <b>60</b> days from the last day of the hearing, regardless of any percentage
1 (low)	More than one decision exceeds <b>60</b> days from the last day of the hearing, regardless of any percentage

Candidate	Total # Decisions	<=45 days	46-60 days	> 60 days	RANK
				0	
				0	

Capacity building needs identified for impartial hearing officers this year included implementation of the requirements of Individuals with Disabilities Education Improvement Act, 2004 (IDEA 2004), building the resolution session into the due process timeline, and the sufficiency of pleadings as required by U.S.C. §1415(b)(70(B)(a).

Hearing officers were provided continuing legal education training on January 9, 2006, to address these specific issues. Hearing officers are required, pursuant their contracts with TEA, to attend training provided by TEA three times annually at which licensed attorneys representing school districts, parents, the Office of the Attorney General, and other entities provide continuing legal education. Additionally, hearing officers are required to attend one conference annually at which the focus of the training is special education or administrative law where the hearing officer receives no less than 10 hours of continuing legal education.

**Baseline Data for FFY 2004 (2004-05):**

**Due Process Hearing Timeline, 2004-05**

(3) Hearing requests total	425
(3.2) Hearings (fully adjudicated)	58
(a) Decisions within timeline	5
(b) Decisions within extended timeline	53

Source | Texas Education Agency, 2004-05 State Supervision Data

**Measurement** | (3.2(a) + 3.2(b)) divided by (3.2) times 100 = Percent

$$((5 + 53) / 58) * 100 = 100\%$$

**Discussion of Baseline Data:**

The number of Due Process Hearing requests increased in 2004-2005 to 425 from the previous year's total of 387. However, the State entered 2004-2005 with 98 hearings pending from 2003-2004. As referenced in the March 2005 Annual Performance Report (APR), the total number of adjudicated hearings has decreased from 73 to 58 in 2004-2005. Of the 58 adjudicated hearings, five were conducted within the 45-day timeline, with 53 hearings having extended timelines.

In 2004-2005, 367 disputes were resolved without going to hearing. With the new early resolution session process and the other alternatives in the dispute resolution continuum, the State plans to more fully examine the breakdown of data regarding disputes not resulting in an adjudicated due process hearing.

Expedited hearing requests related to disciplinary actions were minimal with only one being fully adjudicated. The State will continue to monitor this data.

FFY	Measurable and Rigorous Target
2005 (2005-06)	The State will demonstrate 100% compliance with this indicator.
2006 (2006-07)	The State will demonstrate 100% compliance with this indicator.
2007 (2007-08)	The State will demonstrate 100% compliance with this indicator.
2008 (2008-09)	The State will demonstrate 100% compliance with this indicator.
2009 (2009-10)	The State will demonstrate 100% compliance with this indicator.
2010 (2010-11)	The State will demonstrate 100% compliance with this indicator.

**Improvement Activities/Timelines/Resources:**

The improvement activities related to an effective general supervision system are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 15: Effective General Supervision
- Indicator 16: Complaints Timeline
- Indicator 18: Early Resolution Session
- Indicator 19: Mediation Agreements

The data associated with the indicators above must be considered when addressing the complaints timeline indicator. Specific improvement activities related to these areas can be found in Indicator 15.

Specific to Indicator 17, the TEA will continue to work with the hearing officers in regard to training and activities related to improvement of the process and adherence to the timelines.

Dispute Resolution Processes (complaints, mediation, and due process hearings):

- Beginning in January, TEA staff associated with the processes in the Dispute Resolution Processes will work with representatives from the Consortium for Appropriate Dispute Resolution in Special Education (CADRE). The purpose of this activity is to continue our work towards an integrated approach to managing and improving state dispute resolution and agreement-reaching systems.
- Development of additional information, guidance, and resources regarding all dispute resolution processes will be added to the TEA website during the spring of 2006.

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 18:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416(a)(3(B))

#### Measurement:

Percent = 3.1(a) divided by (3.1) times 100.

#### Overview of Issue/Description of System or Process:

### This indicator is new to the State Performance Plan and Annual Performance Report.

The Texas Education Agency (TEA) has not, at this time, provided statewide guidance or training to local education agencies (LEAs) in the implementation of the resolution session process. There are no state policies or procedures in place for resolution sessions, including settlement agreements. TEA is following the Individuals with Disabilities Education Improvement Act, 2004 (IDEA 2004) and will adopt state rules following final adoption of federal regulations.

Impartial special education hearing officers are currently responsible for assuring that each party to a due process hearing is aware of the requirement that the LEA must convene a meeting with the parents of the child who is the subject of the requested hearing and the relevant members of the individualized education program (IEP) team. This information is conveyed to both parties during the transcribed telephone pre-hearing conference call required by State Commissioner's rules. Also during the same pre-hearing conference call the hearing officer notifies all parties that if the LEA has not resolved the issue to the satisfaction of the parent within 30 days of the receipt of the request for hearing that the due process hearing moves forward. The hearing officer further informs both parties at the pre-hearing conference that the parent may choose to waive the resolution session meeting and move forward with the due process hearing, or they may waive the resolution session and choose to attempt to resolve the dispute through mediation. Either choice of waiver by the parent must be in writing.

Special education hearing officers were provided training on the purpose of the resolution session and the timelines for the resolution session during continuing legal education training sessions provided by TEA in September 2005 and January 2006.

The data related to this indicator will be included in the same automated data collection system that will be used to centralize and coordinate disparate data sources concerning due process hearings, mediations, and complaints.

The State believes that the newly required resolution session will be a valuable addition to the dispute resolution continuum. The resolution session will be included in the technical assistance activity with representatives from the Consortium for Appropriate Dispute Resolution in Special Education (CADRE) planned for February 2006. The purpose of this activity is to continue the state's work towards an integrated approach to managing and improving state dispute resolution and agreement-reaching systems.

**Baseline Data for FFY 2004 (2004-05):**

Baseline data will be provided in the 2005 APR due February 2007.

**Discussion of Baseline Data:**

Not Applicable

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005 (2005-06)</b>	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2007.
<b>2006 (2006-07)</b>	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2007.
<b>2007 (2007-08)</b>	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2007.
<b>2008 (2008-09)</b>	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2007.
<b>2009 (2009-10)</b>	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2007.
<b>2010 (2010-11)</b>	Measurable and rigorous targets will be provided in FFY 2006 APR due February 1, 2007.

**Improvement Activities/Timelines/Resources:**

Not Applicable

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 19:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

**Measurement:**

Percent =  $(2.1(a)(i) + 2.1(b)(i))$  divided by  $(2.1)$  times 100.

**Overview of Issue/Description of System or Process:**

In the August 2003 Texas Education Agency (TEA) reorganization, the mediation process was moved to the TEA Division of Legal Services. This relocation resulted in a closer alignment of mediation with the Due Process system. Additionally, the TEA Division of Legal Services has worked closely with the TEA Division of IDEA Coordination in aligning the State's dispute resolution continuum.

Mediators are chosen through the same process as special education hearing officers. Many of these individuals serve in a dual role. This has been a positive change in the mediation process. In addition to mediators having mediation certification, they also have knowledge of special education and associated rules and regulations.

As each request for a due process hearing is received by TEA the request is forwarded to the TEA Mediation Coordinator who contacts both parties to the hearing. Each party is asked to consider mediating the dispute. If both parties agree a TEA mediator is assigned. Contact information for each party is faxed by TEA to the assigned mediator. At this point the mediator manages the mediation with no further assistance from TEA.

The TEA also receives requests directly from either a parent or a local education agency (LEA) requesting mediation. In such instances the parties are not involved in a due process hearing. The TEA mediation coordinator receives the request and calls the non-requesting party asking if they will agree to mediate the dispute. If the non-requesting party agrees, the TEA assigns a mediator and the mediation follows the same process as mediations conducted as a result of due process hearings.

Mediations are not on a set timeline; however, a basic purpose of mediating any dispute is to resolve the dispute faster than going through the due process hearing system. Most mediations are concluded in less than 21 days.

All mediators sign contracts which require that they participate in three continuing legal education training sessions annually provided by TEA. Mediators must also attend one national training at which they receive continuing legal training.

Historically, TEA has neither asked nor required parties in mediation to provide copies of their written agreements to TEA or its mediators. The TEA believes that collecting copies of mediation agreements would cause the parties to have added concerns about confidentiality and negatively influence the parties' view of mediation as a process they own and control.

**Baseline Data for FFY 2004 (2004-05):**

**Mediation Agreements, 2004-05**

(2) Mediation requests total	259
(2.1) Mediations	
(a) Mediations related to due process	164
(i) Mediation agreements	124
(b) Mediations not related to due process	91
(i) Mediation agreements	71

Source | Texas Education Agency, 2004-05 State Supervision Data

**Measurement** | (2.1(a)(i) + 2.1.(b)(i)) divided by (2) times 100 = Percent

$$((124 + 71) / 259) * 100 = 75.3\%$$

**Discussion of Baseline Data:**

The data indicate that 75.3% of the mediations held in 2004-2005 resulted in agreements. In both mediations related and not related to due process hearings, the number of mediations and associated agreements increased in 2004-2005.

The State is projecting a 10% increase in mediation agreements over the six years of the State Performance Plan (SPP). This target will be monitored over time in relation to the new requirement of resolutions required for due process filings and the new options associated with the complaint process for early resolution.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-06)	Increase the percent of mediations held that result in mediation agreements by 1.66% over the previous year.
<b>2006</b> (2006-07)	Increase the percent of mediations held that result in mediation agreements by 1.66% over the previous year.
<b>2007</b> (2007-08)	Increase the percent of mediations held that result in mediation agreements by 1.66% over the previous year.
<b>2008</b> (2008-09)	Increase the percent of mediations held that result in mediation agreements by 1.66% over the previous year.

FFY	Measurable and Rigorous Target
2009 (2009-10)	Increase the percent of mediations held that result in mediation agreements by 1.66% over the previous year.
2010 (2010-11)	Increase the percent of mediations held that result in mediation agreements by 1.66% over the previous year.

**Improvement Activities/Timelines/Resources:**

The improvement activities related to an effective general supervision system are interrelated to several other indicators in the State Performance Plan (SPP) including:

- Indicator 15: Effective General Supervision
- Indicator 16: Complaints Timeline
- Indicator 17: Due Process Hearing Timeline
- Indicator 18: Early Resolution Session

The data associated with the indicators above must be considered when addressing the mediations agreement indicator. Specific improvement activities related to these areas can be found in Indicator 15.

**Dispute Resolution Processes** (complaints, mediation, and due process hearings):

- Beginning in January 2006, TEA staff associated with the processes in the Dispute Resolution Processes will work with representatives from the Consortium for Appropriate Dispute Resolution in Special Education (CADRE). The purpose of this activity is to continue our work towards an integrated approach to managing and improving state dispute resolution and agreement-reaching systems.
- Development of additional information, guidance, and resources regarding all dispute resolution processes will be added to the TEA website during the spring of 2006.

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

## Part B State Performance Plan (SPP) for 2005-2010

### Monitoring Priority: Effective General Supervision Part B / General Supervision

**Indicator 20:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

#### Measurement:

State reported data, including 618 data and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and
- b. Accurate (describe mechanisms for ensuring accuracy).

#### Overview of Issue/Description of System or Process:

##### Person Identification Database (PID) system

The Person Identification Database (PID) system is used by the Texas Education Agency (TEA) to manage and store identifying information on individuals who are reported to TEA through the Public Education Information Management System (PEIMS). The PID system includes records for students and teachers. The purpose of the PID system is to ensure that each time data are collected for the same individual, certain pieces of basic identifying information match. The PID system used at TEA verifies that social security number (or alternative ID), last name, first name, and date of birth match on every record submitted for an individual. The PID system allows linking of data across data collections with greater confidence. It also provides a unique identifying number for each individual that can be used to maintain the confidentiality of personally identifiable data. Other Texas state agencies and education agencies in other states that collect data on individuals use similar systems to manage identifying information.

With each PEIMS data submission districts receive diagnostic reports of PID errors. A PID error is reported if enough of the identifying information for an individual matches an existing PID record to suggest that this is the same individual, but one or more required elements do not match. For example, a record submitted with the same social security number but different last name from a record in the PID file would produce a PID error. (There is a mechanism for requesting a change to PID information during submission.) The PID error lists are sent to districts as warning messages. Districts are requested but not required to submit corrections for records listed with warning messages. Some PEIMS data edits trigger fatal errors, requiring districts to correct the data before it can be submitted.

Although the overall PID error rate for the state has declined with each data submission, PID errors continue to plague efforts to link data across two or more data submissions. The introduction of longitudinal performance measures of school completers and school leavers requires linking many years of data. In addition, with increased reliance on desk audits of district leaver data submissions that require linking to prior year data, accuracy of the PID information has become more critical.

##### Data Collection and Reporting

The Division of IDEA Coordination is required to submit Annual Federal Data Reports (618 data) and Annual Performance Reports in a timely and accurate manner. The Division uses data gathered annually from local education agencies (LEAs) through PEIMS.

The Division's IDEA-B Data Manager is responsible for facilitating the completion of the Annual Federal Data Reports (AFDR) and the data components of the Annual Performance Reports. Upon receipt of the data reporting forms, Division staff follow procedures to ensure that data reporting instructions and data requirements are reviewed. Prior to submission, data reports are checked against the previous year's reports for potential errors in the current year's report.

**Baseline Data for FFY 2004 (2004-05):**

**Federal Data Report Submissions**

<b>Federal Data Report</b>	<b>Deadline</b>	<b>TEA Submission</b>
AFDR   Child Count and Education Environment	February 1, 2005	March 24, 2005*
2004 Annual Performance Report	March 31, 2005	March 31, 2005
AFDR   Discipline, Personnel, Exit	November 1, 2005	November 1, 2005

**\*Note:** Texas submits its February AFDR in March due to data availability issues. Current year PEIMS data are available for reporting purposes the first week of March. The USDE Office of Special Education Programs (OSEP) has recognized this issue and continues to grant the State an extension to the February 1 deadline.

**Discussion of Baseline Data:**

The Division of IDEA Coordination has procedures in place to report data as accurately and timely as possible. The State's data management system, PEIMS, continues to be a quality data source with high integrity.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-06)	The State will demonstrate 100% compliance in its reporting requirements as well as continue to ensure accurate and timely reporting.
<b>2006</b> (2006-07)	The State will demonstrate 100% compliance in its reporting requirements as well as continue to ensure accurate and timely reporting.
<b>2007</b> (2007-08)	The State will demonstrate 100% compliance in its reporting requirements as well as continue to ensure accurate and timely reporting.
<b>2008</b> (2008-09)	The State will demonstrate 100% compliance in its reporting requirements as well as continue to ensure accurate and timely reporting.
<b>2009</b> (2009-10)	The State will demonstrate 100% compliance in its reporting requirements as well as continue to ensure accurate and timely reporting.
<b>2010</b> (2010-11)	The State will demonstrate 100% compliance in its reporting requirements as well as continue to ensure accurate and timely reporting.

**Improvement Activities/Timelines/Resources:**

- The IDEA-B Data Manager will continue to attend OSEP sponsored conferences on data reporting and seek technical assistance from WESTAT as needed.
- The TEA Division of IDEA Coordination will continue to disseminate data to stakeholders statewide via the TEA website:
  - Annual Federal Data Reports <http://www.tea.state.tx.us/special.ed/afdr/>
  - Annual Performance Reports <http://www.tea.state.tx.us/special.ed/apr/>
  - State Performance Plan <http://www.tea.state.tx.us/special.ed/spp/>
- Processes for collecting and reporting data are evaluated after each annual federal data report submission.

Improvement activities associated with this indicator will be ongoing through the 2010-2011 school year.

**Part B – SPP /APR Attachment 1 (Form)**

**Report of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act Complaints, Mediations, Resolution Sessions, and Due Process Hearings**

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	485
(1.1) Complaints with reports issued	183
(a) Reports with findings	129
(b) Reports within timeline	14
(c) Reports within extended timelines	0
(1.2) Complaints withdrawn or dismissed	289
(1.3) Complaints pending	13
(a) Complaint pending a due process hearing	12

SECTION B: Mediation requests	
(2) Mediation requests total	259
(2.1) Mediations	
(a) Mediations related to due process	164
(i) Mediation agreements	124
(b) Mediations not related to due process	91
(i) Mediation agreements	71
(2.2) Mediations not held (including pending)	4

SECTION C: Hearing requests	
(3) Hearing requests total	425
(3.1) Resolution sessions	0
(a) Settlement agreements	0
(3.2) Hearings (fully adjudicated)	58
(a) Decisions within timeline	5
(b) Decisions within extended timeline	53
(3.3) Resolved without a hearing	367

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	2
(4.1) Resolution sessions	0
(a) Settlement agreements	0
(4.2) Expedited hearings (fully adjudicated)	1
(a) Change of placement ordered	1