TEXAS EDUCATION AGENCY
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Special Education Monitoring
Nonpublic School Review Process

Guidance for Local Education Agencies with Students Placed in a Day and/or Residential Nonpublic School that is Due for Reapproval

Introduction/Overview

The TEA is required to approve nonpublic schools through a review of both day and residential nonpublic programs with which local education agencies (LEAs) may contract for special education instruction and related services. This process is applicable to all LEAs with students placed in a day and/or residential nonpublic school that is due for reapproval.

Completing the Self-Analysis

Step 1:

The documents required to be completed and submitted by the LEA are available on the LEA's templates page of the *Intervention Stage and Activity Manager* (ISAM) application within the Texas Education Agency Secure Environment (TEASE). These documents also are on the **Nonpublic School Guidance and Resources for Special Education webpage**, which is located on the Program Monitoring and Interventions website at: http://www.tea.state.tx.us/pmi and selecting the **Special Education Nonpublic Monitoring** link then selecting the guidance and resources link.

Download the following self-analysis documents:

- Compliance Review (PDF);
- LEA Assurance Checklist for Contracting with a Nonpublic School template (PDF);
- Documentation of LEA Visit to the Nonpublic School (PDF); and
- Longitudinal History of Individual Student Progress (Microsoft Excel document).

Completing the Compliance Review

Step 1: The LEA must assemble a review team that includes an LSSP/diagnostician, special education teacher familiar with the student, administrator, and a nonpublic school representative. The LEA may add additional team members as appropriate.

Step 2: To conduct the compliance review, select the appropriate student folder(s) for all LEA student(s) attending the nonpublic school.

Step 3: **Conducting the Compliance Review**

Conduct a compliance review using the Legal Framework, IDEA 2004; the Special Education Rules and Regulations Side-by-Side, January 2010; and the IDEA 2004 Federal Regulations, as appropriate, as guides to state and federal requirements. The Legal Framework, IDEA 2004, is accessible at http://framework.esc18.net. After clicking on a Legal Framework link, click the <Continue> button on the home page to access the topical areas contained in the framework. For assistance in navigating the Legal Frameworks, contact your ESC monitoring contact at the link shown above under ESC Technical Assistance. The IDEA 2004 Federal Regulations are accessible at http://www.tea.state.tx.us/special.ed/rules/pdf/idea06.pdf.

The LEA should review the requirements contained in the references above and make a determination regarding whether student-specific documentation is in compliance and whether the determinations of the admission, review, and dismissal (ARD) committee are being implemented appropriately. Review the Legal Framework, IDEA 2004, the Texas Education Code (TEC), and Texas Administrative Code (TAC) as guides to state and

federal requirements and make a determination regarding whether the LEA is in compliance with state and federal rules and regulations. For each general topic area listed in the Legal Framework, review all the applicable subtopics. Complete all items within each section (including: noncompliance identified yes/no, number of student folders reviewed, number of folders with noncompliance, and description of noncompliance, if applicable). If noncompliance is found, enter a detailed description of the noncompliance in the space provided. Corrective actions to address noncompliance must be included in the CAP.

Completing the LEA Assurance Checklist for Contracting with a Nonpublic School

The LEA must determine if the nonpublic school has a system in place that addresses the items listed in the document. Check "Yes" or "No" to indicate if the LEA assures that nonpublic school is in compliance with state and federal requirements.

Completing the Documentation of LEA Visit to the Nonpublic School

For each year the LEA conducted a visit to the nonpublic school, enter the date of the visit, the LEA participants, and identify if the nonpublic is in compliance with the requirements listed by checking "Yes" or "No". If the LEA did not conduct an annual visit for a particular school year because no students were placed in the nonpublic school, check the appropriate box.

Completing the Longitudinal History of Individual Student Progress Workbook

Step 1: To complete the *Longitudinal History of Individual Student* Progress workbook, assemble a review team that includes an LSSP/diagnostician, special education teacher familiar with the student, administrator, and a nonpublic school representative. The LEA may include additional team members as appropriate.

Step 2: The LEA must enter information on the *Longitudinal History of Individual Student* Progress workbook for <u>each</u> student placed in the nonpublic school. For each student, collect the following information: current full and individual evaluation (FIE) and ARD documents for the past three years.

Step 3: Complete the worksheet titled *Demographic Data* by entering the LEA name and CDN in row two; the nonpublic school name and the date this document is completed/submitted in row number three. List all of the students sent to the nonpublic school in subsequent rows, and enter all the requested information for the students in columns B through H. Student name and student ID number (PEIMS code) will be automatically populated in subsequent worksheets.

Step 4: After completing the *Demographic Data* worksheet, complete the *2010-2011* worksheet. Student information (columns A and B) will automatically be populated based on data entered in the *Demographic Data* worksheet. Enter requested information for each student based on the identified needs of that student. Enter

present level of academic achievement and functional performance (PLAAFP) for each area as appropriate (academic, vocational, behavior, etc.). Enter annual goals for each area, and specific related services provided. Information about behavior needs is requested in columns C-I, career/vocational needs in columns J-Q, academic needs in columns R-Y, communication needs in columns Z-AG, and related service needs in columns AH-AO. If a student does not have a particular need, leave those columns blank.

Step 5: After completing the *2010-2011* worksheet, complete the *2011-2012* and *2012-2013* worksheets using the same instructions provided in above. Determine the extent of the progress the student made in each area of identified need using the first year as a baseline for the analysis. Information about behavior needs is requested in columns C-J, career/vocational needs in columns K-R, academic needs in columns S-Z, communication needs in columns AA-AH, and related service needs in columns AI-AP. If a student does not have a particular need, leave those columns blank.

Note: Additional worksheets (2013-2014, 2014-2015, 2015-2016) are provided as optional tools for LEAs to track student progress for future school years. Completion of those worksheets is encouraged but not required. To access the additional worksheets, right click on the worksheet tabs at the bottom of the screen, select "unhide", click on the worksheet to be completed (select the year for which student progress will be tracked), and click "ok".

Step 6: Review all the information collected and analyze the progress of all students placed in the nonpublic school. Any noncompliance issues must be addressed in the CAP.

Submitting Self-Analysis Documents to the TEA

Step 1: **The following documents must be submitted via ISAM:**

- Compliance Review (PDF document),
- LEA Assurance Checklist for Contracting with a Nonpublic School (PDF document),
- Documentation of LEA Visit to the Nonpublic School (PDF document), and
- Longitudinal History of Individual Student Progress (Microsoft Excel document).

The submittal date depends upon the renewal date and required visit for the nonpublic school.

Instructions for downloading templates and submitting files in ISAM are available in the "How Do I" section of the Program Monitoring and Interventions website at the following link: www.tea.state.tx.us/pmi.

Step 2: Upon receipt of the LEA's submission, the TEA Division of Program Monitoring and Interventions, Special Education Monitoring Unit, will begin its review process to determine if additional information is necessary prior to the on-site nonpublic school visit.

Integrating the information collected from the LEA Self-Analysis and/or On-Site Visit into the Corrective Action Plan.

Step 1: Any instance of continued or new noncompliance identified in any stage of the review process (through LEA self-analysis documents or as a result of the on-site visit for nonpublic school re-approval) must be integrated into a Corrective Action Plan (CAP) for the LEA.

Step 2: The CAP and instructions for completing the CAP are available on the LEA's templates page of the ISAM application within TEASE. This document is also available on the **Nonpublic School Guidance and Resources for Special Education webpage**, which is located on the Program Monitoring and Interventions website at: http://www.tea.state.tx.us/pmi and selecting the **Special Education Nonpublic Monitoring** link then selecting the guidance and resources link.

Step 3: Each LEA will submit only one CAP to the TEA. The CAP must address all issues identified. It will be the charge of the LEA to integrate the findings of the special education nonpublic review process into a cohesive plan to address identified issues. ***Any instance of continued or new noncompliance identified in any stage of the review process must be addressed by the LEA in the CAP, and a target date must be included for timely correction of the findings.***

Failure to correct noncompliance within required timelines will result in elevated interventions or sanctions as referenced in 19 Texas Administrative Code (TAC) §89.1076, Interventions and Sanctions, and §97.1071, Special Program Performance; Intervention Stages, and will impact a district's determination status as issued by the Texas Education Agency (TEA) under 34 Code of Federal Regulations (CFR) §300.608(a). The LEA is required to correct any noncompliance items as soon as possible, but in no case may the correction take longer than one calendar year from the date of identification of noncompliance.

For the purposes of the Nonpublic School Renewal Process, the CAP is submitted at the due date established for the Nonpublic Renewal. However, if the LEA is engaged in any stage of the Special Education Monitoring Process for 2012-2013, one integrated CAP will be modified to incorporate the nonpublic review findings and will be submitted to the TEA.

Step 4: Complete the CAP by entering each instance of noncompliance on a separate row. Identify where the noncompliance was found by entering the number of the source in the space provided. Noncompliance identified as a result of a nonpublic review is source #6.

Identify the areas of noncompliance for each specific instance by indicating the topic and specific legal reference for which the LEA is out of compliance. Use the Legal Framework, IDEA 2004 (available at http://fw.esc18.net/frameworkdisplayportlet/); the IDEA 2004 Federal Regulations, and the TEC and TAC as guides to state and federal requirements. The IDEA 2004 Federal Regulations are available at http://www.tea.state.tx.us/special.ed/rules/cfr.html. For each instance of noncompliance, enter the **specific** corrective actions the LEA will implement to address the noncompliance and document specific timelines for implementation of each corrective action.

Step 5: **Submit the completed CAP via ISAM.**
Instructions for downloading and submitting files in ISAM are available in the Resources section of the Program Monitoring and Interventions website at the following link: www.tea.state.tx.us/pmi.

Step 6: The LEA must monitor the implementation progress of the CAP. The TEA will follow-up with the LEA on a periodic basis to obtain updates regarding implementation of the CAP. The LEA must submit documents verifying implementation of corrective actions upon request.

Note: **Information documenting implementation of the review process as required must be maintained by the LEA. This includes documentation regarding which student folders, policies, certifications, transactions, etc. were reviewed in the process. Appropriate Implementation of the system, as well as integrity of the data reflected in the system,are subject to future random verification by the Agency. If inaccurate reporting offindings is determined through TEA verification processes, the LEA shall be subject toadditional TEA sanctions and interventions.**