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Internal Audit of Special Education *for the Killeen Independent School District*

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Chapter 1 – Introduction

As part of the Killeen Independent School District (KISD) Board of Trustees' Internal Audit Program, Gibson Consulting Group, Inc. was engaged to conduct an audit of the district's special education program. This report contains the results of that audit along with recommendations for improving the effectiveness, efficiency, and compliance of the program.

This chapter provides an executive summary of the findings and recommendations, outlines the project objectives and approach, and provides background information on special education in general, and KISD's special education program in particular.

Executive Summary

This audit was conducted during difficult times for KISD's special education program. The program leadership position is vacant and has been for most of the 2015 calendar year, the Texas Education Agency is investigating program non-compliance, and negative public perceptions of the program have been voiced during board meetings and through the media. Further, like many Texas school systems, KISD is struggling with its special education student achievement, as indicated by low and declining scores in the state's accountability system for special education.

The audit found that, beyond the Texas Education Agency (TEA) investigation of non-compliance, the district's special education program is in need of a major overhaul to improve effectiveness, compliance and efficiency. The success of KISD's special education program is currently limited by several interrelated factors:

- The Special Education program organization structure does not support accountability, does not provide adequate technical leadership over program and service areas, and is missing key functions. Recently the organization structure was changed to a more geographic orientation – distributing responsibilities to lower level staff without clear accountability or technical leadership at the management level. KISD should reconstruct its organization chart following basic organizational principles to establish key management components for academic programming, compliance, support services, professional development, behavioral sciences, program data analysis, and parent involvement and communications. Management/leadership positions for these critical areas currently do not exist at KISD.
- The Special Education program does not adequately measure or analyze its own performance. Program and student performance analysis and reporting is minimal, and many special education program staff and school administrators are unfamiliar with the state performance accountability system for special education.

- The district's Response to Intervention (RTI) program, which directly affects Special Education through pre-referral intervention strategies, has not been effective. Its performance is not measured, screening criteria and intervention definitions are vague and not meaningful, and RTI program implementation has been inconsistent across campuses. The result has been high referral rates, a high percentage of referrals that do not qualify (DNQ) for special education, and a significantly higher (and growing) percentage of special education students relative to total enrollment than the state average and its peer districts. RTI needs to be improved so that more students can be effectively served through the district's general education program and exposed to the general curriculum.
- There are fundamental process breakdowns on the entry and validation of data, and the district continues to generate inaccurate data about its Special Education program. Data reside in multiple information systems and there are limited procedures in place to validate data and reconcile variances among these systems.
- KISD has excessive placements in restrictive settings, resulting in limited exposure of special education students to the general education curriculum. The district lacks an effective (and less restrictive) district-wide inclusion model. Currently there are too many special education students in many inclusion classrooms and not enough special education teachers to support them.
- Because of program and process deficiencies, KISD has an inefficient allocation of special education staff resources that requires more time on the front end (referral, evaluation, placement) and back end (parent complaints, litigation) than on instruction. The district has a much higher special education pupil-teacher ratio than the state average and peer districts (indicating fewer teachers relative to its special education student population), and the balance of special education teachers and aides is inappropriately skewed towards aides. Staffing formulas for teachers, aides, diagnosticians, Licensed Specialists in School Psychology (LSSP), and behavior specialists need to be changed to provide more adequate staffing levels.
- The district has inefficient and poorly designed processes that do not maximize the use of information systems. Some improvements have been made in recent months, but efficiency, compliance, and data integrity risks remain.
- The district's special education retention rates are excessive when compared to the state average, and the most authoritative research on the subject suggests that student retention is not only ineffective, but can have a negative impact on students. Student retention rates for special education are generally lower than for general education because each student is guided by an Individualized Education Program. However, in KISD, special education retention rates are higher.
- Although not a current compliance risk, KISD in future years will likely face compliance issues with respect to special education discretionary disciplinary placements. The percentage of KISD special education students with discretionary disciplinary placements is substantially higher than the general education population, and if prior year experience continues, KISD will have the lowest disproportionality performance rating on the state accountability system next year. Further, and

more importantly, these placements remove students from their primary instructional setting and likely limits their exposure to the general curriculum.

Despite these organizational and programming issues, KISD has an opportunity to make its special education program one of the best in the state. There are several factors supporting this claim. First, the district's special education student achievement is better than the state average and peer districts in many instances. The district is not starting at the bottom of the performance ladder.

Second, the audit team found examples of model programs and practices in place at individual schools visited during the audit. KISD can learn from these schools and transplant these best practices to other campuses.

Third, KISD spends less on its Special Education Program per special education student than the state average. This potentially leaves room for some needed investments by reallocating funds from other functional or program areas in the district. Further, if improvements to RTI are made, the special education population could be reduced over the next several years to levels commensurate with other districts, the state average, and the state target, allowing current dollar amounts to be allocated over a fewer number of students.

Project Objectives and Approach

A program audit focuses on the management processes, school level practices, automated tools, and the accountability mechanisms used to support an effective and efficient program that is compliant with applicable laws, policies, and administrative regulations. This review is a program audit and not an academic program evaluation. The distinction is important in that this audit is not designed to show any statistical relationships between KISD practices and specific student, teacher, or school outcomes in connection with the special education program.

In this context, six areas of special education management were analyzed. Following are the major questions that were addressed under each of these six areas.

1. Organization and Administration:

- a) Is the special education department organized to provide effective and efficient oversight for the program? Are functions logically aligned with reasonable spans of control?
- b) How does the special education department hold itself accountable? Is it meeting student performance expectations?
- c) Does the special education program have adequate procedures for monitoring compliance with applicable laws, regulations, and policies?
- d) How has special education spending varied over the past five years? How have spending trends in special education varied with general and other program expenditures on an

aggregate and per student basis? What is the spending per student (i.e., based on headcount and per full-time student equivalent)?

- e) Does the special education program effectively communicate with parents and other stakeholders?

2. Student Identification:

- a) What are the special education enrollment trends?
- b) Have there been significant changes in special education enrollment by disability category?
- c) Has RTI had any effect on special education referrals? Has RTI been consistently implemented across KISD?
- d) Are referral processes consistently applied across campuses?

3. Campus Support:

- a) To what degree is KISD's special education department effective in responding to campus needs?
- b) What concerns do school-based staff at KISD have regarding the function of the special education department?

4. Staffing:

- a) Is KISD's special education department reasonably staffed? Are staffing formulas applied?
- b) Are positions and job descriptions appropriately defined to support an effective and efficient program?
- c) Do special education support services staff have reasonable caseloads?
- d) How consistent are the special education procedures used throughout KISD?

5. Program Delivery:

- a) What program delivery models are in place at KISD, and are they effectively supporting student learning?
- b) How integrated is special education with the general education program? With KISD's behavioral programs?
- c) Is there a full continuum of services offered by KISD?
- d) How are service decisions made through the Admission, Review, and Dismissal process?
- e) Are Individualized Education Program (IEP) files complete? Compliant?

6. Operations:

- a) Does KISD take advantage of available technologies to maximize operating efficiency?
- b) Are special education student records properly maintained and secured? Are they maintained in an electronic format?

Project Approach

The audit team's approach to this project was based on previous experience with Special Education Program audits and reviews at other school systems. This approach included an extensive data review, interviews, focus groups, school visits, classroom observations, and analyses of program data and major processes. The following analyses were conducted:

- Analysis of KISD's special education department organizational structure
- Analysis of the central organization's ability to efficiently and effectively support the schools
- Analysis of departmental staffing levels for administrative and professional support positions in special education
- Analysis of campus staffing levels for teaching and support services
- Evaluation of the special education identification and referral processes
- Analysis of student achievement and other outcomes for special education students
- Analysis of program delivery models for special education programs, including services for high-need students and analysis of KISD's behavior units
- Analysis of KISD's special education population served by disability, ethnicity, grade, school, and instructional setting
- Review of funding sources supporting special education – including Medicaid reimbursements and General Fund contributions
- Review of special education management reporting practices and their effectiveness in monitoring performance and compliance
- Evaluation of the use of technology to support the efficient management of KISD's special education department
- Review of implementation and impact of the RTI program across campuses
- Observations of instructional and support services provided at schools
- Analysis of a sample of student Individualized Education Programs (hereafter referred to as "IEP")

- Evaluation of KISD’s communications between central office and school staff, and between KISD and parents as well as other stakeholders
- Review of special education management reporting practices and their effectiveness in monitoring performance and compliance
- Analysis of special education student archival data

This work culminated in this audit report which contains the following 19 recommendations for improvement. Each recommendation will be discussed in the remainder of the report.

Table 1-1. Audit Report Recommendations

Recommendation 2-1	Expand district level analysis data, including the identification and evaluation of early warning indicators.
Recommendation 2-2	Enhance definition of RTI interventions to determine applicability and evaluate effectiveness.
Recommendation 2-3	Develop and implement an effective inclusion model for co-teaching.
Recommendation 2-4	Increase required special education training for general and special education staff.
Recommendation 2-5	Increase the academic rigor in student IEPs.
Recommendation 2-6	Develop a plan to reduce special education student retention.
Recommendation 2-7	Examine the process for placing students in restrictive disciplinary placements.
Recommendation 3-1	Modify the special education organization structure.
Recommendation 3-2	Modify the Executive Director job description to reflect organizational responsibilities and higher experience requirements.
Recommendation 3-3	Modify other job descriptions to more clearly establish reporting relationships.
Recommendation 3-4	Identify alternative space configuration for the Special Education Department office.
Recommendation 3-5	Calculate MOE before the adoption of the following year’s budget to ensure federal requirements are met.
Recommendation 3-6	Evaluate opportunities to increase Medicaid reimbursements.
Recommendation 3-7	Modify special education staffing formulas.
Recommendation 3-8	Identify ways to maximize the use of the <i>Easy IEP</i> system, or consider an alternate system.
Recommendation 3-9	Make additional improvements to the referral process.

Recommendation 3-10	Establish contingency plans for scanning equipment in the event of a breakdown.
Recommendation 3-11	Implement data quality controls.
Recommendation 3-12	Implement and monitor performance measures.

The project began in August 2015 and was completed in March 2016.

Background and Context of Audit

Special education is “specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability.”¹ Special education programs are designed for those students who are mentally, physically, socially, and/or emotionally delayed. This aspect of “delay,” broadly categorized as a developmental delay, signify an aspect of the child’s overall development (physical, cognitive, scholastic skills) which place them behind their peers. Special education programs and services adapt content, teaching methodology and delivery instruction to meet the appropriate needs of each child.²

Like many academic programs, the special education program uses several terms that may not be familiar to many readers of this report. Below are definitions of these terms. Unless otherwise cited, these definitions are from KISD Board Policy EHBA (Legal) and EHBAB (Legal).

- **IDEA – Individuals with Disabilities Education Act:** the primary federal law governing special education programs in the U.S.
- **STAAR – State of Texas Assessments of Academic Readiness:** state-mandated standardized tests used in Texas primary and secondary public schools to assess students’ knowledge and achievements in each grade level.
- **PBMAS – Performance-Based Monitoring Analysis System:** an automated data system that annually reports on the performance of school districts and charter schools in selected program areas, including special education (Texas Education Agency).
- **IEP – Individualized Education Program:** documented statement of the educational program designed to meet each special education student’s individual needs.
- **BIP – Behavioral Intervention Plan:** a written plan of action for improving difficult behavior that is inhibiting a student’s academic success.
- **ARD Committee:** Admission, review, and dismissal committee established for each eligible student with a disability and for each student for whom a full and individual initial evaluation is conducted.

¹ Individuals with Disabilities Education Act (IDEA), Section 300.39

² <http://teach.com/what-is-special-education>

- **RTI – Response to Intervention:** high-quality instruction and interventions for students’ needs, monitoring of student progress to identify necessary changes in instruction or goals, and application of child response data when making educational decisions. (IDEA)
- **MOE – Maintenance of Effort:** a requirement that school districts may receive federal funds only if the combined fiscal effort per student or the aggregate expenditures of the school district was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year. (TEA - NCLB Maintenance of Effort Handbook, 2013)
- **Related services:** transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.
- **Eligibility:** a student is eligible to participate in the district’s special education program if:
 - The student is between the ages of 3 and 21, inclusive;
 - The student has one or more of the disabilities listed in federal regulations, state law, or both; and
 - The student’s disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

Guiding Federal Legislation

There are three key federal laws and additional rules and regulations that impact the education of students with disabilities. Each of these are discussed further below.

- The Individuals with Disabilities Education Improvement Act of 2004 (IDEA)
- No Child Left Behind (NCLB), passed in 2001, reauthorized in December 2015 as the Every Student Succeeds Act (ESSA)
- Section 504 of the Rehabilitation Act of 1973
- Other federal rules and regulations

IDEA

The most comprehensive law related specifically to students with disabilities is the IDEA. Below is a summary of the six major principles of the IDEA (Heward, 2013).

1. Zero Reject

Schools must educate all students with disabilities and public schools may not exclude students with disabilities, regardless of the nature or severity of their disabilities. *Child Find* is the term used for the requirement that school districts take responsibility for identifying and evaluating all children, from birth to 21, who are suspected of having a disability.

2. FAPE (Free Appropriate Public Education)

All children with disabilities, regardless of the type or severity of disability, have a right to a free and appropriate public education. The education must be provided at public expense. An important part

of the FAPE requirement is an Individualized Education Program (IEP) for each student. The IEP must articulate the student's unique needs, present levels of performance, measurable goals and objectives, and a description of the special education and related services that will be provided so that the child can meet his or her goals and objectives.

3. Least Restrictive Environment (LRE)

The IDEA requires that students with disabilities be educated with children without disabilities to the maximum extent possible. Students with disabilities can be removed to separate classes or schools only when their disabilities are so severe that they cannot receive an appropriate education in general education classrooms with supplementary aids and services. The IDEA favors inclusion into general education and requires that a student's IEP justify the extent to which the student will not participate with non-disabled peers in the general education curriculum, extracurricular activities, and other non-academic activities like recess, lunch, and transportation. To ensure placement in the least restrictive environment, districts must provide a continuum of placement and service options.

4. Nondiscriminatory Identification and Evaluation

For students to receive special education services, the answers to both parts of a two-part question must be "yes." The first part of the question is "Does the student have a disability?" and the second part of the question is, "Does the student require specially designed instruction due to that disability?" When assessing students to determine the presence of a disability, schools must use non-biased, non-discriminatory, multi-factored evaluation methods. Evaluations may not discriminate on the basis of race, ethnicity, culture, or native language. All tests must be given in the student's native language. Placement decisions may not be made on the basis of one single test score.

5. Due Process Safeguards

Schools must provide due process safeguards to students with disabilities and their parents. One key safeguard is the requirement that school districts must obtain parental consent for evaluations and placement decisions. School districts must also maintain confidentiality of students' records. If parents disagree with the results of an evaluation performed by the district, they can request an independent evaluation at public expense. Parents have the right to request a due process hearing, usually preceded by mediation, if they disagree with the district's actions related to identification, placement, related services, evaluation, or the provision of FAPE. Parents have the right to recover attorney's fees if they prevail in a legal proceeding related to special education for their child. Districts may recover attorney's fees if complaints are frivolous or filed for an improper reason.

6. Parent and Student Participation and Shared Decision Making

Parents' input and desires must be considered when districts write IEP goals, related service needs, and placement decisions. In addition, schools are required to collaborate with parents and students with disabilities when designing and implementing special education services. The TEA has two key publications for parents that relate to their rights under IDEA: *Parent's Guide to the Admission, Review, and Dismissal Process* (2015) and *Notice of Procedural Safeguards* (2015). The procedural safeguards must be provided to parents one time per year as well upon an initial referral or request for evaluation; upon receipt of the first special education complaint filed with the TEA; upon receipt

of the first due process hearing complaint in a school year; and when a decision is made to take disciplinary action that constitutes a change of placement; or upon parent request. (TEA, March, 2015)

No Child Left Behind (NCLB) (reauthorized in December 2015 as ESSA)

NCLB provisions also impact students with disabilities in public schools. When NCLB passed, it was based on several principles intended to reform education. While the law was not aimed specifically at special education, it has had an impact on students with disabilities. The National Center for Learning Disabilities (<http://www.nclld.org/action-center/learn-the-law/esea-nclb/>) has described some of the provisions that have made a difference in special education including:

- Strong accountability for academic progress
- Increased flexibility and local control
- Expanded options for parents
- An emphasis on teacher qualifications and methods

States must now have clearly defined academic content standards, academic achievement standards, and state assessments with gradually increasing proficiency requirements. NCLB was the first legislation that required states to include students with disabilities in the accountability system. States are required to provide accommodations and alternative assessments needed by students with disabilities.

While Texas lagged behind other states in requiring students with disabilities to take grade level assessments, the state has now closed most gaps and requires almost all students to take the current state assessment, the STAAR (State of Texas Assessments of Academic Readiness). Students' IEPs must address how students will participate in state assessments and articulate any accommodations they require.

The emphasis NCLB placed on teacher qualifications has also had an impact on students with disabilities. Public school teachers are required to meet standards in order to be considered "highly qualified." Special education teachers must have a bachelor's degree or higher, state teaching certification and be able to demonstrate competency in the core academic subjects they teach. Not only NCLB but also the IDEA (2004), required these highly qualified criteria and added another requirement for special education teachers, that their certification include "...appropriate special education certification." The exact qualifications vary depending on teaching level and whether a teacher is the "teacher of record" for a student. NCLB also has provisions detailing requirement for "highly qualified paraprofessionals."

Section 504 of the Rehabilitation Act of 1973

The U.S. Department of Health and Human Services Office for Civil Rights *Fact Sheet* provides a summary of Section 504:

Section 504 of the Rehabilitation Act of 1973 is a national law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements apply to employers and organizations that receive financial assistance from any federal department of agency....Section 504 forbids organizations and employers

from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services.

Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one of more major life activities. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working performing manual tasks, and learning.³

In its online document *Protecting Students with Disabilities*, The U. S. Department of Education elaborated on Section 504 as it relates to the IDEA:

Section 504 regulations require a school district to provide a free appropriate public education (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provisions of regular or special education and related aids and services designed to meet the student's individual education needs as adequately as the needs of nondisabled students are met.⁴

The Office of Civil Rights (OCR) has responsibility for eliminating discrimination on the basis of disability. Complaints and inquiries in the area of elementary and secondary education involving Section 504 generally concern identification of students who are protected by Section 504 as well as obtaining an appropriate education for those students. Students who are identified with disabilities and provided services under Section 504 but not under the IDEA have plans similar to, but not exactly the same as, an IEP. Those plans describe services in general education as well as related services.

School districts provide services to students with disabilities under both the IDEA and Section 504 of the Vocational Rehabilitation Act of 1973. Decisions about identification, placement, and services are typically made at the local level. Districts should have clear policies and procedures in place to ensure appropriate services to all students with disabilities, regardless of whether they qualify for services under the IDEA of Section 504.

Rules and Regulations

In addition to the three key federal laws, there are federal regulations, state laws, and state rules that also govern the education of students with disabilities. Federal regulations clarify the intent of federal laws, so that states have guidance related to their implementation. These federal regulations can be found in the Code of Federal Regulations or C.F.R. The regulations for the IDEA can be found at: <http://www2.ed.gov/legislation/FedRegister/finrule/2006-3/081406a.html>.

After federal regulations are adopted, each state develops and adopts its own rules implementing new IDEA requirements. In Texas, both the State Board of Education (SBOE) and the Commissioner of Education develop the rules governing special education. The majority of Texas's special education rules

³ <http://www.hhs.gov/ocr/civilrights/resources/factsheets/504.pdf>

⁴ <http://www2.ed.gov/print/about/offices/list/ocr/504faq.html#>

are Commissioner's Rules. Both SBOE and Commissioner's Rules are part of a larger body of state agency rules known as the Texas Administrative Code (TAC). If and when state laws are needed in order to conform to federal laws, the Texas legislature passes those laws, which can be found in the Texas Education Code, or TEC. State laws can exceed federal requirements but cannot conflict with them. (<http://www.texasprojectfirst.org/FedRulesLawsPR.html>)

Accountability for Special Education Programs in Texas

There are several ways that school districts in Texas are held accountable for their special education program and other services for students with disabilities. When programs and services are not implemented according to the requirements explained in the section above, the Texas Education Agency, the Office of Civil Rights, and parents and families can take action and seek remedies.

Federal and State Accountability

Each state is required to develop a six-year performance plan that evaluates the state's efforts to implement the requirements and purposes of the IDEA 2004 [Section 616(b)]. The TEA website⁵ explains the state's mechanisms for ensuring implementation of the IDEA.

The State Performance Plan (SPP) articulates how Texas will continuously improve its IDEA implementation. Each February, an annual report (The Annual Performance Report or APR) is submitted that explains all updates to its SPP. In alignment with the IDEA, the United States Department of Education Office of Special Education Programs (USDE/OSEP) identifies five monitoring priorities within the SPP and 20 indicators associated with these monitoring priorities.

According to TEA, those monitoring priorities and indicators are:

1. Monitoring Priority: Free Appropriate Public Education in the Least Restrictive Environment

- Graduation (Indicator 1)
- Dropout (Indicator 2)
- Participation and Performance on Statewide Assessment (Indicator 3A-C)
- Suspension/Expulsion (Indicator 4A-C)
- Educational Environment, Ages 6-21 (Indicator 5A-C)
- Educational Environment, Ages 3-5 (Indicator 6A-B)
- Early Childhood Outcomes (Indicator 7A-C)
- Parent Participation (Indicator 8)

2. Monitoring Priority: Disproportionality

- Disproportionality in the special education program (Indicator 9)
- Disproportionality by specific disability (Indicator 10)

⁵

http://tea.texas.gov/Reports_and_Data/Data_Submission/State_Performance_Plan/State_Performance_Plan_and_Annual_Performance_Report_and_Requirements/

3. Monitoring Priority: Effective General Supervision Part B/Child Find

- Child Find (Indicator 11)

4. Monitoring Priority: Effective General Supervision Part B/Effective Transition

- Early Childhood Transition (Indicator 12)
- Secondary Transition (Indicator 13)
- Post-School Outcomes (Indicator 14A-C)

5. Monitoring Priority: Effective General Supervision Part B/General Supervision

- Resolution Sessions (Indicator 15)
- Mediation (Indicator 16)
- State Systemic Improvement Plan (SSIP) (Indicator 17)

The TEA's primary method of monitoring district's performance on the SPP is data collection and sampling. The state samples data from districts, campuses, and students or students' parents on a rotating schedule. The USDE/OSEP reviews each state's Annual Performance Report. There are four possible State determinations, including: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. TEA's longitudinal report on the federal review indicates that for the past eight years (2005-06 to 2013-14), Texas has not once met federal requirements. For the latest determination status, issued in June 2015, Texas received a "Needs Intervention" rating.

TEA provides district reports on its website, along with a profile explaining how the reports were computed and descriptions of the indicators. The *2015 District Profile of State Performance Plan Indicators Report* is available on the TEA website. In addition to performance on the state targets, there are *Federally Required Elements* states must consider in assigning a determination for LEA (Local Education Agencies, i.e., school districts):

1. Performance on compliance indicators 9, 10, 11, 12, and 13 in the SPP;
2. Whether data submitted by LEAs is valid, reliable, and timely on Indicators 7, 11, 12, 13, and 14;
3. Uncorrected noncompliance from other sources (complaints resolution, adverse due process hearing decisions, residential facility monitoring and monitoring activities); and
4. Any financial audit findings.

States may also choose to define additional elements in making determinations of school district performance. TEA has chosen to incorporate the Performance-Based Monitoring (PBM) Determination Rating when determining a district's state of intervention for special education programs. The PBM is also known as the Performance-Based Monitoring and Analysis System, or PBMAS.

The total performance level aggregate results in a determination. The performance level determination, in turn, results in a range of enforcement actions ranging from the providing technical assistance (for

Needs Assistance) to withholding funds and referring the district to legal authorities (for *Needs Substantial Intervention*).

Complaints and Filings for Due Process

In addition to monitoring procedures established by the state as required under IDEA, another check on school districts' appropriate provision of services to students with disabilities is the right of parents to file complaints and the right of due process described above as a fundamental provision of IDEA.

The above legal and regulatory framework for special education is codified in the following KISD Board Policies. All of these policies are legally required; the board does not supplement these with any additional locally developed policies.

- EHBA – Special Education
- EHBA – Identification, Evaluation, and Eligibility
- EHBAB – ARD Committee and Individualized Education Program
- EHBAC – Students in Non-district Placement
- EHBAD – Transition Services
- EHBAAE – Procedural Requirements

Special Education Funding

IDEA provides funding for special education through three state grant programs and several discretionary programs. The greatest share of funding comes from Part B Section 611 grants to states. Part B authorizes grants to state and local education agencies to offset part of the costs of the K-12 education needs of children with disabilities. It also authorizes pre-school state grants.

From 2010 to 2012, additional federal grants to states were available through the American Recovery and Reinvestment Act (ARRA) of 2009.

Texas school districts receive state funding for special education through a weighted pupil funding mechanism. The funding weights are based on the instructional arrangement provided to the student. There are eleven (11) instructional arrangements ranging from mainstreaming in a general education classroom to highly restrictive settings such as a hospital class:

1. Mainstream: providing services in a regular classroom
2. Homebound: providing services at home or hospital bedside
3. Hospital class: providing services in a classroom, hospital facility, or residential care and treatment facility not operated by the district
4. Speech therapy: providing speech therapy services in a regular education classroom or other setting
5. Resource room/services: providing services in a setting other than the regular classroom for less than 50 percent of the regular school day

6. Self-contained (mild, moderate, or severe) regular campus: providing services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus
7. Off home campus: providing services in an inter-district program, through district personnel at a non-district facility, or at a district campus that provides only special education and related services
8. Nonpublic contracts: providing services through a contractual agreement with a nonpublic school for special education
9. Vocational adjustment class/program: providing services to a student who is placed on a job with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP
10. Residential care and treatment facility (not district resident): providing services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district
11. State Schools: providing services to a student who resides at a state supported living center when the services are provided at the state supported living center location

The funding weight considers the length of service (hours per week) to the student in that setting as well as the resource intensity such as staffing. The weighted funding, like other state funding, is subject to adjustments based on a school district's local property values.

Other local funds provide are used by Texas school districts to support the provision of special education programs and services.

Profile of KISD Special Education Program

During the 2014-15 school year, KISD had a district enrollment of 42,638 students with 4,802, or approximately 11.3 percent, receiving special education services. This percentage is slightly below the national average of approximately 13 percent⁶ yet higher than the state average (8.6 percent) and regional average (9.5%)⁷. Over the past four years the KISD special education population grew 9.4 percent in numbers, and 5.6 percent as a percentage of total enrollment.

⁶ The Nation Center for Education Statistics, 2014

⁷ Texas Education Agency, 2015

Table 1-2. Special Education Enrollment – KISD 2011-2014

Year	Total District Enrollment	Non-Special Education Enrollment	Special Education Enrollment	Percentage of Students in Special Education
2014-15	42,638	37,836	4,802	11.3%
2013-14	41,402	36,689	4,713	11.4%
2012-13	41,756	37,231	4,525	10.8%
2011-12	40,998	36,610	4,388	10.7%
4-Year Change	4.0% Increase	3.3% Increase	9.4% Increase	5.6% Increase

Source: Texas Education Agency PEIMS data

KISD serves special education students with diverse needs. Based on state disability categories, the majority of special education students are specific learning disabled (37.7%) or classified as speech or language impaired only (17.5%). Table 1-3 shows all special education students by primary disability category for KISD compared to the state and the regional averages. KISD has lower incidence rates for auditory impairment and intellectual disabilities than the state and regional averages, and higher rates for Autism and Non-categorical Early Childhood.

Table 1-3. Special Education Students by Primary Disability, 2014-15

Disability Category	KISD	State	Region 12
Orthopedic Impairment	1.2%	0.9%	0.9%
Other Health Impairment	13.0%	13.2%	13.2%
Auditory Impairment	0.9%	1.5%	1.3%
Visual Impairment	0.9%	0.9%	0.9%
Intellectual Disabilities	8.0%	9.6%	10.0%
Emotional Disturbance	6.3%	5.8%	6.7%
Specific Learning Disability	37.7%	35.7%	38.7%
Speech Impairment	17.5%	19.9%	17.6%
Autism	11.8%	11.0%	8.8%
Traumatic Brain Injury	0.4%	0.3%	0.4%
Non-categorical Early Childhood	2.3%	1.2%	1.5%

Source: Texas Education Agency PEIMS data; KISD special education data, summer 2015

The incidence and prevalence of most of these disabilities should be consistent across ethnic, racial, cultural, and socioeconomic sub-populations, and the state accountability system measures the degree to which districts are disproportionate between special education and the non-special education student population. Some of the disability definitions, including the Specific Learning Disability definition, specifically prohibit educators from including students whose academic progress has been limited by social or cultural factors. This prohibition is intended to prevent unwarranted diagnoses and placements of children into special education who, because of economic disadvantage, lack of opportunity, or

language status, face academic challenges. Table 1-4 shows the student ethnicity representation in special education relative to the KISD as a whole.

Table 1-4. KISD Enrollment and Special Education Enrollment by Ethnicity, 2015

Ethnicity	Percentage of Total District Enrollment	Percentage of Total Special Education Enrollment
American Indian/Alaska Native	0.6%	0.5%
Asian	2.5%	1.1%
Black/African American	33.5%	35.8%
Hispanic	28.6%	26.8%
Native Hawaiian/Other Pacific Islander	1.7%	0.9%
White	25.9%	29.4%
Two or More Races	7.2%	5.5%
Total	100%	100%

Source: Texas Education Agency PEIMS data; KISD special education data, summer 2015

In KISD, the percentage of economically disadvantaged students receiving special education services is higher than the number of economically disadvantaged students served in the general education population (not identified as special education). Table 1-5 illustrates that while 56.3 percent of the district's non-special students are economically disadvantaged, 65.6 percent of students in special education are economically disadvantaged, a difference of 9.3 percentage points.

Table 1-5. Economically Disadvantaged Students in Special Education and Non-Special Education Populations, 2014-15

Population	Total Number	Economically Disadvantaged Number	Economically Disadvantaged Percent
District Total	42,638	24,454	57.4%
Special Education	4,802	3,150	65.6%
Non-Special Education	37,836	21,304	56.3%
		Difference	9.3%

Source: Texas Education Agency PEIMS data; KISD special education data, summer 2015

Students in KISD are served in varying instructional settings with the majority of students receiving services in a resource room for less than 21 percent of the day (36.1%). The remaining students receive speech services only (16.6%), in self-contained classrooms greater than 60 percent of the time (16.6%), and served in the general education classroom (12.7%). Table 1-6 shows the percentage of students receiving services in each instructional setting during 2014-15.

Table 1-6. Special Education Students, Instructional Setting, KISD

Instructional Setting	KISD %
No Instructional Arrangement/Setting – Speech Only	16.7%
Homebound	0.6%
Home-based Instruction	0.1%
Mainstream	12.7%
Resource Room Less than 21 Percent of the Day	36.1%
Resource Room 21-49 Percent of the Day	10.2%
Self-Contained Classroom 50-60 Percent of the Day	4.1%
Self-Contained Classroom Greater than 60 Percent of the Day	16.7%
Full-time Early Childhood Special Education Setting	2.3%
Other	0.5%

Source: KISD special education data, summer 2015

Recent Events

In July 2015, KISD received a letter and a preliminary report from the TEA Division of Program Monitoring and Intervention (PMI). The report presented preliminary findings from a Special Accreditation Investigation (SAI) conducted by TEA’s PMI and the Special Investigations Unit (SIU). The investigation related to:

...noncompliance indicators in the Individuals with Disabilities Education Act (IDEA) accountability system’s State Performance Plan (SPP) specifically for Indicator 11. Killeen Independent School District (KISD) has reported annual noncompliance since 2007-2008 for the percentage of children who were evaluated for special education within the state-established timeline after receiving informed, written parental consent to evaluate. Additionally, KISD has neither responded in a timely manner to TEA’s request for documentation concerning complaints against the district nor has the district presented evidence to indicate that the district had completed corrective actions as a result of complaints or due process hearings.

While the letter from TEA specifically addressed Indicator 11, the report of findings went on to mention several other issues related to KISD’s special education program, including:

- For the past nine years, the district has “...not responded in a timely manner to TEA’s requests for documentation concerning complaints against the district or evidence to indicate that the district has completed corrective actions as a result of due process hearings.”
- TEA articulated concerns about data integrity and also indicated that KISD has failed to review and correct data submissions since being permitted to do so two years ago.
- The process for making referrals and ensuring timely evaluations is poorly organized and inconsistently followed.

- The RTI process does not have a documentation system, nor do staff have knowledge about actual referral and qualification rates.
- The district has had numerous special education complaints. TEA requests for information have been ignored and documentation of corrective actions have not been forthcoming from the district.

The narrative in the TEA report describes a dysfunctional chain of command and a lack of effective working relationships within the special education department.

The TEA team recommended assigning a special purpose monitor to assist the district in solving the issues documented in the report but allowed the district to contract with a consultant instead. The district is required to respond to agency requests and engage in monthly phone conferences to discuss actions being taken to improve special education services. Specifically, TEA required KISD to:

- Develop a targeted improvement plan
- Develop a corrective action plan (CAP)
- Inform the board of trustees in a public meeting of the noncompliance with statutory requirements identified in the report
- Report to TEA each month on progress and activities in the targeted improvement plan
- Submit a targeted improvement plan with CAP to TEA by June 22, 2015

TEA also required the district to correct noncompliance issues within one calendar year or face elevated interventions or sanctions. Additionally, KISD must verify changes in written policies and procedures and make them public; implement frameworks/guidelines for decision making; ensure that there are systems in place so that students with disabilities receive all special education and related services consistent with the child's needs; and conduct initial Admission, Review and Dismissal (ARD) committee meetings to ensure FAPE and consider compensatory services, if appropriate, to students whose timelines for evaluation and services are not met.

The district's CAP has several other required corrective actions. One relates RTI. The TEA report indicated that although the district has an RTI process, *"...data concerning interventions used are not clearly documented in order for evaluation staff members to have clear information to determine if referrals are appropriate."* (TEA Preliminary Report July, 20, 2015).

Other corrective actions that must be completed by the district and that should impact programming for students with disabilities include:

- Completing operating guidelines for all areas not addressed in current guidelines.
- Monitoring ARD meetings and providing feedback and training related to best practices for conducting meetings.

- Providing training and completing monitoring of students IEPs to ensure that goals and short term objectives are appropriate and measurable, services are appropriate to students' needs, and ensuring appropriate accommodations. These actions must be monitored and review, including through the use of random folder reviews.
- Staff roles and responsibilities and job descriptions must be clarified and communication through staff teams must be implemented.
- Data collection, review, and management systems must be improved. Staff responsibilities should be clarified, systems must be established and monitored, and staff noncompliance with timelines and other requirements must be documented.
- Complaints should be addressed by assigning case managers, developing written procedures and expectations for collecting documentation, a database must be established to track the complaints, and regular monitoring must occur.

In response to the TEA findings, the district, with the support and guidance of two consultants, one recommended by TEA in lieu of a monitor and another a former special education director in the district, have been developing operating guidelines as required by the Corrective Action Plan. The first of these, *Operating Guidelines: Process for Initial Referrals*, has been completed and shared with TEA. This document, in table format, is intended to address the noncompliance issue related to Indicator 11, Child Find. The purpose articulated is “...to ensure that all initial referrals to special education are completed within timelines prescribed in state/feral special education requirements.”

The district's consultant has also created a document that includes timelines for writing additional operating guidelines and compiling these in a special education notebook. In addition, the district now has two “Task List” documents with actions, dates, personnel responsible, and completion dates. The actions contained in the documents are intended to fulfill the CAP.

Chapter 2 – Special Education Program Delivery

This chapter presents audit findings and recommendations related to the delivery of special education programs and services. The assessment includes RTI. Although RTI is not a special education program, it directly affects special education through the implementation of pre-referral strategies to serve students.

This chapter is organized into the following sections:

- Student Achievement
- Response to Intervention
- Special Education Instruction
- Student Retention
- Behavioral Services and Discipline Management
- Audit Recommendations

Student Achievement

2012 marked the year that Texas transitioned from the Texas Assessment of Knowledge and Skills test to the State of Texas Assessment of Academic Readiness (STAAR). The state administered the STAAR Modified assessments for special education students for the final time during the 2013-2014 assessment cycle. The U.S. Department of Education has informed states that assessments based on modified standards for students served by special education no longer count toward accountability purposes after the 2013-14 school year.⁸ Accordingly, in 2014-15, administrations of the STAAR required all students except those with multiple or severe cognitive and other disabilities, who took the STAAR Alternative, to take the STAAR. For students with disabilities, accommodations on the STAAR are still available, but not a modified test.⁹

In 2014-15, STAAR passing rates for students in special education were low statewide and for many districts. Although the state has set passing rate targets of 65 percent or 70 percent for each of the five subjects, the actual state passing rate for each subject is much lower than the established targets.

Table 2-1 presents PBMAS academic performance indicators for KISD special education students (in Grades 3-8) over the past three years. Passing rates for special education students in grades 3-8 are below the state targets for each of the three years, and dropped further below the standard in 2014-15 after the rule changes.

⁸ TEA STAAR-M Website: <http://tea.texas.gov/student.assessment/special-ed/staarm/>

⁹ The STAAR accommodated, modified, and alternate exams help assess students receiving special education services. Determination of the appropriate assessment is made by the ARD committee based on students' instructional supports and current level of functioning. Accommodated exams have fewer items per page, larger font size, and no field-test items, but still possesses the same content as a standard exam. The modified assessment has a larger font size, fewer items per page, reduced number of answer choices, and embedded questions depending upon the subject being assessed. Items on the modified version of the test use simplified wording, however content is still assessed on grade level.

Table 2-1. Special Education Student STAAR Grades 3-8 Combined Passing Rates – PBMAS Indicator 1, District-Level, 2012-13 to 2014-15

Content Area	2012-13			2013-14			2014-15		
	PBMAS Standard	District Rate	Perf. Level	PBMAS Standard	District Rate	Perf. Level	PBMAS Standard	District Rate	Perf. Level
Mathematics	70.0	54.4	2	70.0	58.1	2	70.0	44.5	2
Reading	70.0	56.9	2	70.0	59.6	2	70.0	42.7	2
Science	65.0	45.7	2	65.0	40.7	3	65.0	36.3	3 HH
Social Studies	70.0	41.1	Report Only	65.0	34.7	3	65.0	26.6	3 HH
Writing	70.0	38.6	3	70.0	46.3	3	70.0	31.7	3 HH

Source: Texas Education Agency, PBMAS Reports

Notes: HH indicates Hold Harmless; 2014-15 data reflects changes to the State Assessment

Indicator performance levels on the PBMAS in all subjects stayed the same from 2013-14 to 2014-15. KISD's scores have resulted in the district earning indicator performance levels (on PBMAS) of "3" or "2" in every subject, indicating lower student performance compared to the state target. The lowest passing rates for special education students were in Social Studies (26.6 percent passed) and writing (31.7 percent passed).

Because both the state and district special education passing rates are low, it is helpful to compare KISD's passing rates to state average and peer districts. For these comparisons, the audit team used the same districts selected as peers for placement and instructional setting comparisons. These peer districts were selected based on two of the Texas School Accountability Dashboard criteria: District Size and District Type.

Table 2-2 presents KISD's passing rates using the PBMAS data, for students in Grades 3-8 on Indicator 1 of the PBMAS.

Table 2-2. 2015 PBMAS Special Education Passing Rate, STAAR Grades 3-8

Sped STAAR 3-8 Passing Rates	Math Target: 70.0-100	Reading Target: 70.0-100	Science Target: 65.0-100	Social Studies Target: 65.0-100	Writing Target: 70.0-100
Texas Average	40.1	39.6	34.7	27.6	28.2
Amarillo	47.4	44.2	43.3	35.5	26.5
Denton	41.6	42.6	34.7	25.3	31.5
Ector County	23.5	23.9	20.5	15.6	15.0
Edinburg	46.3	40.3	38.9	22.6	34.0
Frisco	63.2	64.9	56.1	47.5	51.6
Killeen	44.5	42.7	36.3	26.6	31.7
Lubbock	34.6	34.8	32.4	28.9	21.8

Source: KISD summer 2015; Texas Education Agency PBMAS

Note: 2014-15 data reflects changes to the state assessment

Table 2-3 presents KISD's passing rates on the End of Course (EOC) Indicator (Indicator 3) of the PBMAS. On EOC STAAR exams, KISD's passing rates were higher than most peers and the state. The highest passing rates for KISD on the End of Course exams were in Science and Social Studies and the lowest were Math and English Language Arts (ELA).

Table 2-3. 2015 PBMAS Special Education Passing Rate, STAAR EOC (End of Course)

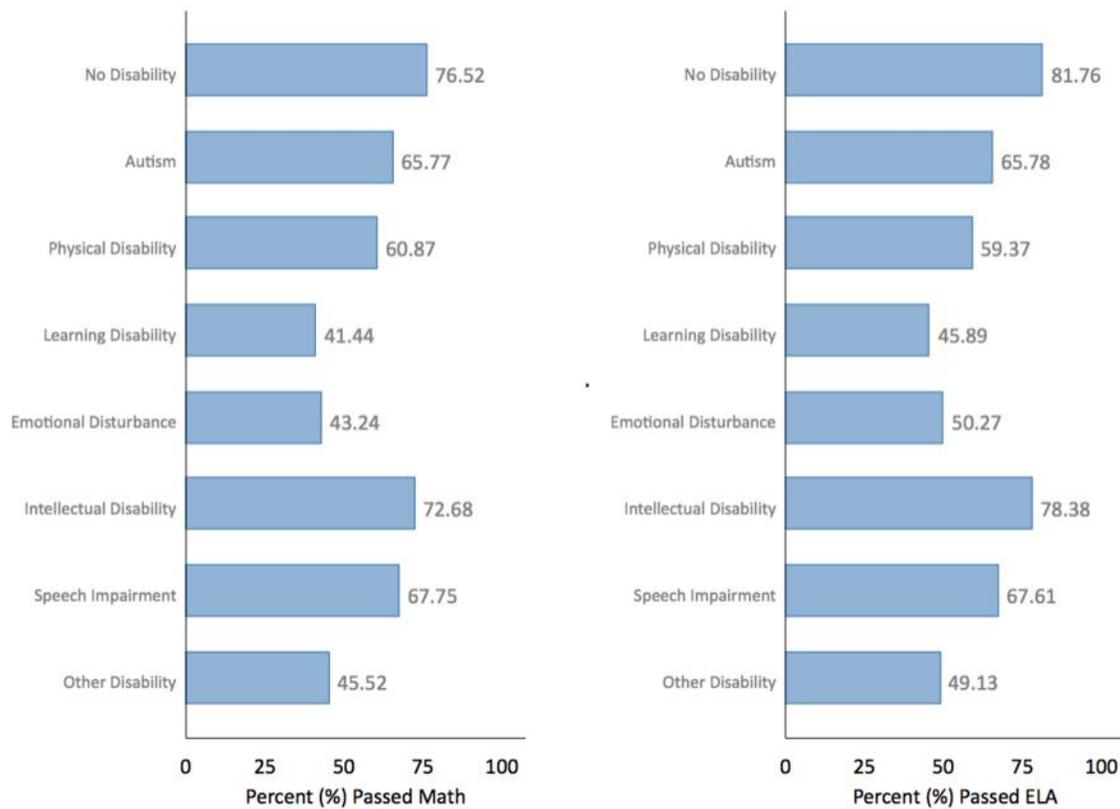
Sped STAAR EOC Passing Rate	Math Target: 60.0-100	Science Target: 60.0-100	Social Studies Target: 60.0-100	English Language Arts
Texas	40.5	58.3	55.2	31.7
Amarillo	42.1	57.1	55.1	29.8
Denton	34.7	58.6	45.8	31.7
Ector County	25.9	48.3	41.7	22.7
Edinburg	45.5	53.2	50.1	36.7
Frisco	63.8	81.5	83.3	49.8
Killeen	36.6	60.1	64.8	33.7
Lubbock	34.6	32.4	28.9	21.8

Source: KISD summer 2015; Texas Education Agency PBMAS

Note: 2014-15 data reflects changes to the State Assessment

Figure 2-1 presents average special education STAAR passing rates for Math and ELA by primary disability over the past three years combined. Students with intellectual disabilities pass at a higher rate than other special education categories because approximately 75 percent took either the STAAR-Modified (STAAR-M) or STAAR-Alternate (STAAR-A). This is also true for students with Autism, where approximately 33 percent took the STAAR-M or STAAR-A assessments. As noted above, in 2014-15, the STAAR-M was eliminated and replaced by the STAAR-A test. Students with a Learning Disability (LD) showed the lowest passing rates in both Math and ELA over the past three years. Approximately 25 percent of LD students took either the STAAR-M or STAAR-A assessments.

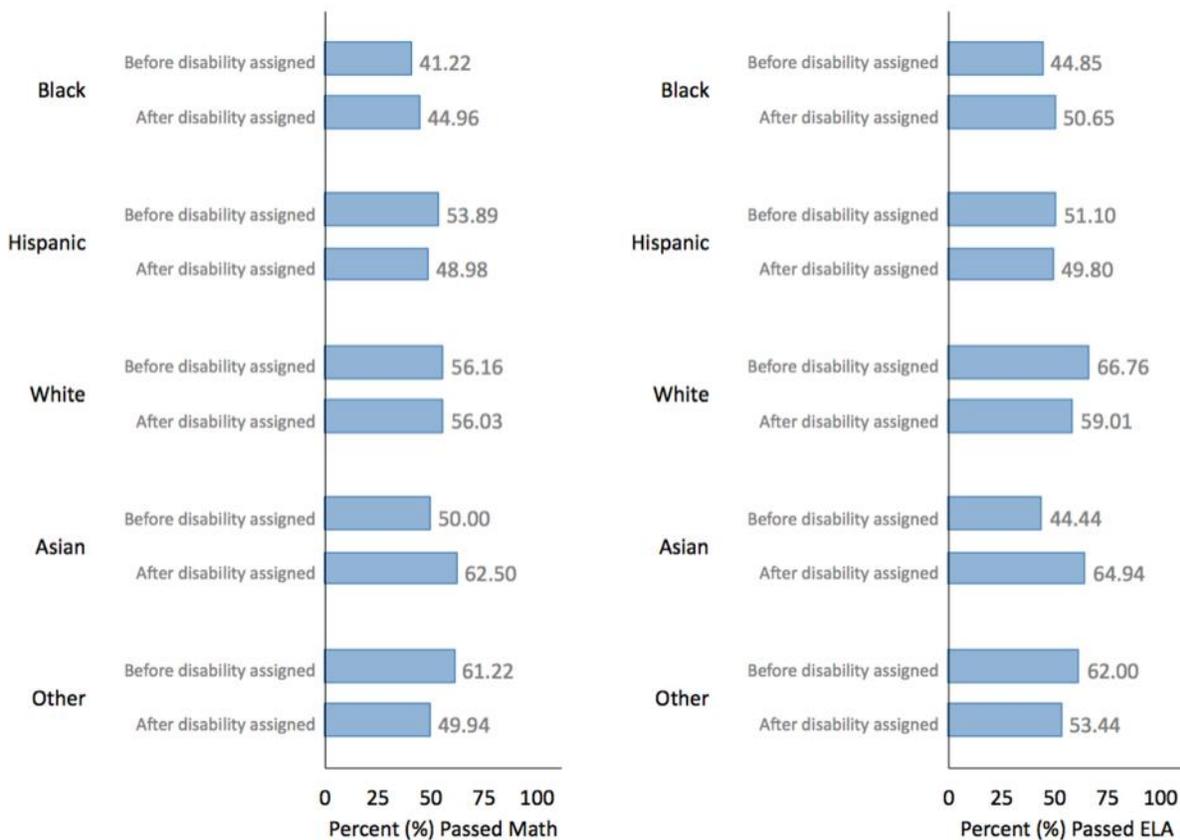
Figure 2-1. Special Education STAAR Passing Rates by Disability Category, Math and ELA, 2012-13 through 2014-15 Combined



Source: Killeen ISD Student Level Data File, 2012-13 to 2014-15

Figure 2-2 presents the STAAR passing rates by ethnicity before and after special education students receive a disability category designation. The passing rates for these students is higher for Asian and Black students after disability assignment, yet lower for Hispanic, White, and Other students.

Figure 2-2. Passing Rates for Math and ELA Standardized Exams Before and After Student Special Education Designation and by Race/Ethnicity, 2012-13 to 2014-15 Combined



Source: Killeen ISD Student Level Data File, 2012-13 to 2014-15

Other findings made by the audit team from a multivariate model of Math and ELA exam outcomes include the following:

- The probability of special education students passing the exams is 51 percent for Math and 60 percent for ELA for at-risk students, which is a decrease in the odds of passing by 70 percent when compared with the average student. Prior retention reduces the likelihood of passing ELA 28 percent; there is no at-risk student impact on passing Math.
- For each additional student absence, the odds of passing the Math exam decreases by a factor of about 3 percent and the odds of passing the ELA exam decrease by 8 percent.
- Male students are 1.4 times more likely than female students to pass the Math exam and 0.2 times less likely to pass the ELA exam.

In summary, KISD STAAR passing rates for special education students are significantly below the state standards, but generally at or above the state average and peer district averages. Student performance ranges widely based on disability level, even in light of the modified and alternate assessments. Another factor that could be affecting KISD's STAAR passing rates is the higher percentage of total enrollment

served in special education relative to the state average and to peer district percentages. Fewer KISD students are exposed to the general education programs (which would tend to drive down special education passing rates), but the district may have more students in special education that do not need to be in the program (which might be driving up the special education passing rates by having higher performing students in the program).

Finding: KISD is not sufficiently analyzing its own special education student performance data.

During the focus groups, interviews, and campus visits, it became apparent that some campuses are doing an excellent job collecting achievement data, reviewing it, and planning interventions based on the data. On other campuses, those practices were not evident. Further, there was no evidence that the scores of special education students are being disaggregated at the district level in order to determine which campuses are doing well and which are not.

There is no designated position in the Special Education Department at the central office responsible for analyzing student achievement data. (See related recommendation in *Chapter 3 – Organization and Management* of this report.)

Response to Intervention

Two statutes, *No Child Left Behind (NCLB)* [68 FR 68698]¹⁰ and the *IDEA 2004 (IDEA)*, [20 U.S.C 1401 (c) (5) (F)]¹¹ have provisions that direct or encourage school districts to educate students with disabilities in general education environments and to limit the number of students who are exempted from state mandated assessments. In the re-authorization of *IDEA*, the federal government affirmed in its *Findings* section that the education of children with disabilities can be made more effective in part by establishing pre-referral interventions. *IDEA* is clear that by using more effective interventions the need to label children as disabled in order to address their learning needs should be reduced.

The reauthorization of *IDEA* in 2004 also focused attention on RTI as a tool for assessing and working with struggling learners. This interest is a result of major changes made in the law. The law changes how students are identified with specific learning disabilities. Local educational agencies are no longer “... required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability... (P.L. 108-446, §614(b)(6)(A)). Rather, local educational agencies may use a process that determines how a student responds to research-based interventions.”

Response to Intervention requires that high quality instruction/intervention be matched to student need. Interventions must have proven their effectiveness to produce high rates of student learning and be supported by scientific research. RTI models use assessments that are directly related to instruction and proponents believe that services for struggling students must focus on intervention, not eligibility.

¹⁰ <http://www2.ed.gov/nclb/landing.jhtml>

¹¹ <http://www2.ed.gov/policy/speced/guid/idea/idea2004.html>

RTI models propose a three-tiered process of student intervention:

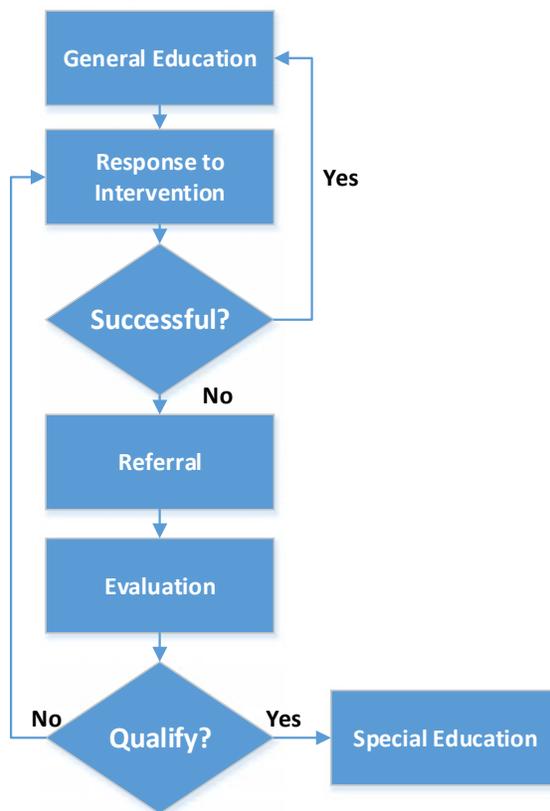
- **Tier I:** Primary intervention is high quality, research-based, whole-group instruction and some small group differentiated instruction combined with general screening processes.
- **Tier II:** Secondary intervention includes research-based small group or individual instruction in specific areas of weakness.
- **Tier III:** Tertiary intervention is more intensive instruction and support through individualized planning and programming.

The RTI model typically places the responsibility for Tiers I and II in general education and most options for Tier III in special education. A student who is not responding to Tier I intervention should be referred to the intervention team whose responsibility is to assist a referring teacher in developing targeted interventions that should be provided in addition to the quality instruction already received in Tier I. An effective, productive, positive intervention team dedicated to supporting students and teachers is a universally helpful tool for helping meet the diverse learning and behavior needs of students.

The RTI process should be considered part of the district's overall approach to high quality, effective instruction. If a sound instructional framework is in place, then the RTI process should extend it through early identification and intervention. RTI should not add to a school's instructional responsibilities, it should enhance them by providing the vehicle for determining whether the core instruction and behavioral supports are working for individual students and, if they are not, helping the school design and implement more effective interventions. When the RTI model is in place in all schools and functioning as intended, students can be targeted for early, effective intervention before they are struggling, failing, or dropping out.

The influence of a district's RTI program on special education can be seen in Figure 2-3. By serving more students successfully in RTI, fewer referrals and evaluations are needed and fewer students end up in the special education program.

Figure 2-3. High-level Process Map of RTI and Its Influence on Special Education



Source: Gibson Consulting Group, Inc.

KISD implemented RTI more than 10 years ago, but has recently restructured the program and provided additional guidance and training in fall 2015. The district's current RTI program is documented through various materials described below:

Operating Guidelines: RTI Process

These guidelines are in a table format with these headings: "Action and Required Practices, Personnel Responsible, and Timeline." The table explains a step-by-step process that includes designation of campus teams; training for central and campus administrators, teachers, and others; RTI team actions like collecting data, pre-conferencing with parents, documenting interventions, and monitoring progress.

Job Description for Campus Response to Intervention Coordinator

This document explains the functions, duties, and responsibilities of the campus RTI coordinators. Responsibilities include attending professional development, leading campus RTI committees, monitoring general education reading and Math instruction to ensure the use of sound teaching practices and evidence-based instruction that is implemented with fidelity, and facilitating communication throughout the RTI process.

Tier II RTI Problem-Solving Process

This document explains what items should be reviewed before determining if a Tier II intervention is needed, points out that the committee should develop a plan if it is needed, and that an online RTI/SSP (hereafter referred to as “Student Success Plan”) should be created; identifies staff members responsible for monitoring progress; and schedules a follow-up meeting. At this stage, a printed copy of the RTI/SSP is required to be distributed to the teacher, interventionists, parents, and other stakeholder.

Tier II Follow-Up Problem-Solving Process

This form has items to be checked off after reviewing progress and data; determining whether the student requires further intervention or has made sufficient progress; completing parent notification, developing a further intervention plan for insufficient progress has been made by the student; scheduling a Tier III meeting, and distributing a printed copy of the RTI/SSP.

Tier II Problem-Solving Process

This is a form that is primarily a checklist of items that should be completed before the campus refers a student for Tier III interventions. It includes the same headings as the form for Tier II.

Tier III RTI Follow-Up Problem-Solving Process

This is a form that is primarily a checklist of items that should be completed before the campus refers a student for Tier III interventions. It includes the same headings as the form for Tier II, with the additional step of providing a referral packet for special education if needed.

Universal Screening (Beginning, Middle & End)

This document is a flow chart that explains what data should be reviewed at each level of RTI, as well as the decision making process that should be followed.

RTI Tier II Initial Meeting

This form is intended to be completed and returned to the RTI coordinator. It includes space for a teacher or other staff to designate the type of assistance a student needs and then provide written narrative related to specific concerns.

The district provided the audit team with additional forms that are used in the RTI process but not part of the informational packet described above. These include a classroom observation form, a health information form, and a list of data reviewed during the RTI process.

In August 2015, the district provided professional development for campus administrators related to RTI. Among the information provided to administrators were examples and directions for entering data for students requiring interventions and then later monitoring those students’ progress. The student information system that KISD uses for these data is *eSchoolPLUS*. This software allows educators to follow these steps related to the SSP:

- Search for and find the student
- Create the intervention plan (the Student Success Plan)

- Enter the interventions
- Enter goals
- Monitor the intervention plan

Data available for decision-making includes:

- Prior state testing history
- Campus assessments
- Lexmark testing
- STAAR testing
- For older students, their “credits earned” history can also be considered.

The professional development packet from the August 2015 training on RTI for administrators also includes examples of forms from SMI: College and Career, which allows the creation of a *Progress to College & Career Report*.

Finding: KISD’s RTI program does not appear to be achieving desired results.

KISD has not established outcome measures or targets for its RTI program, and this has limited management’s ability to evaluate the success of the program. The audit team conducted its own analysis of several outcome measures, and also reviewed TEA documentation and ratings reflecting the agency’s assessment of the RTI program at Killeen ISD.

One purpose of RTI is to successfully serve students with behavior and academic problems in general education. The *IDEA* and *NCLB* specifically reference the need for districts to reduce referrals to special education for students whose needs could be met with more targeted, intensive, or tailored interventions in general education. Over time, this would result in a lower percentage of a district’s students served by special education. Accordingly, one indicator of RTI program performance is the percentage of students served in the special education program. The more effective the RTI program, the lower the percentage of students served in special education.

Killeen ISD has a higher percentage of special education students than the state target, the state average, and its peer districts. Table 2-4 presents a comparison of KISD’s percentage of students in special education to the state target and the state average. Killeen ISD’s percentage is almost one-third higher than the state average, and the variance is increasing.

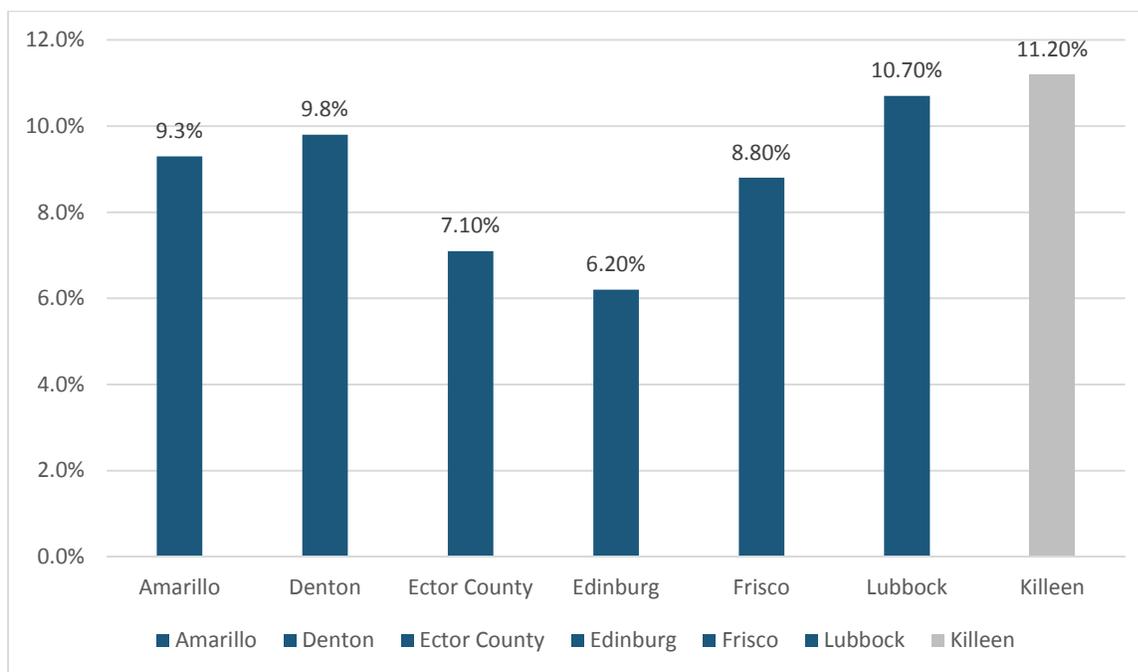
Table 2-4. Comparison of KISD to State Percentages of Students in Special Education, 2010-11 to 2014-15

Year	2010-11	2011-12	2012-13	2013-14	2014-15
State Standard for Special Education Representation	8.5%	8.5%	8.5%	8.5%	8.5%
Average State Percentage of Students in Special Education	8.8%	8.6%	8.5%	8.5%	8.5%
KISD Percentage of Students in Special Education	10.6%	10.6%	10.7%	11.3%	11.2%
Percentage Point Difference Between KISD and State Average	1.8%	2.0%	2.2%	2.8%	2.7%

Source: Texas Education Agency PBMAS Report, 2015

PBMAS indicator 13 measures special education representation as compared to the state target of 8.5 percent. In 2014-15, KISD received a performance indicator level of 2 within a range of 0 (best) to 4 (worst). Figure 2-4 shows that KISD has a higher percent of students in special education when compared its peer districts. Killeen ISD's rate is higher than each of the peers, which range from 6.2 percent to 10.7 percent.

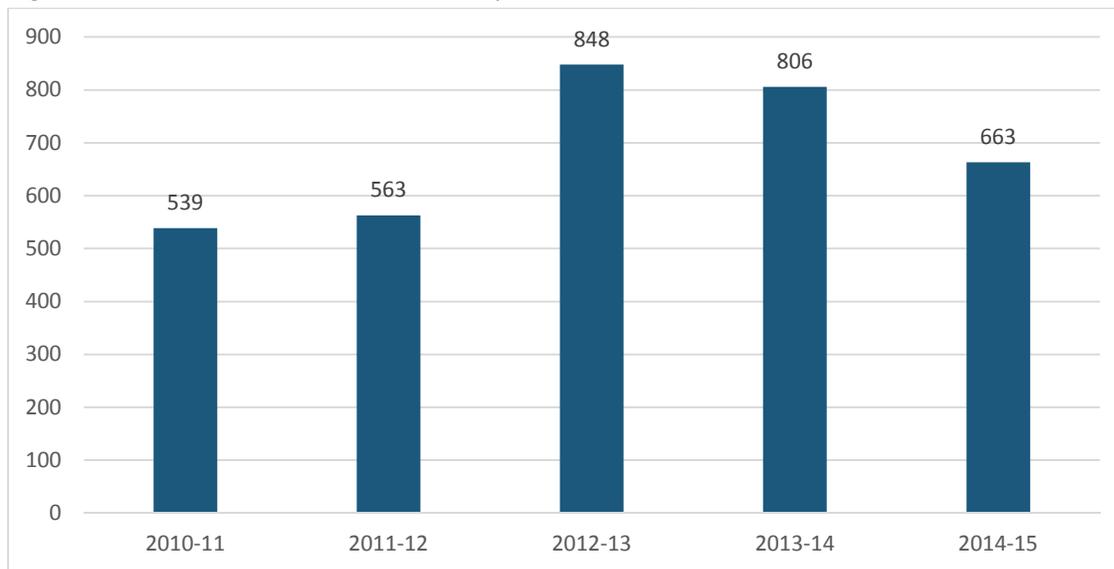
Figure 2-4. Comparison of KISD to Peer Districts, Percentage of Students Served in Special Education, 2014-15



Source: Texas Education Agency Texas Annual Performance Reports, 2014-15

Killeen ISD is also higher in the number of referrals to special education. Figure 2-5 presents a five-year history of referrals to special education at KISD. This data shows a significant increase from 2011-12 to 2012-13, yet also shows a considerable decline in 2014-15.

Figure 2-5. KISD Number of Referrals to Special Education, 2010-11 to 2014-15



Source: KISD Special Education Referrals, 2010-2015

Separate from PBMAS, TEA has commented on KISD's referral rates. A July 2015 letter from TEA to the district stated that, *"Many inappropriate referrals are being made that take up valuable evaluation time. Evaluation staff reported that teachers have learned that if parents request that their child be evaluated for special education, the evaluation will be conducted faster due to bypassing the RTI process. Staff reported that the district rarely refused to evaluate."* In addition, TEA stated that *"...the district does have a response to intervention (RTI) process; however, data concerning interventions used are not clearly documented in order for evaluation staff members to have clear information to determine if referrals are appropriate. A district can refuse to evaluate a student by providing parents with prior written notices; however, the district would want to make that decision based on clear, precise data."* (TEA July 2015)

The percentage of "qualifying" referrals is another important measure of RTI program effectiveness. High qualifying rates indicate that a district has made every attempt to serve the student through RTI, and that a referral to Special Education is appropriate.

Table 2-5 presents the number of referrals to special education over five years, the number that qualified (were found eligible for special education services), the percent of referrals that qualified, and the percent that did not qualify (hereafter referred to as "DNQ"). Except for one year (2012-13), less than 75 percent of referrals to special education qualified for services annually. KISD's performance improved from 2010-11 to 2012-13, but has deteriorated since then.

Table 2-5. KISD Special Education Referrals and Qualifying Rates, 2010-11 through 2014-15

Year	2010-11	2011-12	2012-13	2013-14	2014-15
Number of Referrals to Special Education	539	563	848	806	663
Number of Qualified/Eligible Referrals	319	392	637	523	418
Percent of Referrals that Qualified for Special education	59.2%	69.6%	75.1%	64.9%	63.0%
Percentage Not Qualifying (DNQ)	40.8%	30.4%	24.9%	35.1%	37.0%

Source: KISD Special Education Referrals, 2010-2015

The district also tracks its DNQ rates by type of evaluation. Table 2-6 shows high levels of DNQ rates across most of the evaluation types, with three of the types exceeding 40 percent. This indicates a general lack of understanding of when students should be referred to special education.

Table 2-6. Special Education Referral DNQ Percentages by Evaluation Type, 2013-14

Type of Evaluation	DNQ %
Adaptive PE	41%
Auditory Impairment	0%
Assistive Technology	30%
Counseling	16%
In-Home Training	47%
Cognitive / Academic	36%
Orientation and Mobility	30%
Occupational Therapy	36%
Psychological / Autism	41%
Physical Therapy	23%
Speech-Language	36%
Visual Impairment	20%

Source: KISD – DNQCampus1.pdf

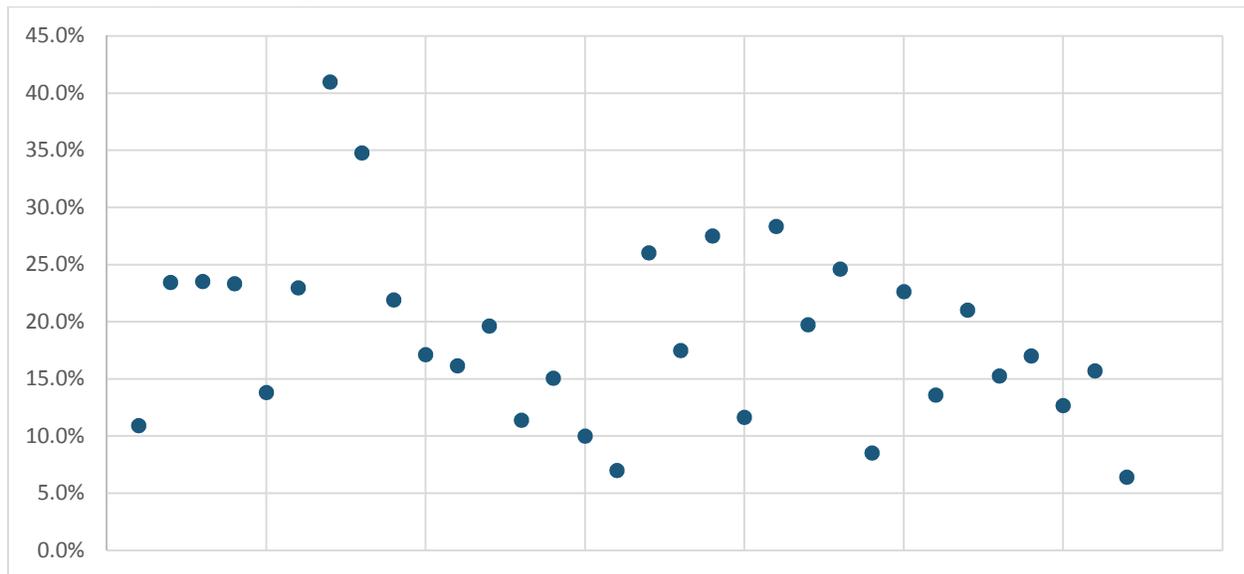
The above measures are indicative of an RTI program that has not been effective for KISD. Special education student counts and referrals are high, and the percentage of qualifying referrals is low across most evaluation types.

These measures are not currently tracked or analyzed by KISD, nor are student level measures of performance through RTI services.

Finding: The implementation of RTI across campuses has been inconsistent.

KISD tracks the number of students seen by RTI teams by school. Figure 2-6 shows the percentage of students seen through the RTI process by elementary school in 2014-15. The schools are in left to right order of highest (88%) economically disadvantaged population to the lowest (31%). These data suggest an inconsistent approach to RTI among elementary schools, as it would be expected that the campuses with a higher percentage of students in high need schools would be seen by RTI.

Figure 2-6. Percentage of Students Seen by RTI, 2014-15 – Ordered Highest to Lowest Percentage of Economically Disadvantaged Students



Source: KISD Students Seen by RTI Team, 2014-15

The disparity of RTI program use in high schools is more severe. Killeen High School and Robert Shoemaker High School have similar enrollments and economically disadvantaged populations. However, Killeen High School served 7 percent of its students served by RTI; Shoemaker High School served 34 percent.

This information suggests a wide range of RTI implementation across the district, and this may be affecting special education referral rates and DNQ rates. The RTI training conducted in 2015 should help improve consistency, but this training will need to extend to the general education teachers who make the referrals.

Finding: RTI universal screening criteria are too generic, and thus limiting its effectiveness.

The district has two documents that explain how data will be gathered and used to support the screening process for RTI. One is a schedule of testing by grade. A district form (untitled) shows which assessments are given at the beginning of the year, first nine weeks, mid-year, third nine weeks, and end of year. While the audit team acknowledges the use of scheduled assessments, the criteria applied for intervention are not related to specific standards, goals, and/or objectives. The primary indicator for screening is “below grade level.” Another KISD document, *Universal Screening (Beginning, Middle & End)*, uses a similar approach, targeting the bottom 5 percent, 10 percent, etc.

By using these overly generic screening criteria (e.g., below grade level, bottom 5 percent), the district is not identifying students for tiered interventions based on specific learning targets and diagnostic data. By not tailoring interventions to specific diagnostic data (either through quick screening and/or short-term formative and summative assessments that determine mastery of specific standards), the resulting interventions may not effectively target student needs or achieve desired outcomes. This current generic screening criteria is likely limiting the academic effectiveness of the RTI program and contributing to higher referrals to special education.

Finding: RTI intervention definitions are not specific enough to describe the actual intervention.

KISD has a two-page list of interventions for RTI at levels 1, 2, and 3. These interventions include specific commercial products like *Do the Math*, as well as interventions that are considered effective teaching practices or are part of typical school responses to student’s lack of academic or behavioral progress, like *Frequent Reminder of Rules*.

The audit team made the following observations about KISD’s RTI interventions:

- **Lack of specificity:** It is not clear what the criteria are for selecting interventions tailored to an individual student’s needs. For example, in reading, a student’s problem could be related to phonemic awareness, fluency, comprehension, or another issue. However, there is no indication of which interventions are designed for a specific learner’s difficulty.
- **Inclusion of basic practices:** Some of the interventions included seem to be good teaching practices that all teachers should be using with all students and may not constitute an additional intervention. For example, meeting with a counselor or administrator is common practice in most schools.
- **Failure to explain the type of intervention:** *Content Specific Pullout* is included as an intervention. However, pullout (usually in small groups or for individual students) in and of itself is not an intervention. Examples of intervention include descriptive programmatically descriptive terms such as pre-teaching vocabulary, re-teaching a process with manipulatives, and other specific academic interventions.
- **Lack of designation by campus:** Individual campuses often have a high degree of autonomy when it comes to making decisions about instruction, including instructional materials and curricula. There is no indication on the list of which campuses use which interventions. Nor is there any evidence that central administration leadership staff are monitoring and guiding low performing campuses so that their interventions are tailored to meet students’ needs. For example, there are some specific interventions available that are designed to improve writing for English Language Learners and could be used in a targeted way at campuses with a high percentage of English Language Learner students. There is no evidence that is happening or that those decisions are being guided by central administration.

A clear and complete definition of intervention types is important to ensure proper student assignment and measurement of intervention effectiveness. Intervention information is currently entered into the district’s *eSchoolPLUS* system, so the district has the capability to conduct analysis of student improvement by intervention type.

Special Education Instructional Programs

This section evaluates special education placements, programs, and service delivery options at KISD, and examines how effective Killeen ISD is in providing students with disabilities an education in the least restrictive environment (LRE) as required by federal law.

Instructional service delivery options for students with special education can vary widely. The type of setting, the length of time in specific settings, and the personnel involved in students' instruction should all be considered as ARD committees are developing an individual student's IEP. Each of these factors can affect overall service delivery, and can also present legal or procedural risks for school districts if not evaluated thoughtfully.

In order to understand the instructional arrangements for students with disabilities in KISD, it is important to understand what is meant by a *continuum of services* and what the related legal requirements. School districts are required to provide a continuum of alternative placements for students with disabilities. 34 CFR 300.115 explains the continuum requirement this way:

- (a) *Each public agency must ensure that a continuum of alternative placements is available to meet the need of children with disabilities for special education and related services.*
- (b) *The continuum required in paragraph (a) of this section must---*
 - (1) *Include the alternative placements listed in the definition of special education under Sec. 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and*
 - (2) *Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.*

The district's performance related to LRE can be evaluated using three different sources of data:

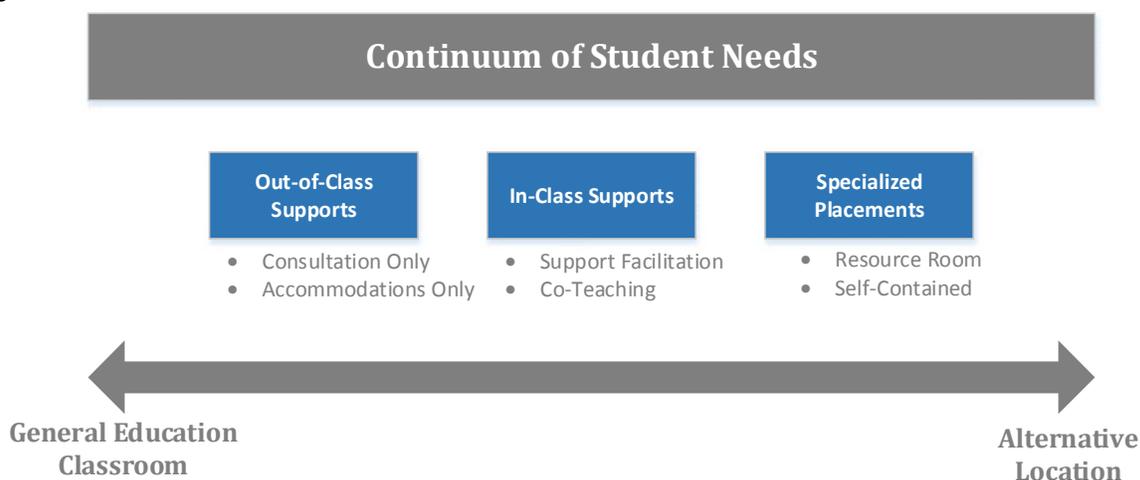
- The district's data that relate to special programs: The number of restrictive classes, which campuses these classes are on, and how many students are in each of those settings/classes.
- The PBMAS data related to LRE, which includes five indicators in the special education section of the 2015 report.
- The Instructional Setting codes in the Public Education Information Management System (PEIMS), which are submitted by the district to the state for funding purposes. School districts' information must reflect the number and percent of students in each instructional setting.

As the continuum of services requirement states, school districts must have a range of options available to be able to implement the IEPs for students with special needs. Students may move through the continuum of services as deemed appropriate by the ARD Committee. Each student's program is required to be individualized, so the amount of time receiving services is as important as the name of the instructional setting or type of class.

School districts do not have to assign common names to their classrooms, programs, and other service delivery options but they must all provide a range of options. The legal requirement to provide instruction for students with disabilities in the least restrictive environment, with their non-disabled peers, also entails a commitment to flexibility and fluidity, meaning that services should change if needed and that

an IEP is more about *what* happens than where it happens. The graphic below provides a good summary of how the continuum of services represents more or less restrictive environments.

Figure 2-7. Continuum of Student Needs



Source: Oklahoma State Department of Education

Additional explanations of the different types of services in the continuum are presented below¹²:

Consultation

In this instructional arrangement, students are education in general education classrooms by general education teachers. One or more special education teachers provide consultation services in accordance with a student's IEP. For consultation services the general education teacher and special education teacher can meet face-to-face, via conference calls, or virtual technologies on a regular basis to plan, implement, and monitor instruction strategies. Meetings must be regularly documented and designed to ensure that the student with a disability is successful in the general education classroom.

Co-Teaching

Co-teaching is an arrangement that involves both a general education and a special education in the same classroom. The two teachers share responsibility for planning, delivering, and evaluating instruction for Pre-K through Grade 12 for all students in a class/subject for the entire class period. The "highly qualified teacher" requirements of NCLB mean that students will typically have a teacher certified in the content area/subject and a special education teacher who also has content area knowledge.

Inclusion Classes for Facilitation and Support

Inclusion support and facilitation involves teachers sharing responsibility for planning, delivering, and evaluation instruction for all students in a class/period. However, the two teachers may not be in the same class for the entire class period and/or for every class period of the week. Some districts differentiate an

¹² Sources: Killeen ISD Special Services Department; pamphlet (no title; no date); Killeen ISD List of Special Programs by Campus with Enrollment (data request for this review)

inclusion class, with two certified teachers and inclusion support, which is usually provided by a paraprofessional. In this type of instructional arrangement, the special education teacher's schedule is flexible and that teacher may work with several teachers during the week.

One Teacher Model with Dual Certification

In this service delivery option, one teacher serves as both the general education teacher and the special education teacher to provide the specially designed instruction as identified on the student's IEPs. The teacher must meet certification requirements in both general education and special education. This arrangement is used in some Texas school districts for young children with disabilities, in their Preschool Program for children with Disabilities (PPCD) classrooms. When the majority of the students in the classroom do not have disabilities and students with disabilities are included in that classroom, this can be considered an inclusionary program.

Resource

In this instructional arrangement, one special education teacher provides instruction to a group of students who all have disabilities. These students are usually grouped together because of similar individual needs, so that they can receive specially designed instruction. Students who receive services in the resource room are usually assigned by subject of class period and often do not spend the entire day in this special education class. A portion of their school day may be spent in general education classes and settings with non-disabled peers.

Separate Class

In separate special education classes, one special education teacher (often supported by paraprofessionals) provides instruction to a group of students who all have disabilities. These students have typically been grouped together because of similar individual needs so that they can receive specially designed instruction. In this model, students may still be pursuing general education content standards. In Texas, some of these students will likely take the STAAR test with accommodations (STAAR-A) test and some may take the STAAR Alternative 2, which is an alternative test for students with multiple or serious disabilities.

The content, methodology, or delivery of instruction is adapted to ensure the students have access to the general education curriculum and the opportunity to meet the educational standards that apply to all students. For students who will take the TAKS-Alt, these components will generally be modified. Sometimes, students in separate classes will participate in general education settings, including recess, lunch, and/or fine arts classes so they do not always spend their entire school day in a special education setting with only disabled peers.

Instruction Delivered in the Home or Community

Sometimes, students are educated outside of a public school. For students who receive services at home, a special education teacher usually schedules and provides instruction according to the specified time agreed upon by the IEP committee. For students with serious medical conditions, services in the home may be either a short-term or long-term arrangement. Some students may also receive instruction in a

hospital, residential facility, treatment center, judicial setting, or disciplinary setting. Another section of this report addresses the disciplinary settings in KISD as they relate to students with disabilities.¹³

KISD's Special Education Department has a pamphlet that describes its continuum of special education services. In addition, the district provided a table that indicates how many of each of these programs there are and which campuses have the classes. Included in the KISD continuum are these services:

Preschool Program for Children with Disabilities

This program serves children ages 3-5 with various disabilities and focuses on communication. There are 13 of these classes on six campuses in KISD.

Communication, Academic, and Social Development (CASD)

The CASD program is described as *"...a specialized classroom that provides a highly structured communication-based instructional program for students with disabilities whose education needs cannot be met in other settings."* CASD is available for students in Grades K-12. There are three CASD classes on two elementary campuses, two middle school classes on two campuses, and one high school class at Shoemaker High School.

Inclusion

KISD describes their inclusion program as *"...an instructional arrangement where students with disabilities are included in the general education classes to the maximum extent possible. Special Education staff members that provide inclusion support monitor students in general education classes and often team teach with a general education teacher providing services in the general education classroom."* The information on special programs provided by the district did not specify the extent to which their "Inclusion" programs are implemented.

Content Mastery (CMC)

The Content Mastery program is provided in order to provide *"...accommodations of the regular curriculum, methods, and/or materials as defined by the ARD/IEP."* This program includes both general and special educators. The information on special programs provided by the district did not specify how many content mastery centers there are and where they are located.

Resource Class

KISD describes resource classes as *"...classes designed to provide instructional assistance to student who need more intensive academic services than can be provided in the general education class. Placement in resource class usually requires the student to be several grade levels behind and require content modifications."* The information on special programs provided by the district did not specify how many resource classes there are and where they are located.

¹³ Pasco (FL) School District's website, Pasco Public Knowledgebase, http://www.pasco.k12.fl.us/wiki/index.php/SSPS:Continuum_of_Services

Positive Behavior Support (PBS) and Therapeutic Learning Classroom (TLC)

These two types of classrooms are *"...unique instructional placements for student with specific behavioral/emotional needs in grades kindergarten through twelve in Killeen ISD."* The classes are designed for students whose behavior impacts their learning and the learning of others. These classes are highly restrictive. There are eight PBS classes on seven elementary campuses, five PBS classes on five middle school campuses, and four PBS classes on four high school campuses. There is one TLC class at Sugar Loaf Elementary School, two TLC classes at two middle schools, and six TLC classes at three high schools.

SKILLS

SKILLS classes are *"...self-contained classes for students ages 5-21 who have significant physical and/or cognitive disabilities. The SKILLS curriculum emphasizes both functional (person care, social, and vocational) and academic skills."* There are 29 elementary SKILLS classes on 10 campuses, 13 middle school SKILLS classes on 10 campuses, and 12 SKILLS classes on four high school campuses.

SKILLS II

This class is not described in the KISD pamphlet, but the list of special programs indicates that there are two SKILLS II classes, one at Bellaire Elementary and one at Skipcha Elementary.

Functional Skills

The district describes Function SKILLS classes as *"...self-contained classes for students ages 5-21 who have severe or profound physical and/or cognitive disabilities. These students are often medically fragile and usually do not have oral speech as a communication system. These students are generally at a developmental age of 2 years of less, and their IEP goals focus on basic physical and emotional needs."* There are four elementary Functional SKILLS classes at Saegert Elementary, two at Manor Middle School, and three high school Functional SKILLS classes at three high schools.

Regional Day School Program for the Deaf (RDSPD)

KISD operates the Regional Day School for the Deaf that serves students have auditory impairments from several area districts. The teachers in the RDSPD program are certified to work with students who are deaf/hear-of-hearing.

Infant Program

The district also has a program for students from birth to age three who have been identified as visually impaired, auditory impaired, or deaf-blind.

To provide consistency in reporting at the state level, TEA requires school districts to assign students to one of the state defined instructional arrangement codes. These arrangements include mainstreaming (inclusion), resource room, and self-contained classes. Some arrangements appear more than once with the difference being the amount of time spent in the arrangement.

Commendation: There is evidence of best practices in KISD schools.

The audit team conducted site visits at six KISD schools, two of which demonstrated instructional best practices. During these site visits interviews were conducted with the campus principal and classroom observations were made.

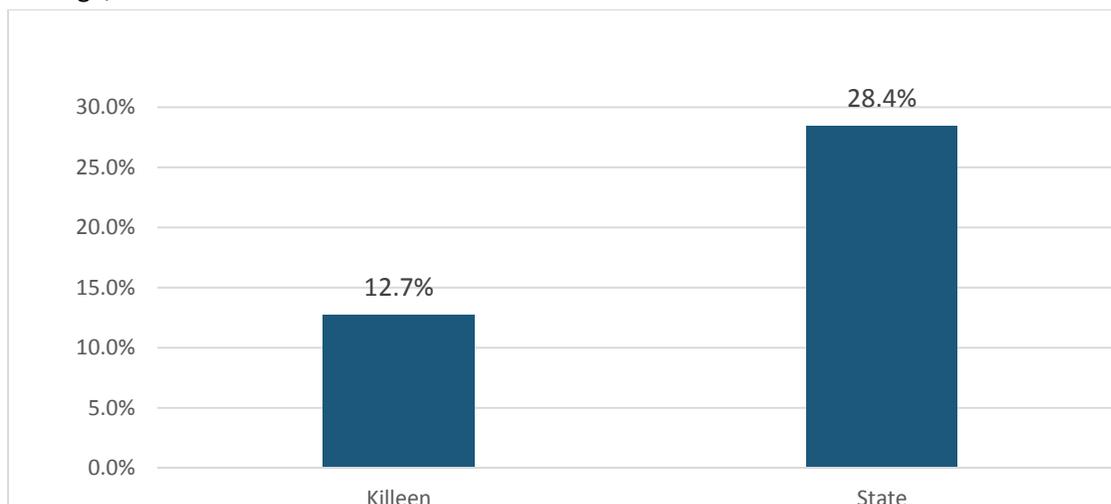
- In one elementary school resource room, a highly interactive and participating learning session was observed. The class was quiet and attentive, one student read a story she had written, and every student that was asked made a thoughtful response demonstrating that they had heard and understood the content of the story.
- In another elementary school, extensive special education student data analysis was evident. Reports were generated to analyze special education student placements, outcomes, and other information used to support decision-making at the school.

It is important – and beneficial – for school districts to be able to tap into best practices from within their district. This increases the chance of these practices being used by other schools, particularly because KISD already uses Professional Learning Communities (PLCs) to implement improved practices.

Finding: KISD serves a lower percentage of its students in least restrictive environments.

The audit team compared KISD's percentages of students in various instructional arrangements to the state average. These comparisons show that KISD serves a much lower percentage of its special education students through less restrictive settings than the state average. Figure 2-8 compares the percentage of students served through the Mainstreaming arrangement, the least restrictive arrangement that can be assigned. The comparison shows that KISD serves less than half of its students through mainstreaming than the state average. This reduces the student opportunities for exposure to the general education curriculum and likely has adverse effects on student achievement.

Figure 2-8. Percentage of Special Education Students Served through Mainstreaming, KISD and State Average, 2014-15

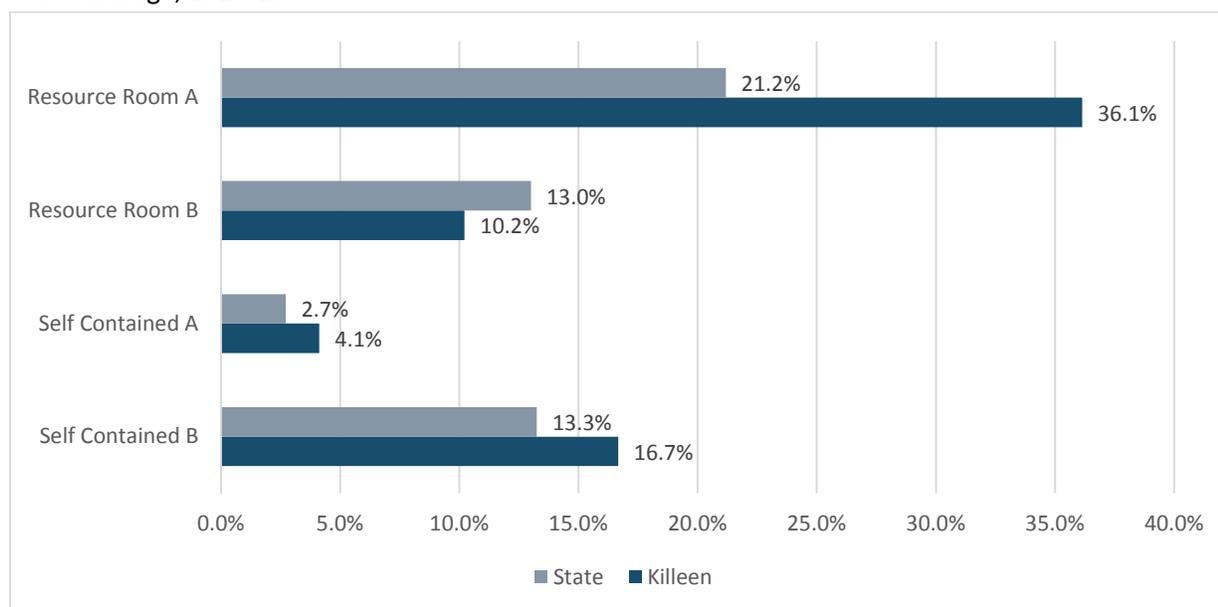


Source: Texas Education Agency

Figure 2-9 compares the percentage of KISD's special education students served in more restrictive settings to the state average. In the graph, Resource Room A relates to students served less than 21 percent of the time in the arrangement. Resource Room B indicates students served 21 percent to less than 50 percent of the time in the arrangement. Self-Contained A serves students 50 percent to 60 percent of the time; Self-Contained B serves students more than 60 percent of the time.

With the exception of Resource Room B, Killeen ISD serves a higher percentage of students in the more restrictive placements than the state average, and particularly in the Resource Room A arrangement.

Figure 2-9. Percentage of Special Education Students Served through more Restrictive Settings, KISD and State Average, 2014-15



Source: Texas Education Agency

The result of more restrictive placements can also be seen on the district's PBMAS rankings. To evaluate a district's compliance with the Least Restrictive Environment requirements of the IDEA, the PBMAS indicators 5, 6, 7, 8, and 9 were analyzed. These measures relate to the time spent in general education for students ages 6-11 and 12-21 as well as students in PPCD. The indicators consider LRE in two ways, and the state's goals are for students to spend more time in general education and less time in special education. Indicators 5, 6, and 8 require students with disabilities to be included in general education for a high percentage of the day (80% or more for students age 6-11). Indicators 7 and 9 require districts to serve students for less of their school day in special education (40 percent or less). The indicators are defined below:

- Indicator 5 – Special Education Early Childhood Program Rate (Ages 3-5). Target: 30.0-100 (*Higher percentage is more favorable*)
- Indicator 6 – Special Education Regular Class \geq 80% Rate (Ages 6-11). Target: 70.0-100 (*Higher percentage is more favorable*)

- Indicator 7 – Special Education Regular Class <40% Rate (Ages 6-11). Target: 0-10.0 (*Lower percent is more favorable*)
- Indicator 8 – Special Education Regular Class >= 80% Rate (Ages 12-21). Target: 70.0-100 (*Higher percentage is more favorable*)
- Indicator 9 – Special Education Regular Class <40% Rate (Ages 12-21). Target: 0-10.0 (*Lower percentage is more favorable*)

KISD performance on PBMAS for these indicators was compared to the same measures of its peer districts. Table 2-7 presents the comparisons on the PBMAS indicators related to Least Restrictive Environment for Killeen ISD, six peer districts, and the state average.

Table 2-7. KISD, State and Peer Districts' Performance on LRE Indicators, 2015

	Indicator 5	Indicator 6	Indicator 7	Indicator 8	Indicator 9
Texas	24.7	69.9	14.5	65.9	14.1
Amarillo	23.7	77.1	12.2	63.5	16.7
Denton	34.0	84.7	9.5	68.0	13.4
Ector County	3.1	63.5	17.2	61.6	13.0
Edinburg	15.3	59.9	25.2	63.5/55.3 RI	13.7
Frisco	7.6	65.6	12.6	72.9	12.3
Killeen	6.2	74.1	17.4	57.7	17.9
Lubbock	7.2	79.3	12.8	68.0	17.1

Source: Texas Education Agency, PBMAS Reports, 2015

These data validate what the district's own data on special programs show – that Killeen ISD has a pattern of highly restrictive placements. The district does not meet state goals for ensuring that students with disabilities receive their education among their non-disabled peers at any age level or on any of the five indicators. Nor does the district provide inclusive programming at a level commensurate with its peers or the state. This has implications for state performance accountability, but more importantly inhibits the ability of the district to expose its special education students to the general education curriculum – which would in turn improve student achievement.

These results are particularly concerning in light of the fact that the district has a higher percentage of its student enrollment served in special education.

Finding: KISD does not have an effective district-wide inclusion model.

One of the major factors that could be contributing to the pattern of overly restrictive placements is the lack of an effective inclusionary or mainstreaming model. Based on analysis of the district's data, input from focus groups, and observation of several inclusion classrooms, the following observations were made:

- Several of the secondary inclusion classes observed had unusually large populations of special education students, sometimes representing more than one-half of the students in the classroom. This is not an effective inclusion model.
- The audit team did not observe any co-teaching arrangements in the schools visited; however, it was reported that some schools did use co-teaching.
- There are not enough special education teachers assigned to inclusion classes. Principal focus groups stated that special education teachers on their campuses are primarily responsible for the more restrictive classes (resource room, self-contained) and cannot dedicate enough time to inclusion classes or general education teacher support. (See Recommendation 3-7 in *Chapter 3 – Special Education Organization and Management* of this report.)
- Resource rooms in KISD middle schools were eliminated in 2014-15. This resulted in higher placements in inclusion classrooms, but based on principal feedback during focus groups, because of the inadequate resources devoted to inclusion classrooms and the large class sizes, these special education students are expected to get further behind.

Finding: Student IEPs tested were found to be compliant, but several did not contain realistic performance expectations or the academic rigor necessary to improve student achievement.

The audit team selected a sample of 40 students and reviewed their IEP files for compliance, completeness, and academic content. Because KISD did not convert all historical data to *Easy IEP*, the file audit was limited to the most recent year's documentation. Table 2-8 presents the verifications performed on each IEP file.

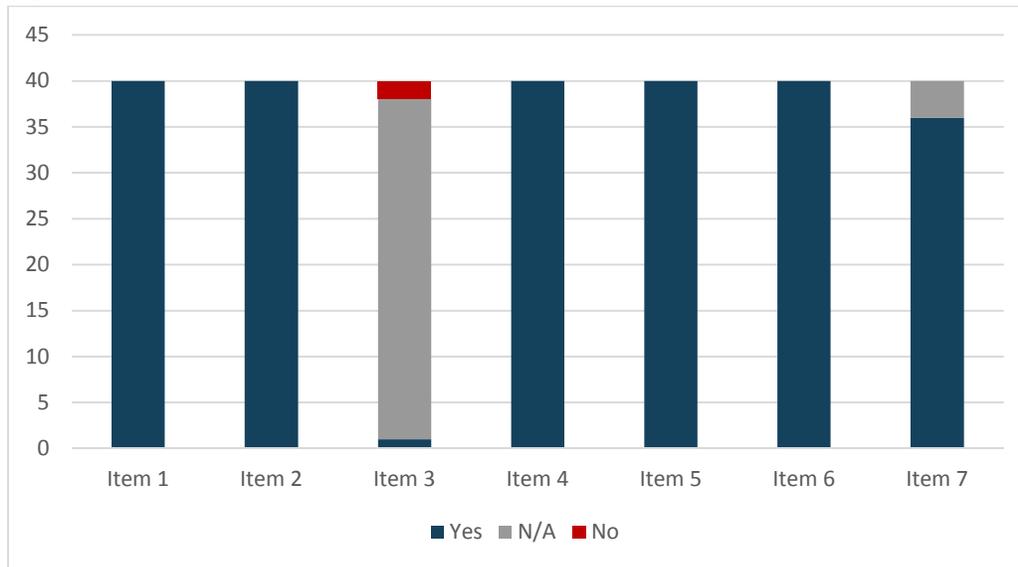
Table 2-8. IEP File Verifications

Item #	Description of Item Verified
1	A statement of the child's present levels of academic achievement and functional performance
2	A statement of measurable annual goals, including academic and functional goals designed to: <ul style="list-style-type: none"> - Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and - Meet each of the child's other educational needs that result from the child's disability
3	For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
4	A description of how the child's progress toward meeting the annual goals described in 34 CFR 300.320(a)(2) will be measured
5	A description of when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided
6	A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child
7	A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16) of the Act; If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child

Source: Gibson Consulting Group, Inc.

For the one-year period available, the audit found virtually all IEP files to be technically compliant and complete. Based on input received during interviews and focus groups, the use of *Easy IEP* (the district's special education software) helps facilitate the completion of IEP files in an efficient manner. Figure 2-10 presents the compliance results of the IEP file audit. Only item 3 showed incomplete documentation in two of the 40 files reviewed.

Figure 2-10. IEP File Audit Results



Source: Gibson Consulting Group, Inc.

The IEP files were also examined for academic content. The files included information on measurable annual goals, the (district) implementers responsible, and the progress monitoring timetable. Goals were identified for each applicable content and support service area, and contained current year baseline and end of year targets for performance. In many of the files reviewed, the performance targets were similar regardless of the student's baseline performance. Table 2-9 provides several examples from the IEP files of baseline and target measures, and the expected improvement during 2015-16.

Table 2-9. Examples of IEP Performance Baselines and Targets

Student IEP File	Primary Disability	Content / Service Area	2015 Baseline Measure	2016 Target Measure	1-Year Expected Percentage Point Gain
A	Learning Disability	General Education / Inclusion	20%	70%	50%
B	Autism	Writing	5%	60%	55%
		Mathematics	20%	60%	40%
C	Other Health Impairment	Mathematics	50%	70%	20%
		Language Arts	60%	80%	20%
D	Intellectual Disability	Mathematics	0%	45%	45%
		Reading	0%	60%	60%
E	Learning Disability	General Education	60%	70%	10%
F	Visual Impairment	Reading Skills	40%	70%	30%
		Mathematics	30%	70%	40%

Source: KISD Student IEP Files

While the IEPs contained action items, they were not specific as to how such dramatic performance improvements would be achieved. The wide variance in expectations for performance improvement diminishes their meaning as well as the applicability of the underlying action items.

Finding: Not enough training is required for general and special education instructional staff and administrators.

According to information provided to the audit team, professional development opportunities related to inclusion models inclusion strategies, differentiation, and positive behavior supports have been provided by the district and the regional Education Service Center (Region12) in Waco. However, almost all of these opportunities have been optional and very few have been required. This has resulted in an uneven pattern of knowledge and skills among general and special education teachers and administrators.

This lack of a consistent knowledge base is problematic, especially for general education staff, who likely have very little pre-service training related to special education and yet are in large part responsible for ensuring students' success in general education classes.

Finding: There are no classroom walk-through instruments specifically designed for special education.

Based on interview and focus group input, KISD does not have classroom walk-through instruments to evaluate the effectiveness of classroom instruction for special education students. Special education walk-throughs are conducted by campus administrators; however, no specific data related to special education instruction is captured.

An effective classroom walk-through would require the review of student IEP files in the classroom prior to the walk-through. The classroom observation could then be used to compare the IEP to the lesson plan to the actual instruction taking place. Other observations could be made in co-teaching environments, such as the interaction between the general education and special education teachers, as well as the special education teacher interaction with students in the classroom.

Student Retention

Educational practices are often subject to research in order to determine their effectiveness. There have been few educational practices researched more frequently or more thoroughly than retention. The term "retention" is commonly used to describe the practice of keeping (retaining) students in the same grade from one year to the next. In the past, people have used other terms like "holding back" or "failing" to describe actions taken by educators to keep students from progressing to the next grade. Students in special education and students with 504 plans are usually less likely to be retained than students not served in these programs. This is because special education students and 504 students have individualized plans for their education (IEPs for special education) that specify their educational services, accommodations, and other individualized interventions.

Retention has become more of a focus recently because some states, including Texas, in accordance with *No Child Left Behind*, have begun to retain students who do not pass mandated state tests. In Texas, the grades affected are Grades 5 and 8. For example, if a student in Grade 5 does not pass the STAAR test in reading, he or she is likely to be retained and will have to repeat the fifth grade. While retention is a common practice in some school districts, others are less likely to retain students. In Texas, each school district's Texas Academic Performance Report (TAPR) explains that district's retention rates for Grades K-8 and compares them to the state rates. Retention rates for Grades 9-12 are not reported in the TAPR.

While retention is used by many districts, it is not supported by research because it is ineffective at improving academic progress and often has serious negative effects on students.

One of the most comprehensive reports on the effects of grade retention is *Retaining Students in Grade: A Literature Review of the Effects of Retention on Students' Academic and Nonacademic Outcomes*.¹⁴ This report is the result of a review of studies on retention since 1980. Studies included in the review had to meet standards for relevance, methodological rigor, and time of publication. Only studies that examined K-12 students for: (1) characteristics of retained students, or (2) effects of grade retention on any of six student outcomes (i.e., academic achievement, socioemotional outcomes, behavioral outcomes, propensity to drop out of school, postsecondary education, and employment outcomes) were included. Ninety-one studies met the criteria for review and were included. What this means for educators who are required to use practices supported by research is that this one review has analyzed and synthesized all of the research of 91 well-designed, rigorous studies. Such a review is comprehensive, valid, reliable, and useful for educators in planning and implementing practices.

The report provides conclusions about the impact of retention on academics:

- In general, retention does not appear to benefit students academically. In fact, in most of the studies, there is a negative relationship between retention and later academic achievement.
- While a few studies have found academic improvement in the immediate years after retention, these gains are short-lived and tend to fade over time.
- Retained students have a significantly increased risk of eventually dropping out of school.
- Compared with their peers, retained students also appear less likely to pursue postsecondary education and more likely to have poorer employment outcomes in terms of earnings.
- Findings of social, emotional, attitudinal, and behavioral outcomes among the retained students compared with their promoted peers appear mixed, with some positive outcomes and other having negative results.

The review found that relative to students who are promoted, retained students are more likely to have:

- Poorer academic performance prior to retention
- Significantly lower social skills and poorer emotional adjustment
- More problem behaviors, such as inattention and absenteeism
- More school transfers
- Poorer health
- Disabilities

¹⁴ Xia, N. & Nataraj, K. (2009)

http://www.rand.org/content/dam/rand/pubs/technical_reports/2009/RAND_TR678.pdf

The review also found that parents of retained students are more likely to have:

- Lower IQ scores and lower levels of cognitive functioning
- Lower educational levels
- Lower occupational levels
- Less commitment to parent responsibilities for their children’s education
- Lower expectations of their children’s educational attainment
- Less involvement in school

Another publication from the National Association of School Psychologists confirms that retention is ineffective and possibly harmful.¹⁵ The research “...fails to find significant differences between groups of students retained early (kindergarten through 3rd grade) or later (4th through 8th grades). What is most important is that, across studies, retention at any grade level is associated with later high school dropout, as well as other deleterious long-term effects.” As mentioned above, it is unusual for students in special education to be retained, because those students are on IEPs and the ARD Committee has a responsibility to ensure that students make progress when provided with services and supports.

Finding: KISD’s special education retention rates are excessive.

TEA reports district level and statewide rates of retention through the TAPR for Grades K-8. The audit team analyzed KISD’s student retention based on the longitudinal analysis of archival data provided by the district because:

- Data integrity issues were noted with the retention data provided by KISD during the audit (see related discussion of data integrity in *Chapter 3 – Special Education Organization and Management* of this report).
- The archival data contains retention data for all grade levels except Kindergarten.

Retention rates for the KISD overall are higher than the state averages which are closer to 1 percent to 2 percent overall for all grades across the state.¹⁶ The special education student retention rate was lower than the regular education student retention rate in 2011-12 and 2012-13 and higher in the remaining years. Table 2-10 provides KISD’s retention data for the past four years.

¹⁵ NASP. *Grade Retention Achievement and Mental Health Outcomes*. NASP Toolkit. Retrieved online: <http://www.wrightslaw.com/info/fape.grade.retention.nasp.pdf>

¹⁶ In this study the retention indicator was calculated for students based on whether they advanced grade levels during or between school years (therefore this metric is missing for 2010-11 since no prior year data exist in the database). Also, we did not have data for comparable districts across the state to which these rates for regular and special education student could be compared.

Table 2-10. Percent of Students Retained Each Year by Special Education Designation, 2011-12 to 2014-15

	2011-12	2012-13	2013-14	2014-15
General Education	3.44%	3.47%	3.29%	3.33%
Special Education	2.28%	3.02%	5.45%	4.27%
Overall	3.84%	3.92%	3.78%	3.80%

Source: KISD Student-Level Data, 2015

Some of this is driven by the grade distribution of special education students (since retention rates tend to be higher in lower grade levels) and whether the student received a special education designation following being retained.

Table 2-11 presents the retention rate calculated for each grade level across the four-year time period. Similar to the state retention rate averages, lower grade levels (particularly Grades 1 through 3) have much higher retention rates. Of the student records that are retained during this period, approximately 5.8 percent of regular education and 5.8 percent of special education students get back on grade level.

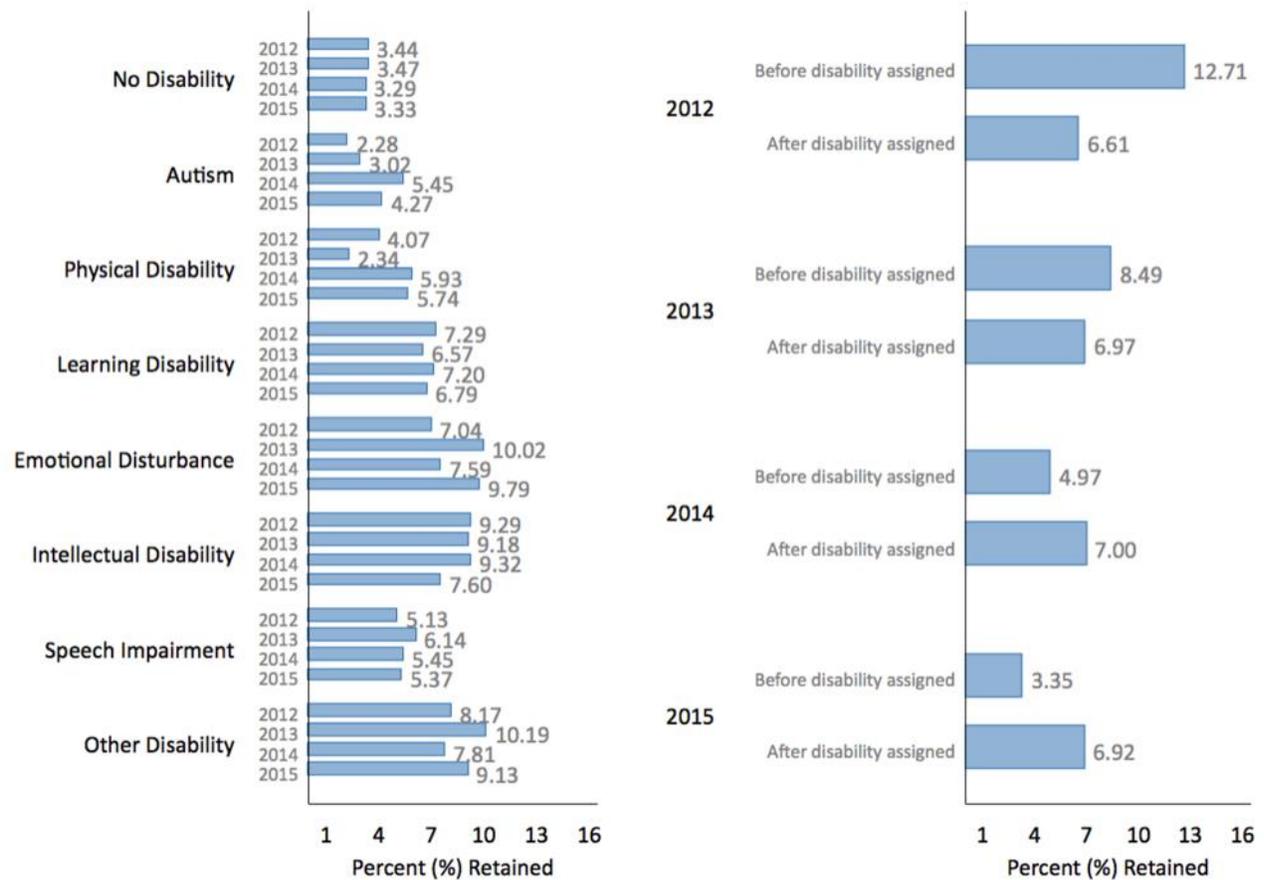
Table 2-11. Percent of Students Retained by Grade Level and Student Type

Grade	General Education – Retained	Special Education – Retained
1	5.03%	14.06%
2	2.52%	6.32%
3	2.94%	5.31%
4	1.67%	2.50%
5	0.98%	2.44%
6	0.94%	1.53%
7	1.92%	2.32%
8	1.45%	3.04%
9	10.94%	17.50%
10	5.71%	10.13%
11	2.93%	4.18%
12	3.07%	15.14%

Source: KISD Student-Level Data, 2015

Figure 2-11 presents the percent of students retained by primary disability, by year (on the left side), and by before or after they were first identified for special education services (on the right side). The retention rate varies across primary disability category and year. The retention rates were higher in 2011-12 and 2012-13 for students before assignment to special education; that pattern is reversed for KISD students in 2013-14 and 2014-15.

Figure 2-11. Percent of Students Retained Each Year



Source: KISD Student-Level Data, 2015

In order to compare KISD data to state averages, the TAPR was used. Table 2-12 presents the special education retention rates for Kindergarten through Grade 8 for KISD and the state. With the exception of Kindergarten, KISD exceeds the state average, and two grade levels are three times the state average.

Table 2-12. Comparison of KISD and State Average Retention Rates, 2014-15

Grade	KISD	State Average	Ratio of KISD to State Average
K	3.3%	8.6%	0.4
1	12.6%	8.1%	1.6
2	5.3%	3.9%	1.4
3	5.1%	1.6%	3.2
4	2.7%	0.9%	3.0
5	1.7%	0.9%	1.9
6	1.3%	0.8%	1.6
7	1.3%	1.1%	1.2
8	2.4%	1.4%	1.7

Source: Texas Education Agency TAPR Report, 2014-15

These high retention rates may indicate the lack of a positive impact from the district's RTI program, a lack of knowledge about the effects of retention, a lack of understanding of the IEP, and/or a district culture that views retention as an acceptable intervention.

Behavioral Services and Student Discipline

The KISD Student Code of Conduct defines the following expectations of students:

- Be prepared for each class every day
- Behave in a responsible manner
- Be on time
- Demonstrate courtesy and respect for others
- Use appropriate manners in speech and actions
- Respect the rights and property of other students, as well as district facilities
- Cooperate with and assist school staff in maintaining a safe environment
- Obey all campus and classroom rules and the Student Code of Conduct
- Follow the KISD published dress code.¹⁷

Killeen ISD has a preventative program called Positive Behavioral Interventions and Support (PBIS) and three categories of special education behavioral interventions: Response to Intervention (RTI – previously discussed in this chapter), special education programming, and placements applicable to all students in the district, such as alternative education programs and suspension.

In the Special Education Department's *Description of Services Guide*, two types of special education placements are available for students with specific behavioral/emotional needs in Kindergarten through Grade 12: (1) Positive Behavior Support and (2) Therapeutic Learning Classrooms.

According to the guide, these classes are designed for special education students whose behavior impacts their learning and the learning of others. Both of these classes are characterized as highly restrictive settings by KISD, with the ultimate goal of transitioning the student back to a general education classroom.

The district has two special education behavior specialists. These two positions serve the entire district and have the following responsibilities, among others, based on the job description:

- Observe students and assist campuses with data collection and assessment for behavior support services.
- Assist campuses with the development and implementation of positive behavior support, intervention techniques, and positive behavior support plans as part of the IEP process.
- Monitor student progress and make recommendations.

¹⁷ KISD Student Code of Conduct, August 2015

- Observe, consult, and assist teachers in developing classroom positive behavior supports and Behavior Intervention Plans (BIP)
- Participate in ARD Committee meetings as necessary
- Assist in developing and conducting professional learning on Functional Behavior Analysis, Behavior Intervention Plans, positive behavior supports, and remediation of behavior, social, or personal problems of students

Finding: RTI behavior interventions are not sufficiently defined.

KISD's list of RTI interventions contains several intervention types available for students needing behavioral services:

- Behavior contract (level 2 and 3 interventions)
- Classroom interventions (level 1)
- Frequent parent communication (all levels)
- Frequent reminder of rules (all levels)
- Meet with counselor or administrator (levels 2 and 3)
- Provide cooling off period (levels 2 and 3)
- Remove distractors (levels 2 and 3)

These intervention titles do not contain descriptions of the intervention, and there is no indication in the intervention titles as to the specific strategies to be employed in addressing the specific behavioral issue. None of the other RTI documents provided by the district specifically mentioned behavioral intervention strategies.

When reviewing other information related to RTI, there was no explanation of what steps the district is taking to implement RTI for behavior and PBIS. These programs are intended as proactive steps that campuses can take in a systematic way to teach appropriate, pro-social behavior and to reduce misbehavior. During campus visits, it was evident that many campuses have individualized positive programs in place and that initiatives have been implemented. However, there does not appear to be a consistent district-wide approach to PBIS.

Board Policy FOC (Legal) defines the offenses for a non-discretionary or required removal to a District Alternative Education Placement (DAEP), both school related and non-school related offenses. The school related offenses are listed below¹⁸:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).

¹⁸ Education Code 37.006(a)

3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
 - a. Marijuana or a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 381, or by 21 U.S.C. 801, et seq.;
 - b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 383.
4. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.
5. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.
6. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.
7. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

In addition to these mandatory offenses, districts also use “discretionary” removals. Students may (but are not required to) be removed to a DAEP for the following offenses:

1. Non-Title 5 Felony Committed Off Campus
2. Criminal Mischief
3. Permanent removal by a teacher from class
4. Violation of Student Code of Conduct
5. Tobacco Violations
6. School Related Gang Violence
7. Fighting/Mutual Combat
8. Truancy failure to attend school) – Parent contributing to truancy
9. Truancy (failure to attend school) – Student with at least 3 unexcused absences
10. Truancy (failure to attend school) – Student with 10 unexcused absences
11. Truancy (failure to attend school) – Student failure to enroll in school
12. Deadly Conduct

A district’s use of in-school and out-of-school suspensions is not subject to the same TEA coding as DAEP placements. Students are generally suspended due to violations of the student code of conduct and rates of suspension vary from district to district and school to school within a district.

There is a separate board policy addressing code of conduct violations by students with disabilities in KISD. Board Policy FOF (Legal) provides additional guidance and requirements for discipline management of students served in the special education program. For example, for a violation of the code of conduct, a district staff member, parents, and relevant members of the ARD Committee shall determine whether or

not the student's behavior was a manifestation of their disability. The purpose of the meeting is to determine if the conduct was the direct result of: (1) the child's disability, or (2) the school district's failure to implement the student's IEP. If the answer to either is yes, the school district must conduct a functional behavioral assessment and create a BIP. If the behavior is not a manifestation of the disability, the district may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. In this case the ARD Committee shall determine the interim alternative educational setting.

The PBMAS considers how school districts apply disciplinary consequences to students with disabilities. There are three indicators that reflect the use of exclusionary disciplinary actions with special education students:

- Indicator 17, which considers discretionary placements in the DAEP
- Indicator 18, which reviews the districts discretionary placements in In-School Suspension (hereafter referred to as "ISS")
- Indicator 19, which is related to discretionary Out-of-School Suspensions (hereafter referred to as "OSS").

For each indicator, the PBMAS reviews a school district's data and compares them to the state target established by TEA. It is important to note that these indicators only consider "discretionary" placements, not mandatory placements as defined above.

The method that TEA uses to examine performance on disciplinary standards is to compare discretionary disciplinary placements for special education students to discretionary disciplinary placements for all students. After determining the percentage of students who receive discretionary disciplinary placements for each of the two groups, TEA assigns a performance level based on the difference between the two rates. The assumption is that students should be placed in restrictive disciplinary placements at equal or proportional rates.

For example, if 10 percent of all students were placed in a DAEP, the rate of placements for special education students should also be 10 percent. If the rate of special education students' disciplinary placements in DAEP, out-of-school suspension (OSS), or in-school suspension (ISS) is higher than the rate of placements for all students, then there is an over-representation of special education students in these placements-what TEA calls a "disproportional" use of these placements for special education students.

Finding: KISD's discretionary discipline placements of special education students is higher than the general student population, and inconsistent across campuses.

The 2015 PBMAS report has a new performance level indicator for these factors. In addition to computing the difference between the rate of disciplinary placements for all students and special education students, TEA has, for the first time, provided a "disproportionality rate" for each indicator. Because this is new, districts receive a rating, but it is for "report only" this year and does not count against the district.

Table 2-13 presents KISD's PBMAS performance on Indicators 17, 18, and 19 for 2015. KISD's 2015 disproportionality rates for restrictive disciplinary placements are higher in every category of placement. The district places special education students in the DAEP at a rate that is 57.9 percent higher than for all students; in ISS at a rate that is 50.0 percent higher, and in OSS at a rate that is 83.9 percent higher than all students. The differences in rates have increased over three years. The special education rate for out-of-school suspensions, the category with the highest disproportionality rate, has almost doubled in just three years.

Table 2-13. KISD PBMAS Performance Levels – Disciplinary Placements of Special Education Students, 2015 (based on prior 3 years' data)

	17. DAEP	18. ISS	19. OSS
(a) SPED Students – Placement Percentage	3.0%	69.7%	22.8%
(b) All Students – Placement Percentage	1.9%	46.2%	12.4%
Percentage Point Difference	1.1%	23.5%	10.4%
PBMAS Performance Level Assignment	1	2	1
% Difference between SPED student placement % and All student placement % = $[(a) / (b)] - 1$	57.9%	50.9%	83.9%
PBMAS Disproportionality Performance Level Assignment (Report Only)	3	3	3

Source: Information obtained or calculated from TEA 2015 PBMAS Report

Note: Based on the Texas Education Agency PBMAS Manual for 2015, the performance level assignments range from 0 (best possible score) to 3 (worst possible score)

In addition to unfavorable PBMAS rankings, a more significant negative impact (and likely the rationale behind the TEA scoring) is that more special education students are removed from their normal instructional setting, which likely affects their exposure to the general education curriculum and overall academic achievement. Further, the high rate of special education DAEP placements relative to the general student population may pose legal risks to the district.

Other KISD data shows a wide disparity in placements by sending schools. Table 2-14 shows the percentage of enrollment at the Gateway School (the high school DAEP) from the sending high schools as of March 2015. At the time these data were collected, the total DAEP high school enrollment was 131. Of the 131 students in the high school DAEP, 28 students were special education students. Almost one-half of these students came from one high school.

Table 2-14. Gateway (DAEP) School special education enrollment from sending KISD high schools, March 2015

"Sending" High School	Number of Special Education Students Enrolled	Percent of Total Enrollment in Special Education	Number of DAEP Students from the Sending High School	Percent of DAEP Enrollment from the Sending High School
Ellison High School	325	12.3%	13 (of 28)	46%
Harker Heights High School	224	9.5%	1 (of 28)	.04%
Killeen High School	302	13.6%	6 (of 28)	21%
Shoemaker High School	295	13.7%	6 (of 28)	21%

Source: KISD enrollment and DAEP placement data, March 2015

The table shows that for this snapshot in time, there was a highly disproportionate representation at the DAEP from Ellison High School, a slightly disproportionate representation from Shoemaker High School and Killeen High School, and almost no representation from Harker Heights High School. Although 12.3 percent of students at Ellison High School are in special education, the rate of placement at the DAEP was 46 percent, almost four times higher than what would be expected.

The PBMAS rankings and district DAEP data could be the result of several possible influencing factors:

- The district's RTI interventions for behavior may be ineffective or are not implemented consistently with students in special education.
- There may be patterns that involve specific schools or grade levels that encourages differential, exclusionary treatment for students with disabilities.
- It likely indicates that the district's PBIS is not consistently implemented, and this may be related to the low number of behavior specialists in the district (2).

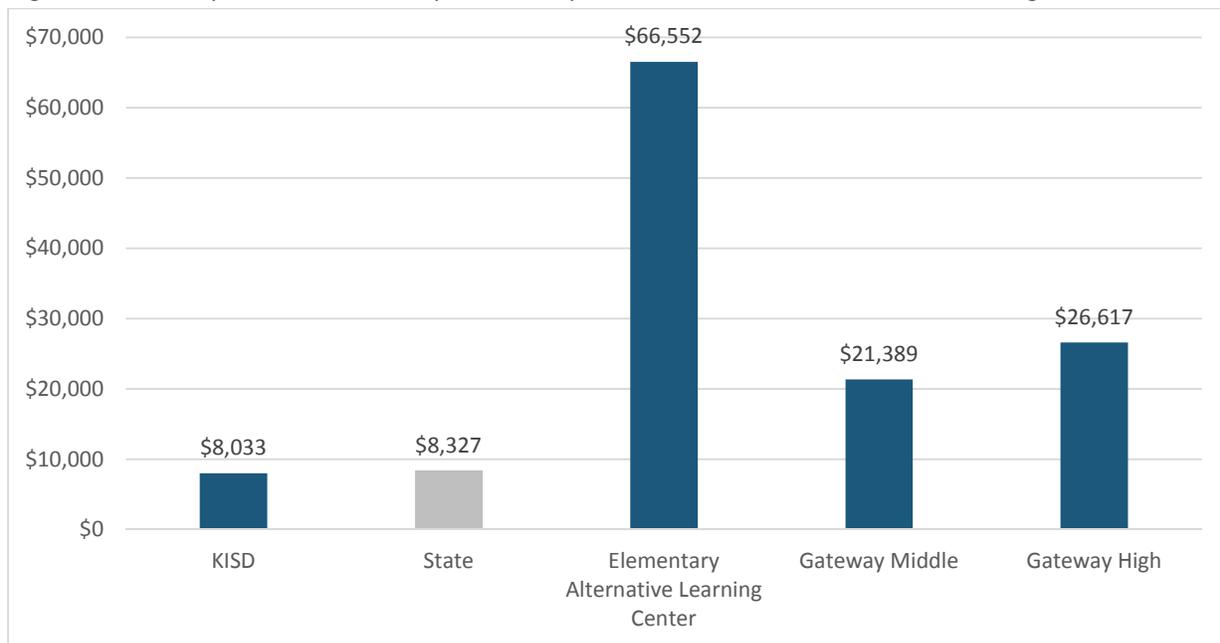
The district is not tracking, monitoring, or reviewing disciplinary placement data regularly throughout the school year (see related discussion on Special Education performance measures in *Chapter 3 – Special Education Organization and Management* of this report). This tracking could be disaggregated by infraction, by sending campus, by grade level, by race, by ethnicity, and by disability type. The tracking could also review "repeaters" to see if students' behavior is actually impacted by these consequences.

Finding: The cost per student served at the Elementary Alternative Learning Center is two to three times the cost of secondary alternative schools.

TEA produces annual School Report Cards that provide summary information about the campuses. The report cards contain some information from the Texas Academic Performance Reports and some information from the Accountability Rating System for Texas Public Schools and Districts. Included in the information is the total expenditures per student on that campus, which represents instruction, instructional leadership, and school leadership. The most recent audited reports that are available are the 2013-2014 report cards.

Figure 2-12 compares the expenditures per student for each KISD DAEP schools and the overall district and state averages expenditures per student. While lower enrollment affects these per student amounts, the investment per student in the DAEP schools are considerably higher, particularly for the elementary school DAEP. Because there is limited data to evaluate DAEP effectiveness, the return on the district's investment in these programs cannot reasonably be determined. For elementary special education students in particular, other interventions may be more effective and efficient.

Figure 2-12. Comparison of DAEP Expenditures per Student to District and State Average, 2013-14



Source: Texas Education Agency 2013-14 School Report Cards. <http://ritter.tea.state.tx.us/perfreport/src/>

Audit Recommendations

Recommendation 2-1: Expand district level analysis data, including the identification and evaluation of early warning indicators.

Killeen ISD should develop performance and compliance monitoring measures for monthly reporting and analysis. Management reports and analyses should be created, disseminated, and reviewed regularly to support special and general education administrators and teachers, including campus principals. Where applicable, information should be developed at the district- and school-level and incorporate relevant benchmarks. These reports will become more important as special education programs increasingly take on a support role for general education and move away from the older model of separate programming. Because all students, including those in special education, are included in state and federal accountability measures, this consolidated reporting and analysis framework is critical to the program's long-term success.

A framework for ongoing special education reporting and analysis is provided below. To the extent possible, the measures should be tracked no less than every 30 days and at the school level at a minimum.

1. Early warning indicators
 - a. Attendance
 - b. Discipline statistics
 - c. Benchmark test results
 - d. Walk-throughs (using protocols specifically designed for special education)
 - e. Staff turnover
2. Special education professional development
 - a. Special education teacher participation
 - b. General education teacher participation
 - c. Participant survey results – effectiveness of training
 - d. Walk-through results – evidence of training being applied in classroom
3. Placement trends
 - a. Percent of total enrollment in special education
 - b. Referrals to special education
 - c. Referrals that do not qualify
 - d. Instructional arrangement trends
4. Participation/representation trends
 - a. Economically disadvantaged
 - b. Limited English Proficient (LEP)
 - c. Ethnicity
 - d. Primary disability category
5. Compliance
 - a. PBMAS analysis and decomposition by indicator
 - b. Results of internal periodic IEP audits conducted by the KISD Special Education Department
6. Performance
 - a. STAAR passing rates
 - b. Graduation rates
 - c. Retention rates
 - d. Disciplinary placement rates
7. Efficiency
 - a. Expenditures per special education student
 - b. Expenditures per special education student full-time equivalent
 - c. Pupil-staff ratio
 - d. Pupil-teacher ratio
 - e. Pupil-paraprofessional ratio
 - f. Ratios of special education students to diagnosticians and related services personnel
8. Planning
 - a. Special education student enrollment projections
 - b. Special education staff projections
 - c. List of major priorities and resource allocation



Professional development information collected should be identified by required versus optional, specific special education topics, instructional arrangements, and services – including behavioral support training and differentiation of instruction.

To implement this recommendation, one full-time position in special education should be dedicated to a full-time data analyst position (see Recommendation 3-1 in *Chapter 3 – Special Education Organization and Management* of this report). The position requirements should include experience with *Easy IEP* (in particular) and student information systems (in general), database skills, statistical data analysis skills, and experience in presenting analysis and observations to school principals and teachers. The data analyst should be involved in the PLCs on a rotating basis, and provide training on interpreting data.

Other implementation strategies include the following:

1. Develop inventories of performance measures, identify data to support those measures, and report titles/formats to communicate the measures. Program, school, and district leadership, as well as the new data analyst should work jointly to define the reporting requirements.
2. Develop classroom walk-through protocols for special education programs and services provided in general education and special education classrooms. This information should be aggregated at the grade-, school-, and district-levels to measure the effectiveness of instruction and support services for students with disabilities.
3. Identify the frequency of reporting and develop system reports to extract and consolidate the information from district special education and other information systems.
4. Validate the accuracy of data before disseminating reports (see Recommendation 3-11 in *Chapter 3 – Special Education Organization and Management* of this report).
5. The data analyst should develop reports and accompanying observations to special education program leadership, then to district and school leadership.
6. Establish a protocol for regular data review meetings as a necessary part of Professional Learning Communities on campuses. Use a similar protocol at the departmental leadership level.
7. Develop a consolidated and structured approach to management reporting to assist administrators and school principals in special education planning (30-day, annual, and long-term) and performance monitoring. Where applicable, information should be developed at the district and school level and incorporate relevant benchmarks.

Killeen ISD should develop and monitor additional performance measures for its RTI program (see sample measures below). Student-level measures will require additional analysis to understand the root causes for certain interventions working or not working within and across schools.

District- and School-Level Measures (monthly and annually)

- Percentage of Special Education students to Total Enrollment
- Number of Special Education Referrals
- Percentage of Special Education Referrals to Total Enrollment
- Percentage of Qualifying / Non-Qualifying Referrals to Special Education

Student-Level Measures

- Analysis of student performance improvement by intervention type
- Analysis of student performance improvement by intervention duration

The district should also track which interventions are being used by which campuses with what types of students and with how much success.

Recommendation 2-2: Enhance definition of RTI interventions to determine applicability and evaluate effectiveness.

RTI intervention titles should clearly describe the type of intervention and not the instructional model (e.g., pull-out). Interventions should also be specific enough (e.g., phonemic awareness, fluency, comprehension) to support a proper student assignment and measurement of student outcomes for academic or behavioral needs. Greater specificity in RTI intervention definitions will help the district evaluate which RTI interventions are working well and which are not. This information will also be a useful input into the improvement of the district's PBIS program.

The district should continue to enhance its procedures and training for the RTI program, and establish a central leadership position responsible for consistent implementation and integration with district and campus PLC efforts. Specific implementation strategies include the following:

1. Identify all assessments, progress monitoring tools, and supplemental interventions already being used in the district.
2. Decide on a standard set of core screeners and core interventions at each tier and then allow campuses to supplement to meet the needs of their students.
3. Clearly articulate the requirements for documentation of RTI interventions at Tiers II and III.
4. Provide a checklist and guidelines to campuses so that standard requirements documentation of interventions and progress monitoring prior to a referral to special education are standard, consistent, and fair.
5. Establish a clear special education referral procedure for campus teams.
6. Designate a position in general education central administration responsible for the administration of the RTI program.

7. Enhance intervention definitions and guidelines for the implementation of RTI.
8. For students who are economically disadvantaged, review participation in specific programs and determine the level of effectiveness.

Recommendation 2-3: Develop and implement an effective inclusion model for co-teaching.

Killeen ISD should develop a district-wide model for co-teaching that is adequately staffed and supported by professional development. Co-teaching is an instructional model related to the increased focus on including students with disabilities into general education classrooms for their academic instruction. The key elements of co-teaching include shared responsibility between general and special education teachers, collaborative planning, co-instructing students, open and effective communication, and a strong knowledge base related to instruction and differentiation. A 2008 article by Bacharach, Heck, and Dahlberg concluded that co-teaching is more successful if there is support and training for staff, specific strategies for planning and behavior management, and strong partnerships.

Based on interviews with principals and teachers and review of district documentation, some campuses are applying co-teaching on their own, but the Special Education Department has not articulated this as a preferred or required service delivery model. Additionally, the district's staffing approach has limited schools' ability to implement co-teaching arrangements effectively.

The district should consider the implementation of a standard co-teaching model district-wide. This would improve academic support for special education students served in the general education environment. The challenge will be to provide the correct balance between too few special education students in a class (a less efficient model) and too many (a less effective model and KISD's current situation). Often too many special education students in a class results in a "resource room" within a general education classroom, defeating the purpose of inclusion. An effective co-teaching model will integrate the instruction of disabled students with their non-disabled peers.

The Texas Education Agency and the Statewide Access to the General Curriculum Network¹⁹ developed a "How-to" guide for Co-Teaching in Texas. This guide identifies six co-teaching arrangements that should be considered by KISD and its schools:

1. One Teaching, One Observing – one teacher provides instruction and the other collects data on the students' academic, behavioral or social skills. These data can be used to determine future lessons and teaching strategies.
2. Station Teaching – allows teachers to work with small groups. Two of three groups are teacher led; the other group works independently. Students rotate through the stations during the day. This approach is beneficial because it allows teachers to create small group activities that are responsive to individual needs.

¹⁹ <http://www.esc17.net/users/0209/GuidelinesforCoTeachinginTexas.pdf>

3. Parallel Teaching – the class is divided in half under this approach and teachers lead instruction for each group. This approach can help maximize student participation and minimize behavior problems.
4. Alternative Teaching – allows one teacher to target the unique needs of students by forming a small group and creating an alternative lesson, or the same lesson with alternate materials or approaches, while the other teacher manages the large group.
5. Teaming – teachers share the responsibility for leading instruction. While their roles may shift, both are actively engaged in the delivery of core instruction.
6. One Teaching, One Assisting – places one teacher in the lead role and the other in a support role in the classroom. Teachers should use caution when using this approach to avoid a learning environment in which the general education teacher provides all the instruction and the special educator serves as an assistant.

Schools may start with one or two of the approaches above, then expand to some of the other more collaborative approaches as co-teaching skills and relationships develop. The guide recommends the development of district- and school-level targets for the number of special education students in the general education classroom. Targets should also be set for the total number of students in an inclusionary classroom.

KISD should begin implementation of a standard co-teaching model at the secondary schools, then migrate to the elementary schools.

With a more effective and more consistently used model, along with adequate staffing and support, the implementation of co-teaching should provide academic benefits by exposing more special education students to the general education curriculum and provide compliance benefits by increasing students served through the Least Restrictive Environment.

Recommendation 2-4: Increase required special education training for general and special education staff.

More special education professional development should be required of non-special education staff, including school administrators and general education teachers.

Recommendation 2-5: Increase the academic rigor in student IEPs.

ARD Committees should evaluate and compare student baseline performance to performance targets for the coming year and determine if the proposed actions are likely to result in the accomplishment of the target performance. This may result the development of more reasonable annual expectations as well as more rigorous approaches to achieve greater gains in a particular year.

The district should conduct audits of a sample of IEP files annually to ensure that sufficient academic rigor is present, and that the IEPs meet all compliance requirements.

Recommendation 2-6: Develop a plan to reduce special education student retention.

The district should track and analyze data related to retention, by campus, by content area, and by grade level. Schools with higher retention rates should be targeted for district-level intervention, support and training. Out-year targets for reduced retention rates should be developed for each school, and actual results should be compared to the targets annually.

Recommendation 2-7: Examine the process for placing students in restrictive disciplinary placements.

This review should include analyses of all students who have received ISS, OSS, and DAEP placements in the last two school years and should examine:

- Students' IEPs to ensure that there are functional behavioral assessments/BIPs for any students who have been placed restrictively due to disciplinary actions.
- The protocol for the Manifestation Determination Meetings (MDRs) to ensure that all relevant questions have been asked and answered and all required information reviewed. In addition, random observations of these meetings should be conducted.
- Which campuses have the highest rates of referrals for ISS, OSS, and DAEP placements, both for special education students and all students. Those campuses should be placed on required improvement plans and closely monitored until reductions in those restrictive placements occur. Professional development related to legal requirements and positive behavioral supports should be required of all district administrators, teachers, and support personnel.

New operating guidelines for IEP and MDR meetings related to placement changes should be written, disseminated, and shared in required training. Campuses that do not make positive improvements in PBIS and RTI for behavior should receive mentoring, close supervision, and changes in leadership.

Chapter 3 – Special Education Organization and Management

This chapter addresses several elements of KISD’s special education organization and management. Accordingly, it is organized into the following sections:

- Organization Structure
- Financial Management
- Staffing
- Information Systems and Processes
- Data Integrity
- Risk Management
- Performance Accountability
- Audit Recommendations

Organization Structure

An organization structure should establish clear lines of authority and support accountability for performance in each service area or function. An organization structure should also support the flow of information to those positions responsible for making decisions based on that information. There are two primary principles that guide organizational analysis – logical alignment of functions and span of control.

Logical alignment of functions refers to the grouping of similar or related functions to support effective leadership over each function. This alignment also drives relevant financial, operating, and performance reporting for the individual functions as well as the group level.

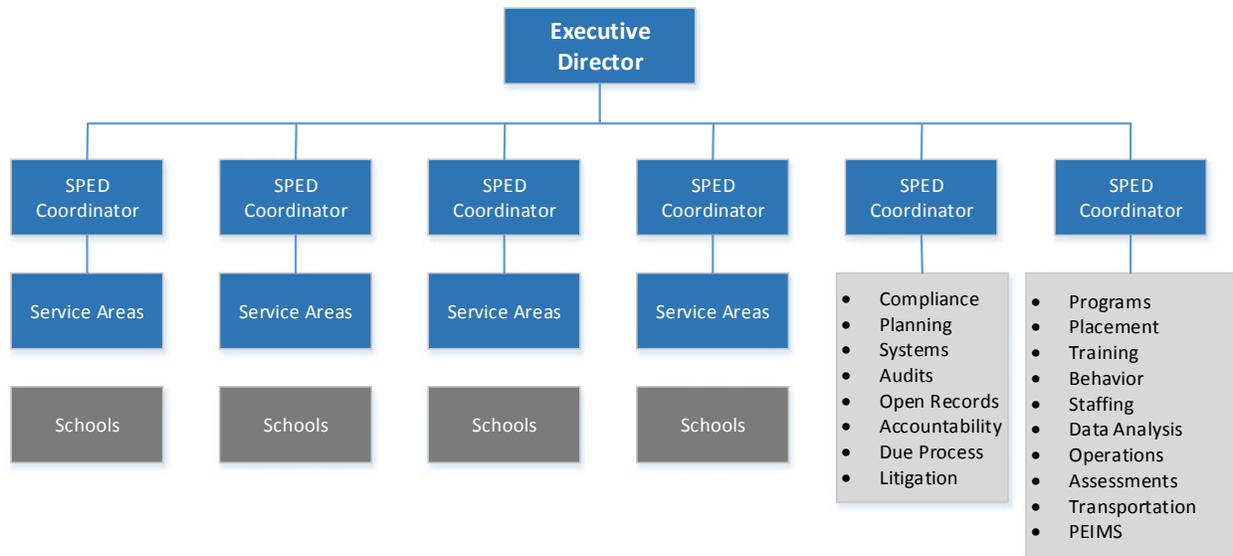
Span of control relates to the number of positions reporting to a supervisor position. The more heterogeneous the functions of the reporting positions (e.g., different technical departments), the lower the desired span of control for the supervisor. The more homogeneous the functions (e.g., bus drivers), the higher the span of control for the supervisor. Other factors, such as the geographic dispersion of the reporting units, and the complexity of the program or operation, also can influence the span of control.

Killeen ISD recently modified its organization chart to address compliance issues raised by TEA and to increase the responsiveness of special education personnel in meeting campus needs. The organizational approach that was in place prior to this change – during 2014-15 – is depicted in Figure 3-1. The actual organization chart for 2014-15 is presented in Appendix A.

Under the previous structure, the program was led by an Executive Director, with six coordinator positions reporting directly to it. One coordinator had primary program operation and delivery responsibilities, including placement, training, staffing, and data analysis. Another coordinator had primary responsibility for compliance and accountability responsibilities, including audits, planning, information systems, and due process hearings. The remaining four coordinator positions had responsibilities for various programs

and services, as well as for coordinating those services among schools. Each of these four coordinators was assigned a group of schools.

Figure 3-1. KISD Special Education Organizational Approach, 2014-15

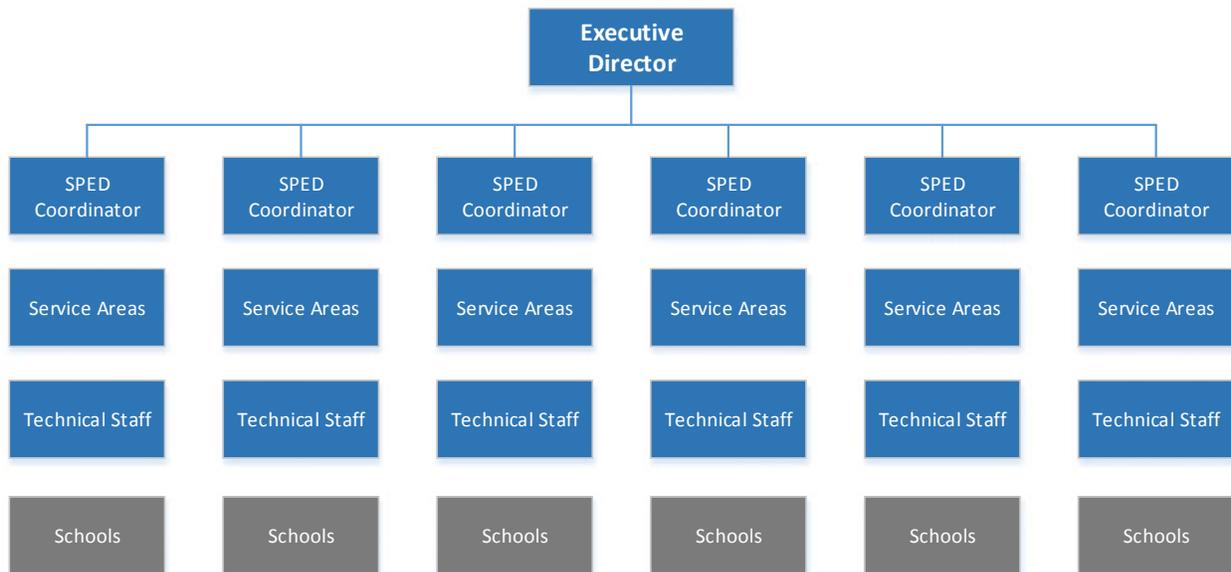


Source: Based on detailed organization chart provided by KISD. The complete organization chart is presented in Appendix A.

Figure 3-2 presents the new KISD organizational approach for 2015-16. The actual organization chart is presented in Appendix B. Under the new approach, each of the six coordinator positions has assigned schools and are responsible for a group of schools in a high school feeder system. Each coordinator also has program and service responsibilities, as well as responsibilities for technical staff (e.g. Diagnosticians, LSSPs, Occupational Therapists, and Speech Therapists) within their group of schools. Based on discussions with KISD management, the driving factors for this change included:

- Increased accountability and responsiveness to the schools by concentrating responsibility for all staff under a coordinator position responsible for those schools.
- Lowered the school caseload of each coordinator by spreading the responsibility of schools from four coordinator positions to six.
- Decreased the influence of compliance on programming. Under the prior structure, it was perceived that compliance issues inappropriately drove placement and service decisions more than academic needs. Under the new organization structure no single position has a designation (job title) for special education district-level compliance.

Figure 3-2. KISD Special Education Organizational Approach, 2015-16



Source: Based on detailed organization chart provided by KISD. The complete organization chart is presented in Appendix B.

Under the new structure all coordinators are geographically assigned; no coordinator is assigned district-wide responsibility to a specific program or service area. The new coordinator job description, updated in August 2015, contains 34 duties and responsibilities, including:

- Coordinates and monitors special education academic and behavior programs, services, and supports on assigned campuses.
- Monitors the development and implementation of student IEPs.
- Evaluates existing programs, services and supports and recommends changes and additions, as needed.
- Assists special education teachers with strategies and materials to maximize student achievement.
- Assists in selection and development of intervention strategies to help students achieve success on their home campus in the least restrictive environment.
- Coordinates student transition to more restrictive environments when necessary.
- Serves as members of ARD committees as needed.
- Initiates and maintains effective communication with parents of students with disabilities receiving special education services and supports.
- Manages questions/concerns of students, parents, district staff, and others in a constructive manner.

- Monitors and ensures campus compliance with special education policies, programs, timelines, and reports.
- Coordinates the RTI process with general education personnel to maximize opportunities for student success.

Responsibility for special education compliance is found in many KISD job descriptions, including school administrators, but there is no current position under the new structure that is dedicated to monitoring compliance. Below are excerpts from KISD job descriptions that are related to special education compliance:

- Executive Director of Special Education – Assumes responsibility for compiling, maintaining, and filing all reports, records, and other documents legally required...for special education.
- Principal – Assumes responsibility for effectiveness and compliance for campus-based state and federal programs.
- Assistant Principal – Assists with issues related to special program, including special education.
- Diagnostician and Speech Language Pathologist – Complies with policies established by federal and state law...for special education services.

Finding: The new KISD organization structure does not support a logical alignment of functions or accountability.

Under KISD's new special education organization structure, special education functions are not logically aligned, several important functions are not visible in the organization chart, and reporting relationships are not clearly defined. These organizational issues will likely inhibit accountability and performance in KISD's special education program. Below is the audit team's assessment of the existing organization structure:

- The district's special education organization chart is difficult to understand. It does not visually display supervisory responsibilities or position levels. As can be seen in Appendix B, multiple names appear in each box, making it difficult to determine who reports to whom. An organization chart should contain one position title in each box, with lines showing the reporting relationships to supervisors.
- Other than the Executive Director, there are no position titles on the special education organization chart that have or imply any reference to academic programming or curriculum. The special education instructional programming should be organized in a similar fashion to the general education programming – by school type (elementary, secondary, assessment, and accountability).
- Accountability for compliance is now diffused and decentralized across many positions. While each special education position may have responsibility for being compliant, the responsibility for ensuring compliance should be performed by an independent unit in the special education

organization. The district previously had a coordinator position that was responsible for compliance. The district should reinstate this position so that centralized accountability can be established. While this is an important organizational responsibility in any special education program, it is particularly important in the context of recent TEA compliance violations discussed in *Chapter 1 – Introduction*.

- The new structure does not support technical leadership over technical services. Supervisors over technical positions should be able to provide technical leadership over that position. Many technical positions in KISD’s special education program, such as diagnosticians, LSSPs, and occupational therapists, report to various geographically organized coordinator positions who may not have any experience or skill in overseeing the technical area. The coordinator job description requires a Master’s Degree and three years of special education teaching experience, but no experience in any other technical service or support areas. To remain technically proficient, the district’s organizational structure should support technical oversight and leadership.
- The geographical support of schools and coordination of services can be accomplished through informal vertical teams; the vertical alignment does not need to be established formally through the organizational chart. However, efficient processes and reliable information systems are critical in supporting an effective vertical team structure.
- In addition to academic programming and compliance, there are several important elements of special education that are not visible in the job titles on the current organizational chart. While these functions are included in specific job descriptions, a supervisory job title should reflect responsibility, leadership and accountability over these areas.
 - Behavior sciences
 - Parent involvement and communications
 - Support services
 - Professional development
 - Program data analysis

Finding: The special education Executive Director job description does not adequately reflect organizational responsibilities, nor does it contain sufficient experience requirements.

The Executive Director job description, updated in October 2015, contains 30 essential duties and responsibilities. A selection of these are presented below:

- Recommends policies and programs essential to the needs of students with disabilities.
- Keeps informed of all legal requirements governing special education.
- Directs the supervision and coordination of special education services and supports.
- Establishes procedures for evaluation, placement, assignment, and reevaluation of students with regard to special education services.

- Assists in the recruitment, selection, and recommendation for hiring of any special education personnel.
- Arranges for special transportation of students with disabilities who are eligible for transportation as a related service.
- Develops budget recommendations and provides expenditure control on established budgets for special education.
- Evaluates the comprehensive special education program, including curriculum, procedures, and individual students' needs and achievements.
- Consults with parents of students with disabilities.
- Arranges for the input of district-level PEIMS²⁰-related data entry, validation and reporting requirements as described in Student Attendance Accounting Handbook and PEIMS Data Standards as well as delegation of specific PEIMS responsibilities to designed staff.

The supervisory responsibility of the Executive Director includes the management of all special education services and employees across the district. However, special education teachers and aides report to school administrators. The Executive Director position has oversight, training and support responsibilities for special education teachers and aides (as well as school administrators), but does not directly manage them.

The job description also requires that the Executive Director have a Master's Degree and five years of "special education experience." The experience requirement does not reference special education administration, nor are the number of years commensurate with the responsibility of the position and the complexity of the program. Further, the position does not require a mid-level management certification.

Finding: Some job descriptions contain references to multiple supervisors.

Several special education position job descriptions (e.g., LSSPs and Diagnosticians) contain a dual reporting relationship, whereby the position reports to a special education coordinator (one of six, based on geographic assignment) and also to a principal position. Since each of the coordinators is responsible for a feeder pattern of schools, the actual reporting relationship is likely to multiple principals. The result is the position having many direct supervisors and is likely to raise questions over which supervisory position has the authority to establish priorities among the schools.

²⁰ Public Education Information Management System

Finding: The district's special education office does not meet the space needs of the department.

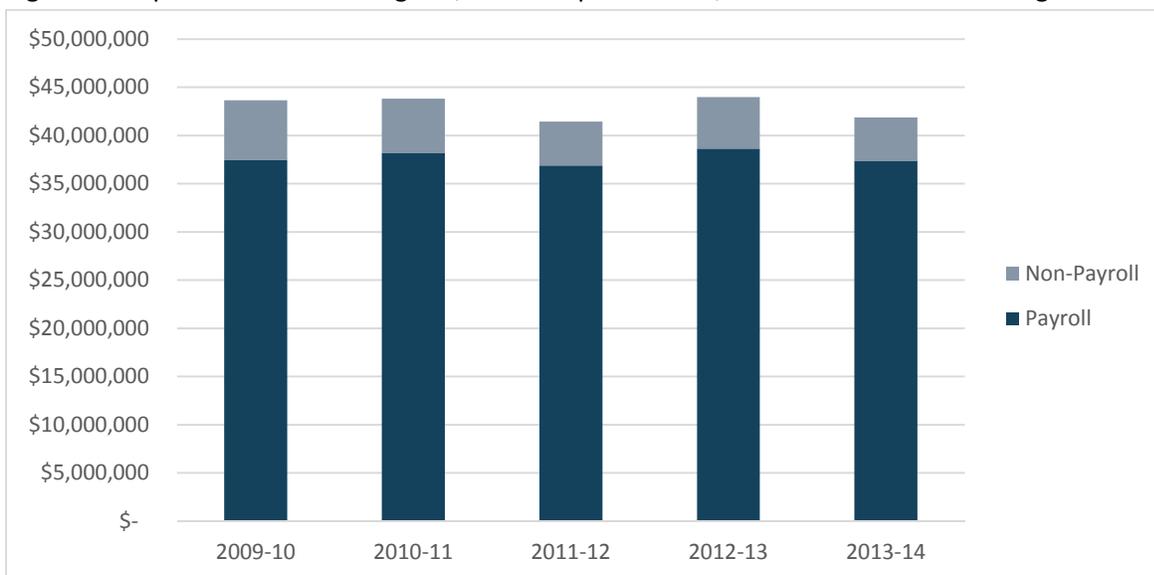
The special education office is housed in the Killeen Learning Support Services facility at 902 North 10th Street. The special education office is essentially a large room with cubicles. Rooms in other parts of the building are available for meetings.

There are no enclosed offices in the special education department, limiting the ability to control privacy for conversations or to restrict access to confidential hard copy documents (other than the controlled building access at the receptionist desk).

Financial Management

Killeen ISD spends more than \$40 million each year on its special education program, or approximately 12 percent of total operating expenditures. Figure 3-3 shows the district's special education spending over the past five years. During this time, spending has decreased slightly, note that fiscal year 2013-14 is the most recent audited financial data available through the state.

Figure 3-3. Special Education Program, Actual Expenditures¹, All Funds – 2009-10 through 2013-14

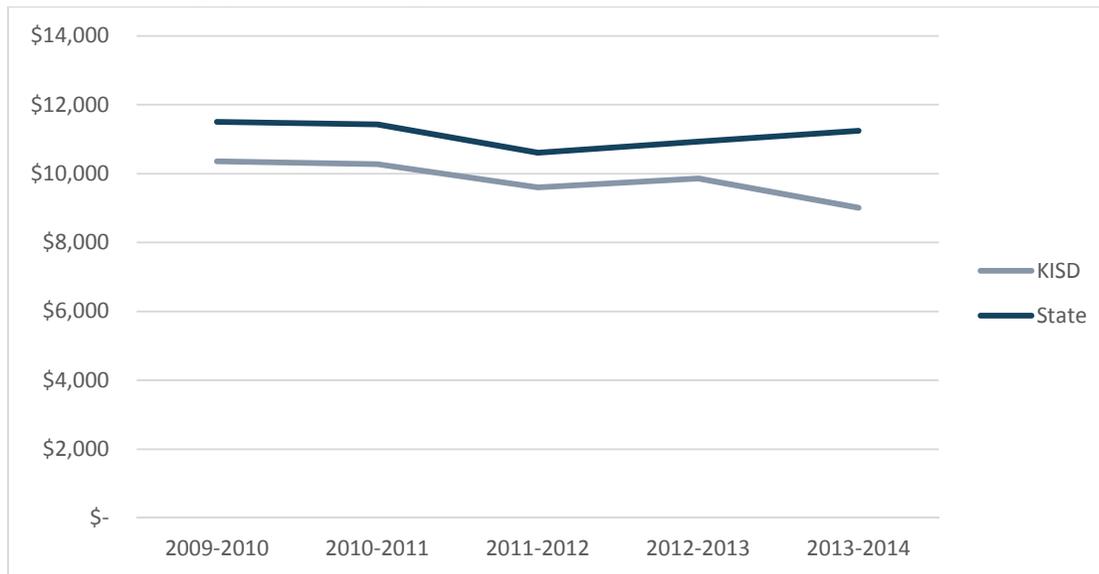


Source: PEIMS Financial Standard Reports, reported through eFACTS+

Figure Notes: ¹Actual expenditures reported through the PEIMS Financial Standard Reports may vary by immaterial amounts from district records due to account aggregation practices of Texas Education Agency.

On a per special education student (headcount) basis, KISD spends less than the state average and the gap has grown recently. Figure 3-4 compares KISD's spending to the state average for the past five years.

Figure 3-4. Special Education Expenditures per Special Education Student (headcount), All Funds KISD and State Average, 2009-10 through 2013-14



Source: PEIMS Financial Standard Reports, reported through eFACTS+

School systems must meet the Maintenance of Effort (MOE) requirement of federal law. MOE requires school districts to maintain the level of state and local funds they spend to support federal programs from one fiscal year to the next. If a school district receives a federal grant under IDEA, Part B, the MOE requirement specifies that the district must spend at least the same amount of state and local funds that was spent in the previous year, using one or more of the following measurements:

- Local funds only
- The combination of state and local funds
- Local funds only on a per capita basis
- The combination of state and local funds on a per capita basis²¹

Some exceptions are specifically allowed under federal law. KISD has consistently met MOE requirements based on actual expenditures incurred.

Most of the district's special education expenditures are related to direct instruction. Other functional expenditures include counseling and evaluation, transportation, and leadership expenditures. With the exception of transportation costs (where the district spends a higher percentage), KISD's spending distribution is in line with the state average distribution for special education. Table 3-1 compares KISD's functional distribution of expenditures to the state average.

²¹ Code of Federal Regulations, 34 CFR Section 300.203

Table 3-1. Distribution of Special Education Actual Expenditures, All Funds KISD and State Average, 2013-14

Function	KISD	State Average
Instruction	64.1%	66.8%
Counseling and Evaluation	10.1%	10.9%
Transportation	7.2%	5.1%
School Leadership	6.6%	6.2%
Instructional Leadership	3.9%	3.8%
Other Functions	8.1%	7.2%
Totals	100.0%	100.0%

Source: PEIMS Financial Standard Reports, reported through eFACTS+

Finding: KISD’s Medicaid reimbursement levels are less than the state average and peer districts.

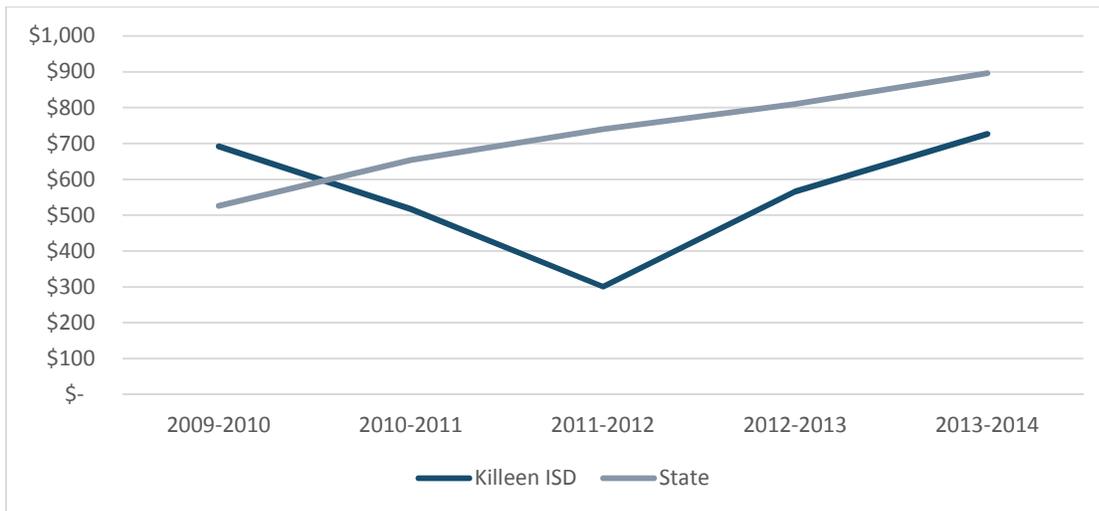
There are two Medicaid reimbursement programs that support special education expenditures. Medicaid Administrative Claiming “MAC” provides Texas school districts the opportunity to obtain reimbursement for certain costs related to health administrative activities that support the Medicaid program.²² School Health and Related Services “SHARS” provides reimbursements to school districts for certain health-related services documented in the student’s IEP.²³

While there are many factors affecting reimbursement levels, the audit team analyzed trends in KISD’s Medicaid reimbursements on a per special education student basis over the past five years compared to the state average (Figure 3-5). State reimbursement levels per student have steadily increased over the past five years; KISD’s reimbursement per student was above the state level, then dropped considerably before realizing growth again.

²² Texas Health and Human Services Commission web site: <http://www.hhsc.state.tx.us/rad/mac/isd-mac.shtml>

²³ Ibid: <http://www.hhsc.state.tx.us/rad/acute-care/shars/>

Figure 3-5. Medicaid Reimbursement per Special Education Student, KISD and State Average, 2009-10 to 2013-14

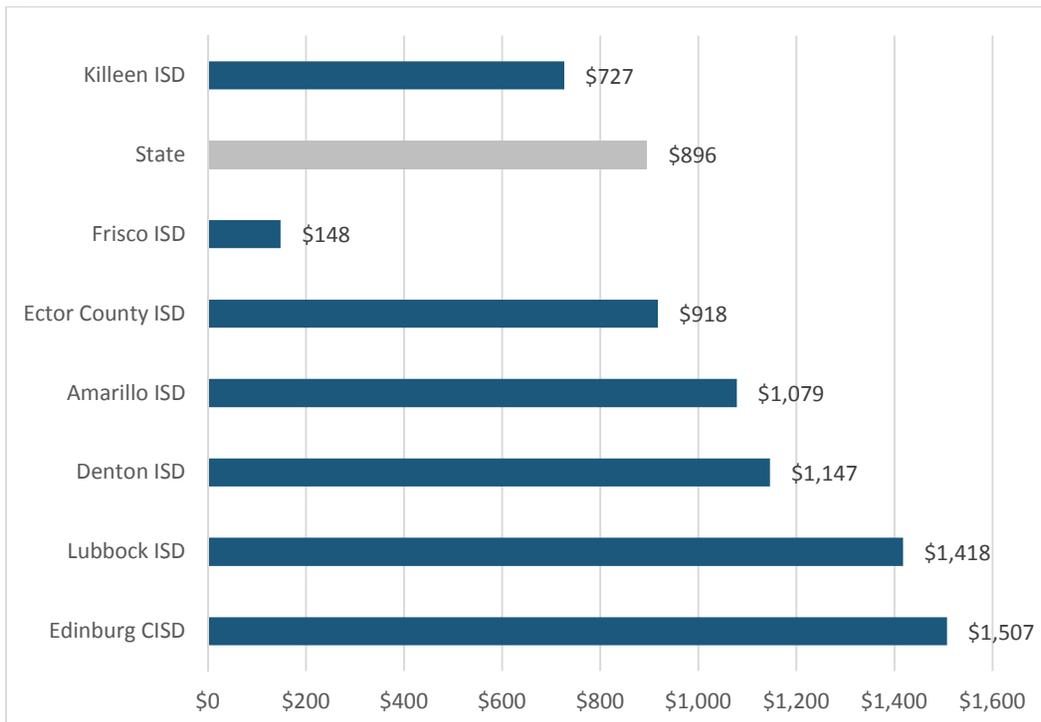


Source: PEIMS Financial Standard Reports, reported through eFACTS+

In 2009-10, KISD's level was \$166 higher than the state average; in 2013-14 it was \$169 per student lower than the state average. Had the district been able to generate the state average reimbursement levels in 2013-14, an additional \$796,500 in Medicaid reimbursements could have been realized.

Comparisons were also made to peer districts in 2014-15. Figure 3-6 shows the same data as above for KISD, the state average, and peer districts.

Figure 3-6. Medicaid Reimbursement per Special Education Student, KISD, State and Peers, 2013-14



Source: PEIMS Financial Standard Reports, reported through eFACTS+

Finding: KISD does not measure MOE during the budget process, but only at the end of the fiscal year, exposing the district to risk of non-compliance with MOE.

Federal law requires districts to spend at least an amount equal to 100 percent of the state and/or local funds it expended on students with disabilities during the previous year. Federal law provides four methods to calculate MOE; districts need to pass only one of the four tests.

The audit team reviewed the district's MOE calculations for 2014-15. According to district management, these calculations are only performed after the end of the fiscal year using actual expenditures, which meets the federal requirements. However, no preliminary calculations are made prior to the fiscal year using budgeted amounts to ensure that planned expenditures meet the MOE requirements. This increases the risk for not meeting those requirements.

Staffing

Special education program staffing includes central office and campus-based staffing. Some positions, such as special education teachers and aides are not assigned to the special education central office organization code, but to a campus organization code. The link for special education budgeting is through a separate program intent code.

In 2014-15, KISD had 807 staff serving in the special education program, including 272 teachers, 375 aides, and 160 central office staff. Table 3-2 presents a five-year staffing summary for the district's special education program, along with ratios of special education students to certain staff categories.

Table 3-2. KISD Special Education Staffing Levels and Ratios, 2010-11 to 2014-15

	2010-11	2011-12	2012-13	2013-14	2014-15
Counts					
Special Education Students	4,325	4,388	4,525	4,713	4,802
Total Special Education Staff	843	822	837	856	807
Teachers	302	300	296	282	272
Aides	350	339	371	386	375
Total Instructional Staff	652	639	667	668	647
Central Office	191	183	170	188	160
Ratios					
Pupil-Staff Ratio	5.1	5.3	5.4	5.5	6.0
Pupil-Teacher Ratio	14.3	14.6	15.3	16.7	17.7
Pupil-Aide Ratio	12.4	12.9	12.2	12.2	12.8
Pupil-Instructional Staff	6.6	6.9	6.8	7.1	7.4
Pupil-Central Office	22.6	24.0	26.6	25.1	30.0

Source: KISD sped FTE complete.xlsx

Overall pupil-staff ratios and the pupil-aide ratio have remained flat. However, the pupil-teacher ratio has dropped 9 percent, indicating that there are 9 percent more special education teachers relative to the special education population in 2014-15 than there were five years ago. The pupil-central office ratio has

increased 15 percent, reflecting a drop in central office staff relative to the special education student population.

KISD applies staffing formulas to determine its staff resource allocations at the schools and for several positions in the central office. Appendix C contains staffing formulas and guidelines for all special education campus-based and central- office-based positions.

Below are examples of staffing ratios /caseloads contained in these formulas:

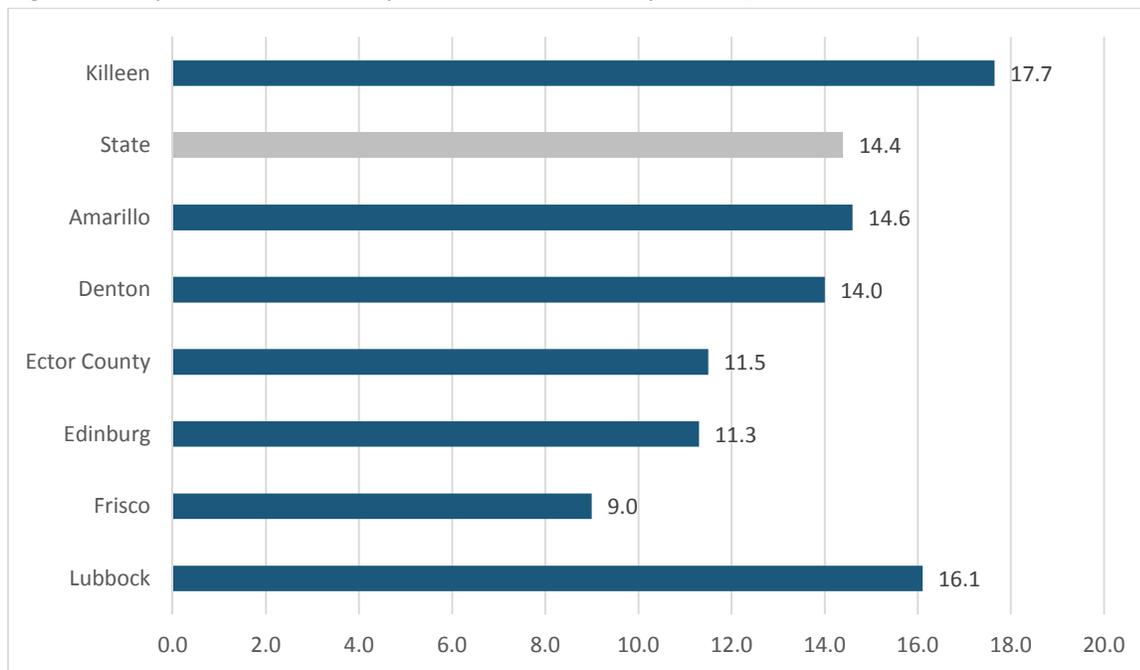
- Educational Diagnostician..... 200/1
- LSSP 200/1
- Speech Therapist..... 200/1
- Behavior Specialist 2,500/1
- Autism Specialist 500/1
- Occupational Therapist 40/1
- Physical Therapist 40/1
- Social Worker 60/1

Instructional staffing is more complex. Resource Room and Inclusion teachers are determined through staff ratios. The total number of enrolled students served by these two instructional arrangements is divided by 23 to determine the number of teachers, and by 24 to determine the number of aides. For restrictive settings, the ratios range from 5 to 1 to 15 to 1 for teachers and 3.3 to 1 to 5 to 1 for aides. There are additional staffing formulas for Pre-K special education and alternative campuses.

Finding: KISD has fewer special education teachers than its peer districts and the state average relative to its special education student population, and they are disproportionately allocated to more restrictive than less restrictive settings.

A pupil-teacher ratio shows the average number of students per full-time equivalent (FTE) teacher. The higher the ratio, the fewer the teachers relative to the student population. Figure 3-7 compares KISD's special education pupil-teacher ratios to the state average and peer districts for 2014-15. KISD's ratio of 17.7 is significantly higher than the state average and its peer districts, indicating far fewer special education teachers relative to the special education student population. Frisco ISD has almost twice as many special education teachers relative to its student population than KISD.

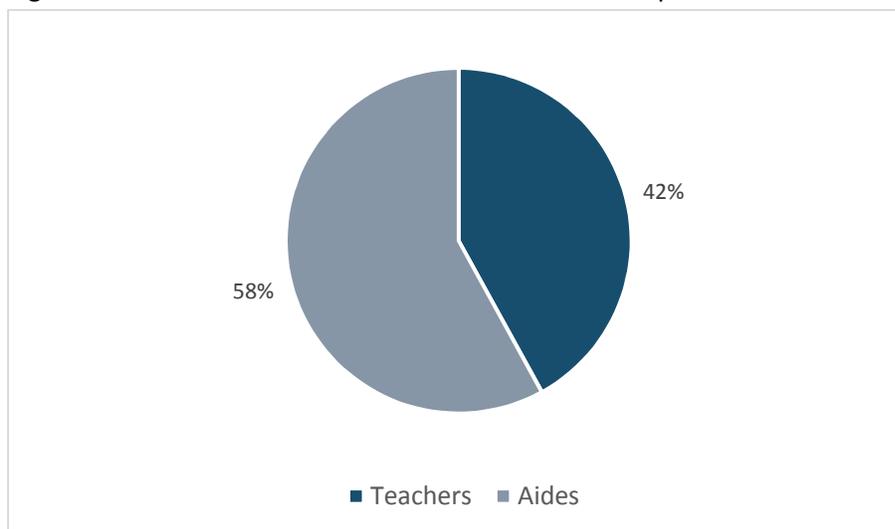
Figure 3-7. Special Education Pupil-Teacher Ratio Comparisons, 2014-15



Source: Texas Education Association Texas Academic Performance Report, 2014-15

KISD staffing formulas provide more aides than teachers in special education. While this practice is not uncommon, the more rigorous academic standards support an instructional staff that is more heavily weighted with teachers. Figure 3-8 shows that approximately 42 percent of the KISD's instructional staff in special education are teachers while the remainder are aides.

Figure 3-8. Distribution of Instructional Staff in KISD's Special Education Program



Source: KISD SPED Staffing Complete.xlsx

The current staffing ratios also result in too few instructional positions supporting inclusion and too many positions for restrictive settings. For the more restrictive, self-contained classes, such as Positive Behavior Support and Therapeutic Learning Class, the ratio of students to instructional positions (i.e. teachers and

aides) is 3.33 to 1. In the Communication and Academic and Social Development class, this ratio is 1.67 to 1. In inclusion settings, the ratios are much higher, ranging from 15 to 1 to 23 to 1. This approach spreads the special education teaching force supporting inclusion classes too thin, significantly limiting the amount of time they can spend with general education teachers in planning and support, thus limiting the effectiveness of instruction in this setting. The programmatic elements of inclusion are discussed in *Chapter 2 – Special Education Program Delivery* of this report.

Finding: Certain central office staff ratios do not provide adequate staffing levels.

KISD staffing formulas prescribe a ratio of 200 students per assessment staff (i.e. primarily educational diagnosticians, LSSPs, and speech teachers). The Texas Association of School Boards (TASB) suggests a ratio of 100 to 105 students per diagnostician. The under-staffing of this function in KISD has likely contributed to TEA compliance issues related to student assessment timelines.

The ratio of students to behavior specialists of 2,500 to 1 results in only two specialists supporting the entire district. While TASB does not have a target ratio for this position, KISD's staff levels for behavior specialists is likely contributing to problems noted in *Chapter 2 – Special Education Program Delivery* of this report.

Information Systems and Processes

This section presents an assessment of KISD's information systems and processes that support special education and their impact on efficiency, accuracy, compliance, and ultimately, program performance. Information systems are important to each aspect of the district's special education program, including the referral and evaluation process, the ARD Committee meeting, the development and modification of an IEP, the assessment of students, and the tracking of other student outcomes and management information.

There are four major information systems that support the district's special education program:

1. **Easy IEP** – a web-based application developed exclusively for special education management. This is a national program that is used by major school systems in the U.S., including Broward County Public Schools in Florida, the School District of Philadelphia, Charlotte-Mecklenburg Schools and Minneapolis Public Schools. The software helps school districts maintain documentation on student IEPs and ARD Committee meetings.
2. **eSchoolPLUS** – the district's primary student information system that records student transactions (e.g. student enrollment, student withdrawal, attendance, discipline, and grades).
3. **Eduphoria** – KISD uses this software for all educational programs. It supports teacher professional development, student assessment, student analysis, and has many other features. This software is not unique to special education students or teachers.

4. **Sped Ax** – a document imaging system. This system is not part of the *Easy IEP* suite of products.

Special Education staff access these information systems through desktop/laptop computers or iPads issued by the district.

Finding: Easy IEP is not being fully utilized and does not meet all of KISD's functional requirements.

During the 2014-15 data conversion to *Easy IEP*, all of the transaction history was not transferred to the new system. This requires KISD staff to access the prior system or hard copy records for historical data occurring prior to the system conversion. The lack of an entire data history on one system limits the accessibility of that data and contributes to excessive manual effort to obtain needed information.

There are also un-used and under-utilized features of *Easy IEP*. These include:

- Compliance and event alerts with flexible parameters to help school systems stay in compliance with IDEA timelines and requirements. *KISD uses MS Outlook for scheduling and emails for notification. During 2015-16 additional controls were implemented to identify and monitor IDEA timelines, but these were done offline and not through the Easy IEP system.*
- Virtual file cabinet of each student's special education related documents to ensure complete and accurate record keeping. *As mentioned above, the district did not convert the entire data history to the new system.*
- Document imaging (separate module). *KISD does not use the Easy IEP module for document imaging. According to district management, there is not enough memory to store documents and forms on Easy IEP's web site so a different imaging system is used.*
- A web-based communications tool (separate module) that schedules automated text or voicemail alerts through *Easy IEP*. *KISD uses MS Outlook for scheduling and emails for notification.*

According to district management, KISD did not purchase the complete *Easy IEP* software program. This limited the ability to take advantage of all the system functions and the benefits of an integrated system. The lack of a complete system likely contributes to data discrepancies between data stored in *Easy IEP*, *eSchoolPLUS*, and PEIMS.

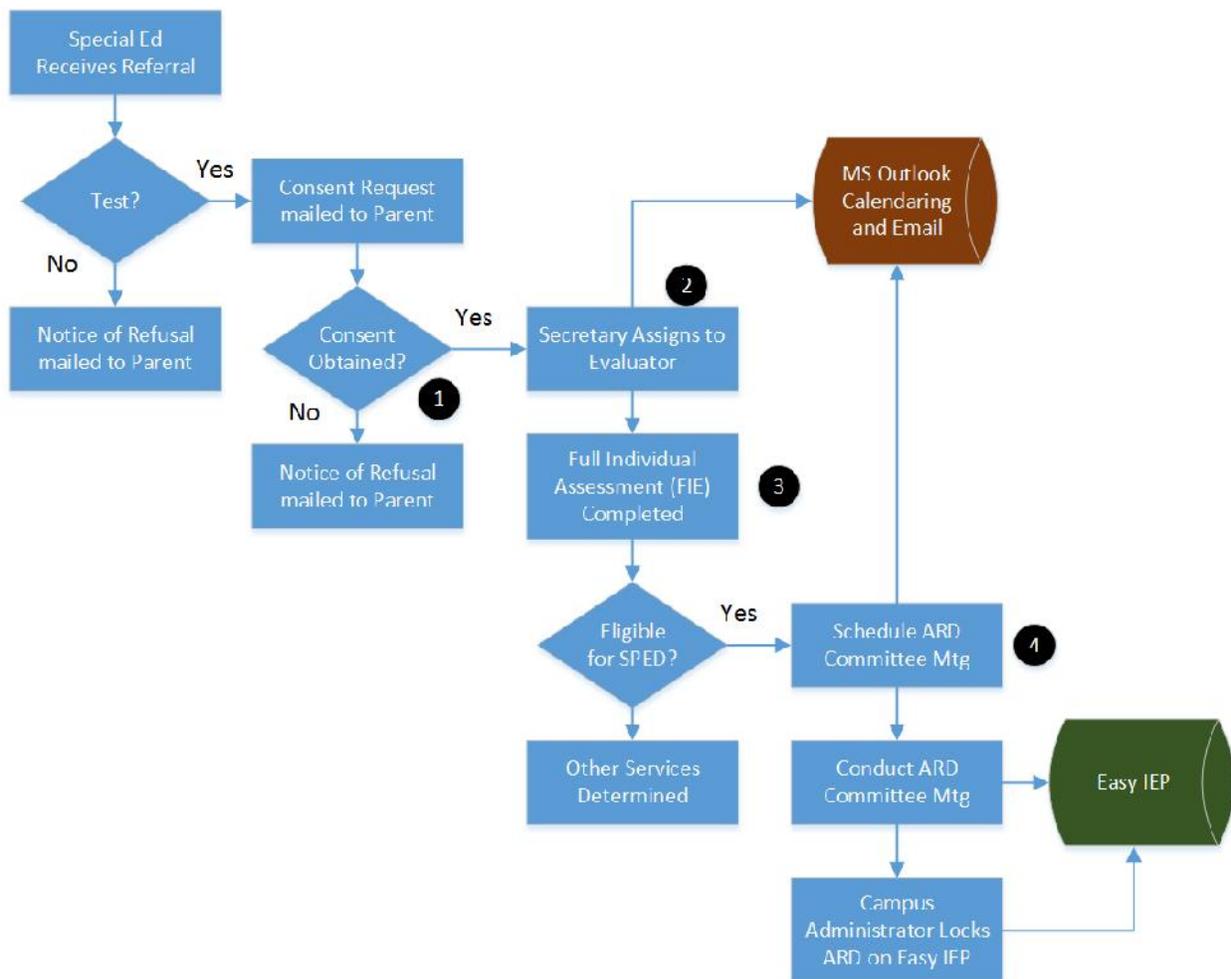
School and department administrators cited inadequate training on the new system and rolling out functionality before announcing that it was to be used. They also cited inconsistent responsibility for *Easy IEP* data entry across campuses, the inability to create revision IEPs, the inability to generate task lists, and the need to make revisions in the system due to data conversion errors. These problems are also likely contributing to data discrepancies between *Easy IEP*, *eSchoolPLUS*, and PEIMS, as well as compliance issues.

While a Request for Proposals (RFP) was issued to purchase *Easy IEP*, there was not a comprehensive set of KISD defined requirements to guide the evaluation and selection process.

Finding: Improvements have been made to the referral process, but system limitations and procedural compliance issues remain.

For the 2013-14 year, the district reported that 806 special education referrals had been received, with only 425 being conducted within the required timelines and 381 being not conducted within the required timelines. This finding was the focus of TEA's recent investigation. Flaws in the KISD referral process appear to be a major factor contributing to the TEA violations with respect to timely student evaluations. Figure 3-9 presents the process flow in place during 2014-15. Decisions regarding testing and parent consent occur at the beginning of the process. Once the parent consent is obtained, KISD staff start a series of steps to evaluate the student and to conduct an ARD meeting. The audit team identified procedural and system issues in these steps. The location of these issues is referenced by a number in the process map, and each of these four issues are discussed further below.

Figure 3-9. Referral Process, 2014-15



Source: Gibson Consulting Group, Inc. process map developed based on focus group input

Audit findings:

1. Some parental consents were never sent by the school administrator to the secretary, or sent late.

2. Secretary assignment:
 - a. The Special Education Department staff uses Microsoft (MS) Outlook to generate calendar invites and task lists. Some tasks were accidentally filtered or deleted by the evaluator/receiver. In other cases the receiver was on a different platform (Apple) and could not access MS Outlook through their iPad. Functional limitations of *Easy IEP* were cited as reasons that this process could not be done through that system.
 - b. Some referrals had incomplete information, contained wrong names, or was sent to wrong person.
 - c. Only one secretary position is assigned responsibility for assigning referrals for the entire department. There is no secondary or back-up position.
 - d. The secretary's assignment activities are not reviewed (for completion or accuracy) or approved by a supervisor before it is finalized.
3. Some KISD personnel who were assigned to perform Full Individual Evaluations (FIE) went on leave and there was no process to identify the exception or reassign the FIE.
4. There are a certain number of days allowed for each step of the process. Some KISD staff interpreted that only the cumulative deadline (75 days) mattered. After parent consent, a 45 (school) day clock starts, and after FIE, a 30 (calendar) day ARD clock starts. Further, responsibility for scheduling ARDs is unclear – some believe it is the school administrator's responsibility; others believe it is special education's responsibility.

During 2015-16, several improvements have been made to this process:

- Assignments are now emailed to each team member and team secretary instead of using calendar invites.
- An early warning system has been developed that generates reports from *Easy IEP* on any deadlines that are coming up.
- Now diagnosticians or speech therapists (as applicable) receive consent forms from school administrators and are responsible for ensuring they are sent to the secretary for assignment.

However, additional process issues remain. First, *Easy IEP* can start the calendar for a process, but cannot assign staff or generate task lists. This is a major functional limitation that requires KISD to use email notifications that are not linked to the system.

Second, procedural compliance exceptions still exist. Some diagnosticians and LSSPs still do not "attach" themselves to the student on *Easy IEP* at the time of referral. Further, some teachers are not attaching themselves to the student on *Easy IEP* until the ARD Committee meeting.

While the referral process has improved, the continued use of offline tools such as MS Outlook continue to increase the risk of non-compliance for the district.

Finding: KISD scanning equipment was not operational for eight months during 2015, resulting in paper-intensive back-up procedures and restricted access to important information through Easy IEP.

The KISD Special Education Department has a scanner that is used to store paper documents electronically. Ideally all documents should be originated electronically, but most software does not support a fully paperless environment. Further, some parents do not have access to computers and must review and sign hard copy forms. For these documents, KISD scans and stores them so that they can be attached to the student record in the *Easy IEP* system.

In early 2015, the Department's scanner broke, and remained broken for almost eight months. During this time, documents were physically stored in the special education office and one individual was responsible for maintaining and providing access to documents. After bringing this issue to the attention of district leadership during the audit, the equipment was fixed. During the interim period, however, users needing these documents could not access them online, creating additional unnecessary work.

Data Integrity

In a report sent by TEA to KISD on July 7, 2015, TEA cited several concerns under "Data Integrity" with respect to non-compliance of Indicator 11 in the PBMAS. Below are excerpts from that report, which is presented in its entirety in Appendix D.

- For the 2013-14 year, the district reported that 806 special education referrals had been received, with only 425 being conducted within required timelines and 381 not conducted within timelines. However, when reporting the reason for the delays in evaluations, the district reported that 149 late evaluations were due to scheduling problems and that 566 late evaluations were due to the lack of available assessment personnel. **The numbers reported in the explanation for delay do not match the number of evaluations reported.**
- **For the past two years, after the initial submission of the data, the agency has allowed districts to review the data to correct mistakes and/or provide clarifying data to the agency. Killeen ISD has not taken advantage of these opportunities.**
- The Special Education Director reported that the submission of data to the TEA for the SPP (State Performance Plan) was the responsibility of the compliance coordinator... (who) certified that the information was correct without anyone else reviewing the information. **It is usually the responsibility of the special education director to review and certify the data before submitting it to the agency.**

Finding: Beyond the TEA findings in connection with referral data and timelines, additional data integrity issues were noted during this audit.

During this audit, other findings related to data integrity were made and are discussed below.

Retention Data

The audit team was provided special education retention rates by grade level as part of the initial data collection. The data showed retention rates that were significantly higher than what was reported in the

state accountability reports and that were up to 10 times the state average for individual grade levels. During principal focus group sessions, school administrators suggested that the data was in error, as their experience was that retention rates for their schools were much lower. The district was contacted and an updated file was provided. This information still did not match the state accountability reports for KISD, but were much closer.

Table 3-3 presents the two versions of the KISD retention data provided through this audit, and compares these rates to the KISD and state average data in the state accountability report (Texas Academic Performance Report).

Table 3-3. KISD Special Education Retention Rates 2013-14

Grade	KG	1st	2nd	3rd	4th	5th	6th	7th	8th
KISD (a)	0.0%	5.4%	10.1%	14.1%	8.7%	9.0%	8.4%	10.2%	12.5%
KISD (b)	3.8%	11.2%	5.4%	4.6%	2.2%	1.3%	1.3%	1.5%	2.7%
KISD-TAPR	3.3%	12.6%	5.3%	5.1%	2.7%	1.7%	1.3%	1.3%	2.4%
State Average	8.6%	8.1%	3.9%	1.6%	0.9%	0.9%	0.8%	1.1%	1.4%

Sources: (a) Killeen *Retention Rates.xlsx* 9/15/2015; (b) Killeen ISD *Retention Rates - NEW.xlsx* ISD Texas Education Agency Texas Academic Performance Report, 2014-15 (contains prior year retention data)

Teacher and Student Counts

There were smaller variances in special education student and staff data. Table 3-4 compares the counts of students and staff provided by the district to the amounts reported in TEA's state reports over the past five years. The percentage variances range from 0 percent to 5.4 percent, and 2014-15 data are more consistent than prior years, but only one year of teacher counts showed no variance.

Table 3-4. Comparison of Special Education Teacher and Student Counts, District and State Reported Data

	2010-11	2011-12	2012-13	2013-14	2014-15
Teachers FTEs - District	302	300	296	282	272
Teacher FTEs - State	292	290	286	277	272
Difference	10	10	10	5	0
Percentage Difference	3.3%	3.3%	3.4%	1.8%	0%
Students – District	4,325	4,388	4,525	4,713	4,802
Students – State	4,266	4,266	4,315	4,459	4,748
Difference	59	122	210	254	54
Percentage Difference	1.4%	2.8%	4.6%	5.4%	1.1%

Sources: Texas Education Agency TAPR and AEIS Reports, 2010-11 through 2014-15; Killeen ISD SPED Staffing Complete.xlsx;

TEA and KISD management have expressed concerns about the quality of special education data, and district and school administrators cited data variances among KISD's different information systems.

The audit team's assessment of data integrity resulted in the following observations:

- Multiple software changes and data conversions have adversely affected data quality
- The lack of system integration requires the entry of the same data in multiple information systems, thus increasing the chance for data errors
- There are functional limitations of *Easy IEP* which require manual work-arounds – this also increases the chance for data errors
- No responsibility assigned for data analysis or reasonableness testing – the district's data support team provides data analysis upon request from departments or programs. There is no position in the Special Education Department currently responsible for analyzing and validating special education program data, and this is a program level responsibility. In short, the KISD Special Education Department is not taking ownership for data quality.

Performance Accountability

Monitoring and acting on performance indicators is an important element of the management of any program or function. PBMAS – as described in *Chapter 1 – Introduction* of this report – is the primary state performance measurement and accountability system for special education. It incorporates special education student performance on STAAR as well as other measures including discretionary discipline referrals.

Finding: KISD does not track or monitor key performance measures for its special education program.

During site visit interviews, focus group sessions, and school site visits, questions were asked about PBMAS. Only the senior district leadership and two other interviewees out of more than 50 interviewed were familiar with the term or its significance. No measureable objectives related to PBMAS (e.g., reducing ratings from a 2 -3 to a 0-1) have been established.

No other performance measures or targets are tracked in special education at KISD.

Finding: KISD has excessive parent complaints and due process filings relative to its special education student population.

Other indicators of performance for a district's special education program are the number, nature, and resolution of complaints and due process hearings. KISD has much higher parent complaint levels and due process filings than the average Texas school district. Table 3-5 compares KISD and state counts and rates per 1,000 students for the past three years.

Table 3-5. Special Education Complaints and Due Process Filings, KISD and State Totals, 2012-13 to 2014-15

	2012-13	2013-14	2014-15
KISD			
Special Education Complaints			
Count	16	18	7
Per 1,000 students	3.59	3.87	1.47
Due Process Filings			
Count	14	12	15
Per 1,000 students	3.14	2.58	3.16
State Totals			
Special Education Complaints			
Count	196	163	179
Per 1,000 students	0.45	0.37	0.40
Due Process Filings			
Count	308	315	382
Per 1,000 students	0.71	0.72	0.86

Sources: KISD Texas Education Agency Complaints; KISD TEA Due Process Filings; Texas Education Agency response to Open Records Request made by the audit team on October 21, 2015; Texas Education Agency Texas Academic Performance Reports

In some instances, KISD's rate per 1,000 students is more than 10 times the state rate as a whole. The lowest differential is 3.7 times the state average. Special education complaints were reduced in 2014-15, but still remain significantly higher than the state average.

It is important to note that of all the due process filings against KISD over the past three years, the vast majority have been dismissed.

The Texas Education Agency, in its report to the district dated July 7, 2015, had findings related to the district documentation for complaints and due process hearings. In this report TEA stated:

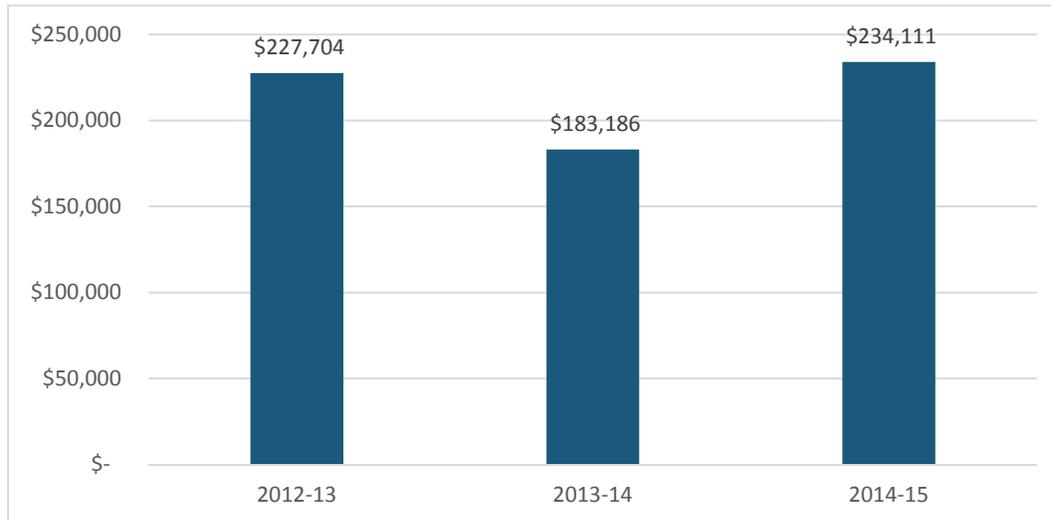
For the past nine years, Killeen ISD has been involved in numerous special education complaints. In order for the TEA to investigate a complaint, agency staff must request documentation from a district to conduct the investigation. Many times, despite agency staff members' repeated requests for required documentation, Killeen ISD has often refused to provide the agency with the documentation within the timelines established by the agency... For one complaint, the district took two years to complete the corrective action plan, despite numerous requests by the agency for documentation.

TEA's inability to timely investigate the complaint because of a lack of documentation likely resulted in delayed resolution and frustrated parents, and could have an impact on the number of complaints filed against the district.

The high number of complaints and due process hearings relative to the student population is a concern in and of itself, but this volume also demands a significant amount of district staff time and resources to

address and document the complaint or filing. Due process filings require the use of district legal counsel, whether or not the filing is later dismissed or not, and significant legal fees have been incurred. Figure 3-10 shows the amount of legal fees KISD incurred in connection with its special education program over the past three years.

Figure 3-10. KISD Special Education Legal Fees, 2012-13 to 2014-15



Source: KISD SPED Legal Expenses.xlsx

Audit Recommendations

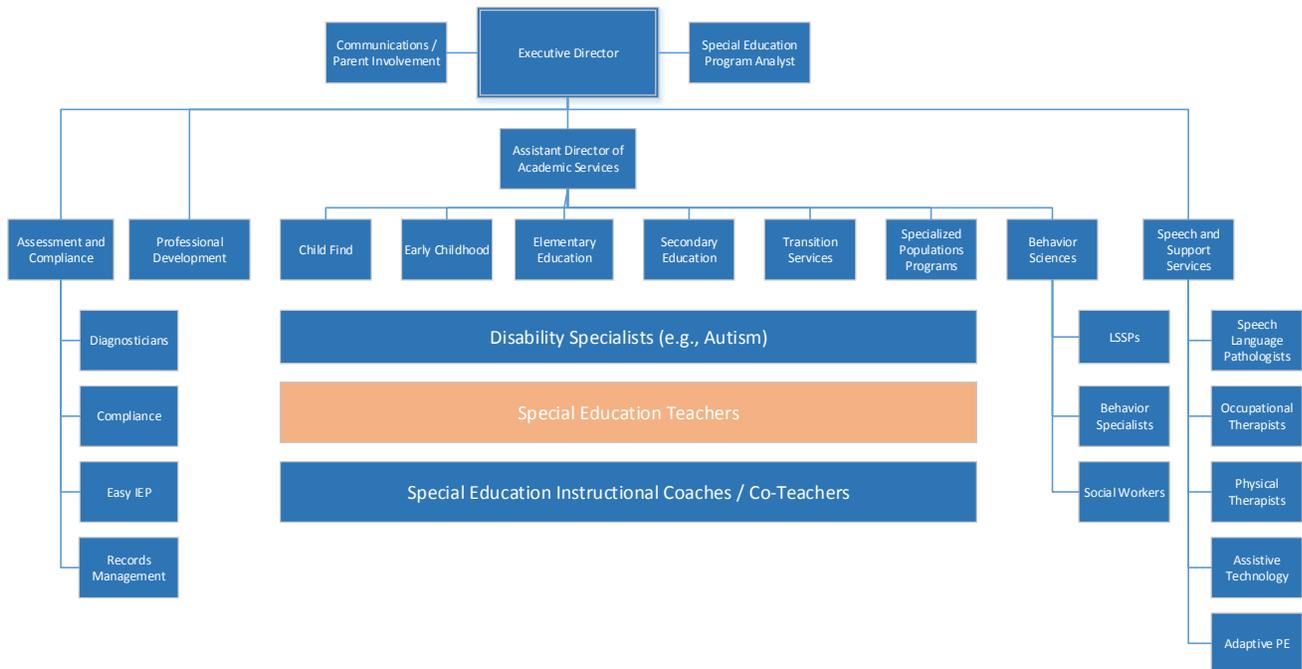
Recommendation 3-1: Modify the special education organization structure.

Organizing a special education program is very difficult because of the many programmatic elements and demands that exist, including:

- School type (e.g. early childhood, elementary, middle school, high school)
- Vertical alignment and communication (e.g. alignment of schools under a high school feeder system)
- Program type/Instructional Setting (e.g., Inclusion, Resource Room, Transition Services)
- Disability types and specialization (e.g., Autism, Visually Impaired, Learning Disabled)
- Student need (low to high needs that may cross program and school types, and are not necessarily the same for a particular disability type)
- Function (e.g. program delivery, support services, professional development, administration)

The nature of special education requires many disciplines to be involved in the design and delivery of a student's educational program, but the organization structure should support accountability for academic and non-academic results. Figure 3-11 presents a proposed organization structure for KISD's special education program.

Figure 3-11. Proposed Organization Structure for KISD's Special Education Program



Source: Gibson Consulting Group, Inc.

Under this proposed organization structure, clear accountability for student achievement is established through an assistant director position, with programming responsibilities organized primarily by age grouping, or school type. Accountability for other important functions are also clearly established for compliance, parent communications and involvement, professional development, data analysis and integrity, behavior sciences, and support services.

Special education teachers will continue to report to school principals, but they will be supported by disability specialists and special education instructional coaches/co-teachers that report to special education.

Technical supervisors/leaders will supervise technical positions, such as LSSPs, social workers, diagnosticians and occupational therapists, and ensure that staff reporting to them receive technical professional development and maintain technical certifications.

Staff in existing positions that are eliminated under the new structure could apply for new positions. Job descriptions will need to be developed for each position.

Recommendation 3-2: Modify the Executive Director job description to reflect organizational responsibilities and higher experience requirements.

Based on the audit team's review of the job description, the responsibilities and duties listed were focused more on duties and less on responsibilities. The Executive Director job description should include the following responsibilities:

- Ensure that program is compliant with federal and state law, TEA regulations, and board policy

- Improve SPED student achievement and other student outcomes
- Provide an efficient and effective special education program
- Assume ownership and be accountable for accurate special education data
- Establish performance measures for the special education program and track progress against performance targets

The job description should clarify that the position is responsible for all central office special education staff. The current job description references all special education personnel, which would include special education teachers. Special education teachers report to the school principals.

The job description for the Executive Director should also be modified to contain the following experience requirements:

- At least five years of special education program administration/leadership experience in a school system with 15,000 or more students
- At least 10 years of experience in special education
- Mid-management certification

These requirements will help ensure a high quality candidate pool commensurate with the responsibilities of the position, and increase the chance of success for the selected individual.

Recommendation 3-3: Modify other job descriptions to more clearly establish reporting relationships.

Positions should have one supervisor. The supervisor should be responsible for directing the work of the subordinate, establishing priorities for the work, and for performing and signing the annual performance evaluation. The job descriptions may reference principals and other positions in terms of the need to communicate with them or to respond to them, but principals should not be listed as a supervisor in the job description, unless the position is a campus-based position, such as a special education teacher.

Recommendation 3-4: Identify alternative space configuration for the Special Education Department office.

While some open area work space is acceptable, senior positions should have enclosed offices. In addition, one or two enclosed meeting rooms should be available inside the department. The reduction of paper through separate recommendations in this report will help facilitate the streamlining of space needs for hard copy files and the furniture to store those files. This will free up space for this other use. The Special Education Department should work with the district's facilities management area and any outside architect to (1) redesign the current space or (2) identify alternate space in the district based on their current and anticipated space needs.

Recommendation 3-5: Calculate MOE before the adoption of the following year’s budget to ensure federal requirements are met.

The district meets the federal and state requirements for calculating MOE after the end of the fiscal year based on actual expenditures. However, best practice would suggest that this calculation be performed based on preliminary and final budget data to ensure that the district is well positioned to meet the requirements.

Recommendation 3-6: Evaluate opportunities to increase Medicaid reimbursements.

KISD should seek opportunities to increase its Medicaid reimbursement to levels experienced by other school districts. This could be done through the use of their current contractor or through another consultant. Based on the state average there is the potential to receive additional Medicaid reimbursements of an additional \$796,500 annually.

Recommendation 3-7: Modify special education staffing formulas.

The district’s staffing formulas need to be changed to accommodate reasonable workloads and to adequately support effective inclusionary teaching practices such as co-teaching. The diagnostician/LSSP caseload should be changed from 200/1 to 100/1. This will necessitate an increase in staff in the short term, but as the district implements other recommendations in this report related to RTI, the referral process, and non-qualifying referrals, the demand for these services should subside.

Additional behavior specialist positions are also needed. The current formula of 2,500/1 should be modified to 1,000/1 or less, to provide the support to general education and special education staff in PBIS.

Special education teacher and aide ratios should be changed to more heavily weight the staff support for inclusion co-teachers by reducing the pupil-staff ratios, and to reduce the intensity of support in more restrictive settings by increasing pupil-staff ratios. There are several recommendations contained in *Chapter 2 – Special Education Program Delivery* of this report that will need to occur concurrently in order for this recommendation to be successful. The district should also increase the balance of special education teachers versus aides in the district.

Recommendation 3-8: Identify ways to maximize the use of the *Easy IEP* system, or consider an alternate system.

The district has been in contact with the software vendor to implement additional functionality of the software. However, some functional gaps still exist, requiring the district to establish “work-arounds” for certain processes, including the referral process. The district should continue to explore such opportunities, but should also contact other *Easy IEP* users to identify best practices for maximizing the use of *Easy IEP*.

Other measures could be taken by KISD. Loading the entire student history from the previous information system would eliminate the need to access two systems. Increasing the integration of *Easy IEP* with the

district's student information system would also yield efficiency and quality assurance benefits. The district's Technology Department should lead the effort with the assistance from Special Education Department staff to maximize the system's use.

During this effort, the district may realize that there are too many functional gaps with the current software and that *Easy IEP* may not be the best long-term solution for the district. In the short-term, however, the district should focus on increasing its functionality and use.

Recommendation 3-9: Make additional improvements to the referral process.

The current referral process, while much improved, still has issues related to procedural compliance and software compatibility. The district should strive to use *Easy IEP* exclusively for the referral process and eliminate the need for the use of separate software products such as Microsoft Outlook. Further, the district needs to establish accountability for scheduling events in the referral process, ensuring that all staff attach their names to the transaction. The district should work with the vendor to evaluate the feasibility of establishing screen edit controls that do not allow a transaction to be completed unless the individual entering the transaction attaches their name to it as applicable.

Recommendation 3-10: Establish contingency plans for scanning equipment in the event of a breakdown.

KISD should develop a back-up plan in the event scanning equipment breaks down. The district should work with the vendor to establish such a plan so that documents can be scanned within 24 hours of the breakdown. This will help eliminate the bottlenecks in the file storage and access processes, and ensure that efficient processes can continue until the equipment is repaired.

Recommendation 3-11: Implement data quality controls.

There are several ways KISD can improve the quality of data and reports in the special education program:

- *Design and develop input controls/screen edits* – Beyond the referral process, the Special Education Department and the district's Technology Department should review every special education data input screen on both *Easy IEP* and the district's student information system (*eSchoolPLUS*) to identify ways to improve the quality of data at the point of entry.
- *Implement analytic review procedures* – The program analyst position (see Recommendation 3-1 above) should assume primary responsibility for analyzing special education data for reasonableness. This review will identify data anomalies, some of which could be related to data quality. Data should be analyzed no less than on a monthly basis. Data analyzed should include student counts, student demographics, student disability coding and placements, actual versus formula staffing, retention rates (i.e. annually), discipline referral rates, special education referral rates, results of student interim assessments, and student attendance, among others. Trends can be analyzed, and where data are reported to the state, state averages or peer district comparisons can be reviewed.

- *Conduct periodic data audits* – The special education compliance position (see Recommendation 3-1 above) should conduct periodic data audits, tracing amounts in reports to the source document and vice versa, as well as audits of transaction timelines and student IEP files.

Recommendation 3-12: Implement and monitor performance measures

KISD needs to develop, track, analyze, and act on performance measures for its special education program. Target measures can also be developed for goal setting, measuring the progress of the district against those goals.

Examples of measures, other than PBMAS measures, that can be used to support program improvement over time include the following:

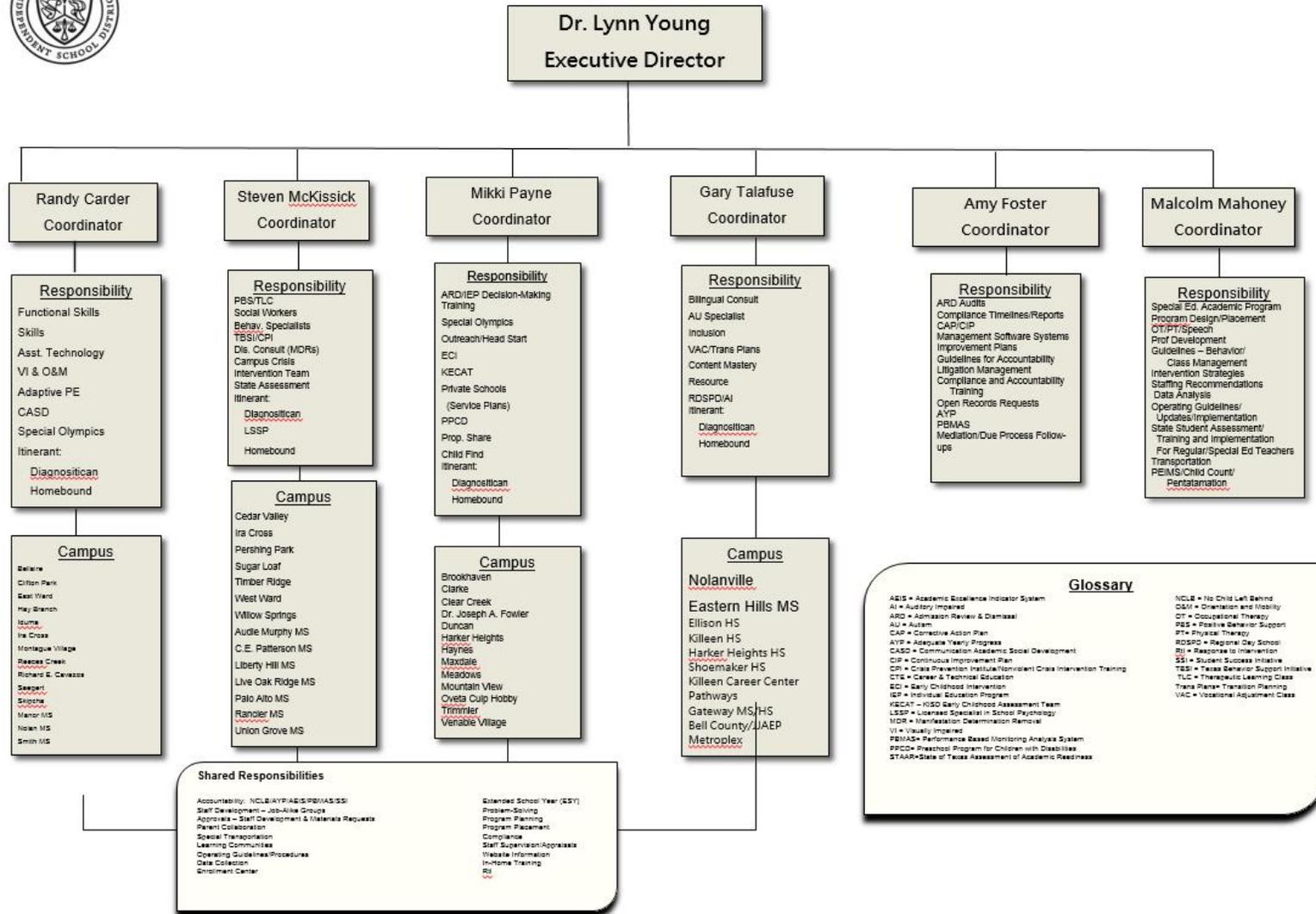
- Percentage of total students served in special education
- Special education student attendance rates, by school
- Special education pupil-teacher ratio, compared to state average
- Special education pupil-aide ratio
- Special education pupil-instructional staff ratio (teachers and aides)
- Special education pupil-total special education staff ratio
- Percentage of special education students served through inclusion, by school
- Percentage of students by disability category compared to state average
- Number of referrals by grade level, by school
- Number of non-qualifying referrals by grade level, by school
- Special education retention rates compared to state average
- Discretionary discipline placements in special education compared to general education, by infraction, by sending campus, by grade level, by race, by ethnicity, and by disability type
- Special education spending per special education student compared to state average
- Medicaid reimbursement per special education student compared to the state average

In *Chapter 2 – Special Education Program Delivery* of this report, additional lower level reporting and analysis is recommended for RTI and specific special education programs and services.

Appendix A – Original Organization Chart for 2014-15

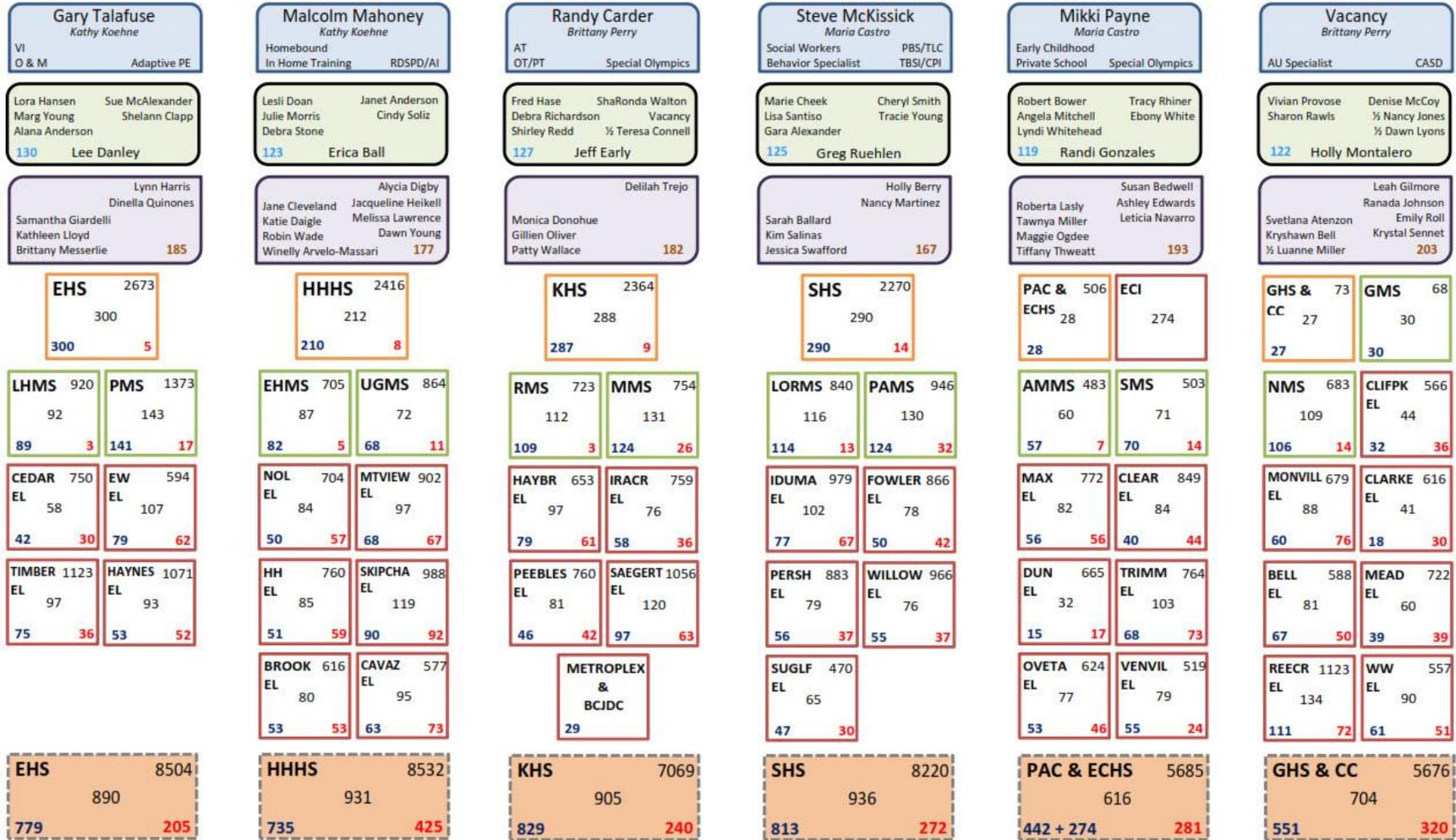


Office of Special Education



Appendix B – Organization Chart 2015-16

EXECUTIVE DIRECTOR



Appendix C – Staffing Formulas and Guidelines



KILLEEN INDEPENDENT SCHOOL DISTRICT
SPECIAL EDUCATION STAFFING GUIDELINES

I. ELEMENTARY SCHOOLS

A. RESOURCE/INCLUSION includes separate resource classes, inclusion programs, mainstream students, and/or any combination thereof. The number of students is based on the total number of special education students enrolled at the campus, less the number of students in self-contained classes and speech therapy only, as identified in the KISD SEMS computer program.

<u>Enrollment</u>	<u>Teachers</u>	<u>Enrollment</u>	<u>Aides</u>
1 – 23	1.0	1 – 24	0.0
24 – 46	2.0	25 – 48	1.0
47 – 69	3.0	49 – 72	2.0
70 – 93	4.0	73 – 96	2.0

B. PRESCHOOL PROGRAM FOR CHILDREN WITH DISABILITIES (PPCD)

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 15	1.0	2.0
16 – 30	2.0	4.0
31 – 45	3.0	6.0

NOTE: If a combination of ½ day 3 year olds and full day 4 year olds is less than 11, then combine the classes.

C. GOALS (Positive Behavior Support (PBS) and Therapeutic Learning Class (TLC))

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 10	1.0	2.0
11 – 15	1.0	3.0
16 – 24	2.0	4.0

D. COMMUNICATION AND ACADEMIC AND SOCIAL DEVELOPMENT

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 5	1.0	2.0
6 – 10	1.0	4.0
11– 16	2.0	6.0

E. REGIONAL DAY SCHOOL FOR THE DEAF

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 10	1.0	2.0
11 – 20	2.0	4.0

F. SKILLS (Primary or Intermediate)

<u>Functional Skills</u>		
<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 10	1.0	3.0
11 – 20	2.0	6.0
21 – 30	3.0	9.0

Primary (K-2)

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 15	1.0	2.0
16 – 30	2.0	4.0
31 – 45	3.0	6.0

Intermediate (3-5)

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 15	1.0	3.0
16 – 30	2.0	4.0
31 – 45	3.0	6.0

II. SECONDARY SCHOOLS

NOTE: The following guidelines apply to special education teachers.

Resource teachers: five instructional periods, one teacher assignment period, one conference period, and a duty-free lunch.

Self-contained teachers (high school): six instructional periods, one conference period, a duty-free lunch, and a one-hour longer work day. (Pay will be computed to provide additional compensation for the additional (sixth) period taught.)

Self-contained teachers (middle school): six instructional periods, one conference period, a duty-free lunch, and a one-hour longer work day. (Pay will be computed to provide additional compensation for the additional (sixth) period taught.)

A. RESOURCE/INCLUSION includes separate resource classes, inclusion programs, mainstream students, and/or any combination thereof. The number of students is based on the total number of special education students enrolled at the campus, less the number of students in self-contained classes and speech therapy only, as identified in the KISD SEMS computer program.

<u>Enrollment</u>	<u>Teachers</u>	<u>Enrollment</u>	<u>Aides</u>
1 – 23	1.0	1 – 24	0.0
24 – 46	2.0	25 – 48	1.0
47 – 69	3.0	49 – 72	2.0
70 – 93	4.0	73 – 96	2.0
94 – 116	5.0	97 – 108	2.0
117 – 139	6.0	109 – 120	3.0
140 – 163	7.0	121 – 144	3.0
164 – 186	8.0	145 – 156	3.0
187 – 209	9.0	157 – 168	3.0
210 – 232	10.0	169 – 180	4.0
233 – 255	11.0	181 – 194	4.0
256 – 278	12.0	195 – 216	4.0
279 – 301	13.0	217 – 228	4.0
302 – 324	14.0	229 – 240	5.0
325 – 367	15.0	241 – 264	5.0
368 – 390	16.0	265 – 288	5.0
391 – 413	17.0	289 – 312	6.0
414 – 436	18.0	313 – 324	6.0

B. GOALS Positive Behavior Support (PBS) and Therapeutic Learning Class (TLC)

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 10	1.0	2.0
11 – 15	1.0	3.0
16 – 24	2.0	4.0

II. SECONDARY SCHOOLS (cont)

C. SKILLS

<u>Functional Skills</u>			<u>6-12</u>		
<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>	<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 10	1.0	3.0	1 – 15	1.0	2.0
11 – 20	2.0	6.0	16 – 30	2.0	4.0
21 – 30	3.0	9.0	31 – 45	3.0	6.0

D. COMMUNICATION, ACADEMIC AND SOCIAL DEVELOPMENT

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
1 – 5	1.0	2.0
6 – 10	1.0	4.0
11– 16	2.0	6.0

E. REGIONAL DAY SCHOOL FOR THE DEAF

<u>Enrollment</u>	<u>Teachers</u>
1 – 10	1.0
11 – 20	2.0

F. VOCATIONAL ADJUSTMENT COORDINATOR (VAC)

Teacher 1 per high school

G. HIGH SCHOOL SPECIAL EDUCATION COORDINATOR

Coordinator 1 per high school
Records Aide 1 per high school

III. ALTERNATIVE CAMPUSES

A. Haynes School High

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
0 – 30	1.0	1.0

B. Haynes School Middle

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
0 – 30	1.0	1.0

C. Bell County Detention Center

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
0 – 30	1.0	1.0

D. Metroplex Pavilion

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
0 – 30	1.0	1.0

E. Pathways Learning Center

<u>Enrollment</u>	<u>Teachers</u>	<u>Aides</u>
0 – 30	1.0	0.0

IV. EVALUATION/PLACEMENT SERVICES

A. KISD is phasing in an evaluation team concept for special education evaluations. This will be a gradual change, only done when a diagnostician leaves, retires, or wants to make a change. It will take several years. Evaluation Specialists (Diagnosticians/ LSSP's) are responsible for abilities and achievement evaluation and presentation of the evaluation information to the Admission, Review, and Dismissal Committee (ARDC) for initial evaluations and re-evaluations and, in addition, for interpretation of psychological evaluations at ARDC meetings. Scheduling and conducting ARDC meetings and required paperwork is the responsibility of special education facilitators. In addition the special education facilitators support teachers in implementing instruction and required modifications and in staff development.

- Evaluation Specialist (Educational Diagnostician and LSSP)

<u>Initial Referral</u>	<u>Specialist</u>	<u>Aides</u>
0 – 200	1.0	0.0

- Facilitator

<u>Enrollment</u>	<u>Facilitator</u>	<u>Aides</u>
0 – 200	1.0	0.0

B. SPEECH THERAPY SERVICES

- Evaluation Specialist

<u>Students</u>	<u>Therapists</u>	<u>Aides</u>
0 – 200	1.0	0.0

- Speech Therapist/Assistant

<u>Students</u>	<u>Therapists</u>	<u>Aides</u>
0 – 40	1.0	0.0

C. DEAF EDUCATION

<u>Deaf Ed Students</u>	<u>Teachers</u>	<u>Interpreter</u>
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0 – 12	1.0	0.0
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0 – 12 and as required	0.0	1.0	by the ARDC
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V. ITINERANT SERVICES (Staff based at special education office)

A. ADAPTIVE PHYSICAL EDUCATION

<u>Students</u>	<u>Teachers</u>	<u>Aides</u>
0 – 25	1.0	0.0

B. AUTISM

<u>Autism Students</u>	<u>Specialists</u>	<u>Aides</u>
0 – 500	1.0	0.0

C. BEHAVIOR MANAGEMENT

<u>Behavior Students</u>	<u>Specialists</u>	<u>Aides</u>
0 – 2500	1.0	0.0

<u>Behavior Classes</u>	<u>Teachers</u>	<u>Aides</u>
0 – 20	1.0	0.0

D. HOMEBOUND

<u>Students</u>	<u>Teachers</u>	<u>Aides</u>
0 – 6	1.0	0.0

V. ITINERANT SERVICES (Staff based at special education office) (cont)

E. OCCUPATIONAL THERAPY

<u>Therapy Students</u>	<u>Therapist</u>	<u>Therapy Students</u>	<u>Aides</u>
0 – 40	1.0	0 – 300	1.0

F. PHYSICAL THERAPY

<u>Therapy Students</u>	<u>Therapist</u>	<u>Aides</u>	
<u>Therapy Students</u>	<u>Therapist</u>	<u>Therapy Students</u>	<u>Aides</u>
0 – 40	1.0	0 – 300	1.0

G. SOCIAL WORK

<u>Spec Ed Students</u>	<u>Social Worker</u>
1– 60	1.0

H. TECHNOLOGY

Technologist	1.0	District
Assistive Technology Specialist	1.0	District
Assistive Technology Aide	1.0	District

V. ITINERANT SERVICES (Staff based at special education office) (cont)

I. VISUALLY IMPAIRED

	<u>Students</u>	<u>Personnel</u>
Teachers	0 – 14	1.0
Orientation & Mobility Specialist	0 – 20	1.0
Brailist (aide)	0 – 50	1.0

J. PHYSICAL NEEDS AIDE

As needed to provide services determined by ARDC

K. NURSE

.5 Severe & Profoundly Disabled

VI. SPECIAL EDUCATION OFFICE STAFF

A. DIRECTOR

1 District

B. ASSISTANT DIRECTOR

1 District

C. PROGRAM COORDINATOR

- Coordinator

1 per 1000 Special Education students

D. SECRETARIES

Office Manager	1 District
Medicaid	1 District
PEIMS	1 District
Records	1 District
Special Education Management Systems (SEMS)	1 District
Coordinator	1 per 3 Program Coordinators

E. PARAPROFESSIONALS

Compliance Aides	6 District
Special Education Management System	1 District
Records Aide	1 District
Special Education Resource System	1 District

DATE: September 2010

Contact Person: Executive Director for
Personnel Services

Appendix D – Texas Education Agency Report





July 7, 2015

Michael Williams
Commissioner

John Craft, Superintendent
Killeen Independent School District
200 N.W. South Young Dr.
Killeen, Texas 76543-4025
John.Craft@killeenisd.org

**PRELIMINARY REPORT
INFORMAL REVIEW REQUEST
DUE: July 20, 2015**

**Response to Recommendation
for Corrective Action due by
July 20, 2015**

Dear Superintendent Craft:

The enclosed report presents the preliminary findings resulting from a Special Accreditation Investigation (SAI) conducted by the Texas Education Agency's (TEA) Division of Program Monitoring and Intervention (PMI) and the Special Investigations Unit (SIU) pursuant to the authority set forth under Texas Education Code (TEC) §39.057. The investigation related to noncompliance indicators in the Individuals with Disabilities Education Act (IDEA) accountability system's State Performance Plan (SPP) specifically SPP indicator 11. Killeen Independent School District (KISD) has reported annual noncompliance since 2007-2008 for the percentage of children who were evaluated for special education within the state-established timeline after receiving informed, written parental consent to evaluate. Additionally, KISD has neither responded in a timely manner to TEA's requests for documentation concerning complaints against the district nor has the district presented evidence to indicate that the district had completed corrective actions as a result of complaints or due process hearings.

This report covers only those allegations described in this preliminary report and investigated by PMI and SIU to date. These findings do not necessarily address all of the allegations raised before, during, or after our investigation. Additional investigative work may be conducted in the future to address any remaining allegations. Furthermore, other TEA divisions may be in the process of investigating KISD or issuing other investigative reports regarding the KISD.

This preliminary report is for your review and response related to the findings identified in the report. The school district or any person identified in this report as having violated a law, rule, or policy may request, in writing, an informal review of the preliminary report, Texas Education Code (TEC) §39.058 and 19 Texas Administrative Code (TAC) §157.1123. A request for an informal review must be received, along with any information or documentation the requestor would like the agency to consider during the informal review, on or before **July 20, 2015**, and addressed to the following postal mail or email address:

Mailing address: Judy Struve, Program Manager
Texas Education Agency
Division of Program Monitoring and Interventions
1701 N. Congress Avenue
Austin, Texas 78701
Email address: Judy.Struve@tea.texas.gov

TEA SAI #IR 2015-01-003
Killeen Independent School District (CDN: 014-906)

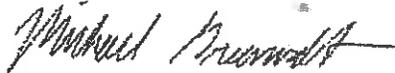
If no formal review is requested by the deadline, this report will become final in accordance with 19 TAC §157.1123(d).

If you have any questions, please contact me at (512) 936-2582, or the primary investigators on the investigation, Judy Struve (512) 475-1790 or Jaime H. Reyes at (512) 936-2583.

Sincerely,



Jose Baca
Team Lead Investigator
Special Investigations Unit



Michael Greenwalt
Director
Program Monitoring and Intervention

Enclosures:

Preliminary On-site Report of Findings

CC: Lizzette Gonzalez Reynolds, Chief Deputy Commissioner, TEA
Von Byer, General Counsel, TEA
Michael Berry, Associate Commissioner, Policy and Programs, TEA
Alice McAfee, Associate Commissioner, Complaints, Investigations and Enforcement, TEA
Sally Partridge, Associate Commissioner, Accreditation and School Improvement, TEA
Judy Struve, Program Manager, Division of Program Monitoring and Interventions, TEA
Ashley Jernigan, General Counsel, Legal, Complaints, Investigations and Enforcement, TEA
Ron Rowell, Director of Governance, Complaints, Investigations and Enforcement, TEA
Chris Cowan, Director of Enforcement, Complaints, Investigations and Enforcement, TEA
Jaime H. Reyes, Investigator, Complaints, Investigations and Enforcement, SIU, TEA

Texas Education Agency
Division of Program Monitoring and Interventions

Preliminary On-site Report of Findings

Section I: Overview: Overall History & Background

A special accreditation investigation (SAI) was conducted by the Texas Education Agency (TEA) of the Killeen Independent School District (KISD) on March 3-4, 2015 to determine the barriers for the district's lack of compliance with federal and state special education requirements.

In 2004, the US Department of Education Office of Special Education Programs (USDE/OSEP) implemented an accountability system for the Individuals with Disabilities Education Act (IDEA) that required each state to develop a performance plan that evaluates the state's efforts to implement the requirements and purposes of the IDEA. The State Performance Plan (SPP) identified five monitoring priorities and 20 indicators associated with these monitoring priorities. Under 34 Code of Federal Regulations (CFR) §300.600(d), the State must monitor districts using these quantifiable indicators to adequately measure performance in the priority areas.

Killeen ISD has been reporting district data for the SPP since the 2007-2008 school year. Indicator 11 reviews the district's compliance with Child Find, measuring the percent of students who are evaluated within the state-established time frame. For seven consecutive years, the district has reported noncompliance for the percentage of children who were evaluated within the state-established timeline after receiving informed, written parent consent to evaluate. *The result of this noncompliance is that special education services for eligible students have been delayed.*

Additionally, for the past nine years, the district has not responded in a timely manner to the agency's requests for documentation concerning complaints against the district or evidence to indicate that the district has completed corrective actions as a result of complaints or due process hearings.

Conducted under the authority of the Texas Education Code (TEC) §39.057, agency staff engaged in staff interviews, record reviews, and campus visits. The agency determined that the following findings resulted in KISD's lack of compliance with federal and state requirements.

Section II: Findings

Topic 1: SPP Indicator 11 Noncompliance

➤ Data Integrity

Each year, the Division of Federal and State Education Policy collects data from all school districts and charter schools to submit to the USDE/OSEP. Districts collect and report initial evaluation data for all students, ages 3-21, who were evaluated, had an eligibility determination, and had an individualized education program (IEP) developed between July 1 and June 30 of each year. Each district is required to determine who will assume the role of district certifier, who is responsible for ensuring that the data are accurate. Specific information and instructions are on the TEA website at [http://tea.texas.gov/Curriculum and Instructional Programs/Special Education/Data and Reports/General Information - SPP Indicator 11/](http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Data_and_Reports/General_Information_-_SPP_Indicator_11/).

Since 2007-2008 school year, Killeen ISD has reported noncompliance for the percentage of children who were evaluated for special education within the state-established timeline after receiving informed, written parent consent to evaluate. The following chart indicates the percentage of students who were evaluated within timelines:

Section II: Findings

Topic 1: SPP Indicator 11 Noncompliance

Year	Percentage of Compliance for Indicator 11
2007-2008	65.1
2008-2009	94.6
2009-2010	71.2
2010-2011	84.8
2011-2012	91.3
2012-2013	77.9
2013-2014	52.7

The chart reflects that the district has never reached compliance (100%) for this indicator.

For the 2013-2014 year, the district reported that 806 special education referrals had been received, with only 425 being conducted within required timelines and 381 not conducted within timelines. However, when reporting the reasons for delays in evaluations, the district reported that 149 late evaluations were due to scheduling problems and that 566 late evaluations were due to the lack of available assessment personnel. The numbers reported in the explanation for delay do not match the number of evaluations reported.

For the past two years, after the initial submission of the data, the agency has allowed districts to review the data to correct mistakes and/or provide clarifying data to the agency. Killeen ISD has not taken advantage of these opportunities.

During the entry conference, the superintendent and special education director reported that the data submitted for the 2013-2014 year were inaccurate. Agency staff had communicated the information from the collection to the special education director prior to the visit. She was unaware of the data that had been submitted. Before TEA's arrival, district special education staff reviewed all initial referrals for the previous year and found that the data were incorrect. The director explained that, during the 2013-2014 year, the district used a software for managing individualized education programs (IEPs) and data. The vendor did not support the updating of the software for the entire year; thus, the report from that software was not calculated correctly. The district provided agency staff with a corrected report that indicates that, out of 806 evaluations, 75 had not been conducted within timelines. The new report reflects that the district's percentage of compliance should have been 90.7 percent.

The superintendent asked if they could resubmit the data and was informed of the missed opportunity for correcting/clarifying the data.

The special education director reported that the submission of data to the TEA for the SPP was the responsibility of the compliance coordinator and that the coordinator had waited until the last day to submit. The compliance coordinator certified that the information was correct without anyone else reviewing the information. It is usually the responsibility of the special education director to review and certify the data before submitting it to the agency.

The compliance coordinator reported that there is no tracking system for knowing why an initial evaluation is not conducted within timelines. When agency staff asked how she arrived at the reasons for delayed evaluations, she reported that everything can be contributed to lack of staff.

The compliance coordinator further reported that, of the many responsibilities she has, she has no assistance in her position. However, the special education director reported that the compliance coordinator has been

Section II: Findings

Topic 1: SPP Indicator 11 Noncompliance

informed that she may use the director's administrative assistant whenever needed and that she does not take the opportunity to ask for assistance.

The updated report that district staff generated made it possible for the district to know which staff were responsible for missed timelines. In previous years, the district had not reviewed the data in a way as to know which staff was responsible for the noncompliance.

➤ *Staffing*

Through information submitted by the district before the on-site review, agency staff learned that the district employs 38 diagnosticians, eight licensed specialists in school psychology (LSSPs), and 19 speech pathologists, who conduct evaluations at 56 campuses. A focus group was conducted with all evaluation staff. When asked to identify the barriers to completing initial evaluations and initial admission, review, and dismissal (ARD) committee meetings within established timelines, staff identified the following:

- Lack of staff;
- Over-referrals;
- Miscalculation of the dates for the time frame;
- Having a place to test at some campuses;
- Testing time vs. ARD committee meeting time;
- Having to cover for evaluation staff who are on leave;
- ARD committees being scheduled past the timeline;
- Schedule constraints by some campuses (ARD committees only scheduled for certain times/dates);
- Multiple evaluators involved in the evaluation;
- Interruptions to planned time scheduled for testing;
- Access to students; and
- Quality of referrals.

The special education director reported that the district has trouble finding evaluation staff due to the pay scale for these positions being lower than surrounding districts. Further, she reported that the district has not added any new evaluation staff because of a shortage of funding. She also reported that there is no backup staff available if someone is on leave for an extended period of time.

Diagnosticians have either one or two assigned campuses. Some diagnosticians reported that what was more of a barrier than having a high caseload, was having to assist at campuses where the diagnostician may be out for an extended time. Diagnosticians also reported a concern about being supervised by coordinators who were not certified diagnosticians. They did not feel that coordinators understood the work of a diagnostician and that coordinators who were diagnosticians could help out when more staff was needed.

In reviewing staffing allocation guidelines for several districts of similar size, agency staff found that diagnosticians and LSSPs usually work with a caseload of 110-125 students. As of February 19, 2015, the district reported 4,796 students with disabilities, with a total of 38 diagnosticians and eight LSSPs. Using these numbers, evaluation staff members at the district have an average caseload.

➤ *Lack of Accountability*

Section II: Findings

Topic 1: SPP Indicator 11 Noncompliance

The special education director, coordinators, and campus principals were asked how evaluation staff members are held accountable for completing evaluations within timelines. All reported that steps are taken to assist staff when they fall behind. However, no one reported what action is taken for staff who consistently miss timelines. There does not seem to be a process in place to hold staff accountable for not meeting timelines.

Staff reported that both campus principals and a special education coordinator evaluate diagnosticians. Speech pathologists, as well as LSSPs, are evaluated by central office special education staff. When asked how principals and special education coordinators would know if timelines had been missed, there was not a clear-cut answer. There does not seem to be a system for tracking dates of completed evaluations and dates of initial ARD committees and for documenting reasons that timelines are missed.

➤ Lack of Effective Processes and Procedures

District staff reported that there is a process for referrals to special education. A special education aide is responsible for receiving and calculating evaluation timelines and communicating with evaluation staff. The special education aide reported that she knew that the timeline for evaluations had changed to 45 school days.

Evaluation staff, as well as special education central office staff, reported that mistakes are often made in calculating time frames or in communicating the specific dates. No one works with the aide to provide quality control and, when the aide is absent, there is no one to continue with tasking out referrals; therefore, days are lost to complete evaluations.

Many evaluation staff reported that they do not check the dates provided by the aide to ensure accuracy. Some evaluation staff members were unclear about the new state provisions for special education initial timelines. Some did not understand that, if a student is absent for 3 or more days within the time frame for evaluations, the number of days absent does not count toward the 45-day timeline.

Campus staff reported that there are several ways in which ARD committee meetings are scheduled. The campus may utilize central office "schedulers," however, some campuses choose to schedule their own ARD committee meetings, utilizing the assistant principal, diagnostician, secretary, or special education teacher. Some campus staff members were unsure of the specific timelines for students and, at times, have scheduled the meeting beyond the timeline period.

➤ Appropriateness of Special Education Referrals

District staff reported that, of the 806 initial referrals made during the 2013-2014 year, approximately 40 percent of students did not qualify as students with disabilities. Many inappropriate referrals are being made that take up valuable evaluation time. Evaluation staff reported that teachers have learned that if parents request that their child be evaluated for special education, the evaluation will be conducted faster due to bypassing the RtI process. Staff reported that the district rarely refuses to evaluate.

One campus administrator reported that a very small percentage of her campus referrals actually qualify for special education services. She reported that it is hard to tell parents no, when the school does not believe that an evaluation is needed.

Agency staff learned that the district does have a response to intervention (RtI) process; however, data concerning interventions used are not clearly documented in order for evaluation staff members to have clear information to determine if referrals are appropriate. A district can refuse to evaluate a student by providing

Section II: Findings

Topic 1: SPP Indicator 11 Noncompliance

parents with prior written notices; however, the district would want to make that decision based on clear, precise data.

Section II: Findings

Topic 2: Documentation for Complaints and Due Process Hearings

For the past nine years, Killeen ISD has been involved in numerous special education complaints. In order for the TEA to investigate a complaint, agency staff must request documentation from a district to conduct the investigation. Many times, despite agency staff members' repeated requests for required documentation, Killeen ISD has often refused to provide the agency with the documentation within the timelines established by the agency. There also have been times when the district was out of compliance with the one-calendar-year timeline for correcting noncompliance determined as a result of special education complaints or due process hearings. For one complaint, the district took two years to complete the corrective action plan, despite numerous requests by the agency for documentation.

The district has disregarded the agency's repeated requests for documentation or has reported that it will submit information, but does not do so. The special education director reported that the district's breakdown in providing information to the agency is happening with the compliance coordinator.

The compliance coordinator reported that the primary barrier to getting information to the agency on time is a lack of staff. She reported that she is responsible for providing documentation, but, as previously stated, that she has no support staff available to help her. The director reported that there are staff members available to help the compliance coordinator, but that the coordinator does not permit anyone to help her and reports that she will not ask for help. The director reported that the compliance coordinator is not organized, and this prevents timely submission of information to the agency.

Section II: Summary

The TEA staff found that Killeen ISD does not have an effective process in place to meet federal and state requirements. While the district has a knowledgeable, capable staff, there is a lack of effective systemic process and procedures that prevent compliance for timely evaluation of students. The integrity of submitted data is lacking, and staff members responsible for reporting accurate data, as well as responding to complaints and due process hearings, are not complying with TEA requirements.

It is the recommendation of the agency team members from the Division of Program Monitoring and Interventions and the Division of Complaints, Investigations, and Enforcement that a special purpose monitor be assigned to assist the district in solving the issues outlined in this report. However, since the superintendent has already contracted with a consultant for this purpose, it is recommended that the district be required to continue the contract with the consultant until the agency is able to verify that the noncompliance has been corrected and that the district has effective systemic procedures to sustain the compliance. The agency will expect the district to respond to all agency requests in a timely manner, and will engage the district in monthly phone conferences to discuss actions the district is taking to improve the efficiency and effectiveness of the special education department.

Section III: Next Steps

The LEA will:

- Develop a targeted improvement plan;
- Develop a corrective action plan (CAP) that outlines steps and procedures the LEA will take to correct all findings of noncompliance;
- Inform the board of trustees in a public meeting of the noncompliance with statutory requirements identified in this report, and of actions the district will take to correct the noncompliance;
- Report to the TEA each month of the implementation and progress of activities in the targeted improvement plan throughout the district. This reporting will consist of written, as well as oral descriptions of the data and implementation of activities.
- Submit the targeted improvement plan with CAP to the TEA by June 22, 2015.

The targeted improvement plan and progress reports must be submitted through the *Intervention Stage and Activity Manager (ISAM)* application within the *Texas Education Agency Secure Environment (TEASE)* according to the due dates listed above. The TEASE link is: <https://sequin.tea.state.tx.us/apps/logon.asp>.

Required Corrective Actions for Noncompliance Findings:

The LEA is required to correct any noncompliance finding as soon as possible, but in no case may the correction take longer than one calendar year from the date of notification of noncompliance. Failure to correct noncompliance within required timelines will result in elevated interventions or sanctions

Corrective actions must be completed within one year of receipt of findings.

The agency also will require documentation verifying that:

- *Policies and procedures, including operating guidelines and practices, have been changed, as necessary, and implemented as written;*
- *The LEA has notified the public of any changes to policies and procedures, including operating guidelines and practices, related to disproportionality, discipline, and/or child find issues, as appropriate to the LEA;*
- *Decision-making frameworks/guidelines have been implemented;*
- *The LEA has systems to ensure that students with disabilities are receiving all special education and related services consistent with the child's needs; and*
- *The LEA conducts initial ARD committee meetings as necessary to ensure the provision of a free appropriate public education to the students in question and considers compensatory services, if appropriate, to the students' individual circumstances if the student's initial evaluation is not completed within timelines and/or if the student's initial ARD committee is not convened within timelines.*