CASE NOS. IR2021-08-001 and IR2023-10-004

IN RE:	§	**BEFORE THE TEXAS EDUCATION AGENCY**
	§	
	§	
AUSTIN INDEPENDENT SCHOOL DISTRICT	§	
	§	**COMMISSIONER OF EDUCATION**
	§	
	§	
CDN # 227-901	§	
	§	**STATE OF TEXAS**

AGREED ORDER

This Agreed Order is entered into as of _____, 2023 (the "Effective Date"), by and among Austin Independent School District (the "LEA" or "Local Educational Agency" or "Austin ISD") and Texas Education Agency ("TEA" or the "Agency"). The LEA and TEA are sometimes referred to collectively herein as the "Parties," and each, at times, as applicable, a "Party."

RECITALS

WHEREAS, Austin ISD is presently the subject of a completed special investigation final report of the TEA Special Investigations Unit (the "Special Investigations Unit" or "SIU") that recommended that the Commissioner of Education install a management team of conservators and require the completion of a 3rd party audit but is pending a final sanction determination by the Commissioner of Education;

WHEREAS, Austin ISD did not dispute the findings of the Final Investigation Report (referenced here and incorporated in full); specifically, the following:

- SIU reviewed 43 investigations by TEA's Office of Special Populations Monitoring (OSPM) from federal fiscal years (FFYs) 2020-2021, 2021-2022, and 2022-2023 based on complaints on behalf of individual students that were submitted directly to TEA. From those 43 investigations, OSPM confirmed that Austin ISD committed 40 violations of special education requirements. Out of the 40 substantiated violations, SIU identified 13 violations regarding the district's failure to meet requirements regarding child find and/or initial evaluations and initial eligibility timelines and 11 violations concerning the implementation of individualized education programs (IEPs).

Based on the findings of fact for Allegation One, TEA determined that Austin ISD has repeatedly failed to meet special education requirements under state and federal statutes, rules, and regulations.

- After OSPM confirmed that Austin ISD was noncompliant with state and federal special education requirements, the district proposed, and TEA accepted, a Corrective Action Plan (CAP), to be executed within one (1) calendar year of the identification of noncompliance. As of October 30, 2021, Austin ISD had not met the one (1) calendar year timeline, and as of the writing of this report, has not been able to fully implement the corrective actions. Although OSPM continuously monitored and supported Austin ISD, the district failed to complete the requirements of the CAP and remains noncompliant. Austin ISD also failed to comply with an additional CAP issued by OSPM that was due October 20, 2022.

WHEREAS, Austin ISD's Board President, Superintendent, and other district leaders participated in an Informal Review meeting with the Commissioner of Education wherein they acknowledged special education deficiencies and governance shortcomings and also acknowledged the benefits of TEA intervention;

WHEREAS, the Parties wish to resolve the matter without further delay;

NOW, THEREFORE, in consideration of the recitals, agreements, and representations, made herein, the receipt and sufficiency of which are hereby acknowledged, the Parties stipulate, covenant, and agree as follows:

THE AGREEMENT

1. Incorporation.

1.1 The recitals set forth above are incorporated herein and made a part of this Agreed Order. The Parties agree that the recitals are materially true and correct.

2. Execution of Agreed Order.

2.1 The Parties agree to execute this Agreed Order on or before September 29, 2023.

3. The Agreed Terms.

3.1 The LEA agrees to the placement of one or more TEA-appointed monitors (otherwise referred to herein as a monitor team) as described by Tex. Educ. Code § 39A.002(6)

and the timely completion of specified corrective actions more fully described below in Paragraph 3.6. The monitor or monitor team may report to TEA findings of fact relating to its review of LEA milestones and compliance with this agreed order.

3.2 In the event a monitor proposes findings of fact and the Commissioner of Education concurs that the LEA has failed to complete any of the corrective actions described in Paragraphs 3.5-3.7 by the timeline described (if applicable), including whether a policy change required under § 3.6(b)(iii) fails to meet the requirements contained in that section, the Parties agree as follows:

(a) with regard to all timelines set forth in Priority 1 to the Appendix attached hereto, the LEA agrees to the placement of one or more TEA-appointed conservator(s) (otherwise known as a management team, if applicable) as described by Tex. Educ. Code § 39A.002(7)-(8) and Tex. Educ. Code § 39A.003. The LEA additionally agrees to comply with any authorized directives of such an appointed conservator or management team. The LEA waives any right to a hearing before the State Office of Administrative Hearings (SOAH) or action in a state or federal court regarding the appointment of a conservator or management team arising under this agreement, the TEA Special Investigation final report referenced above, and any sanctions or interventions derived therefrom.

(b) with regard to all other timelines set forth herein, TEA agrees to provide the LEA with written notice of each such deficiency. The LEA shall have ten (10) days from the date of the notice to cure all deficiencies identified in the notice (the "Cure Period"). If, after the Cure Period, the Commissioner of Education, in his sole discretion, determines that the LEA remains non-compliant, the LEA agrees to the placement of one or more TEA-appointed conservator(s) (otherwise known as a management team, if applicable) as described by Tex. Educ. Code § 39A.002(7)-(8) and Tex. Educ. Code § 39A.003. The LEA additionally agrees to comply with any authorized directives of such an appointed conservator or management team. The LEA waives any right to a hearing before the State Office of Administrative Hearings (SOAH) or action in a state or federal court regarding the appointment of a conservator or management team arising under this agreement, the TEA Special Investigation final report referenced above, or any sanctions or interventions arising therefrom.

3.3 In the event Paragraph 3.2 becomes applicable, the Commissioner of Education shall describe the powers and duties of the conservator or management team in such a way that does not exceed that authority described by Tex. Educ. Code § 39A.003, and TEA shall comply with all other laws relating to the placement of a conservator or management team.

3.4 The Parties agree that TEA's FINDINGS fully described in TEA's Special Investigation Final Report constituted sufficient evidence to sustain the findings that provisions of 34 CFR Ch. 300, Tex. Educ. Code Ch. 29, subch. A, and 19 Tex. Admin. Code Ch. 89 were violated due to ongoing complaints and findings from the TEA's OSPM investigations and the continued systemic noncompliance in special education demonstrating that Austin ISD failed to create and implement effective changes that correct the long-standing noncompliance.

3.5 Based on the findings referenced in Paragraph 3.4, Austin ISD will agree to one or more TEA-appointed monitors to observe and report on board actions and the special education program, to be removed upon the successful completion of the corrective action plan (CAP) set forth in Paragraph 3.6 and when Austin ISD becomes compliant with the Texas Education Code and the applicable provisions of the Code of Federal Regulations, as determined by the Commissioner of Education in his sole discretion.

3.6 In order for Austin ISD to bring itself into compliance with all special education laws and to create the governance and administrative conditions necessary to achieve compliance, TEA requires Austin ISD to complete the following corrective action plan items by the deadlines, if applicable, set out below:

(a) **Special Education Compliance**: Austin ISD will complete all requirements set forth in **Appendix A** hereto in the following priority categories:

(i) satisfy open corrective action plans;

(ii) identify and implement effective practices to correct systemic issues related to compliance with special education requirements;

(iii) improve data management and reporting systems; and

(iv) establish a parent outreach campaign;

(b) **Board Policy and Procedure Updates**:

(i) By October 1, 2023, the board shall engage, at its own expense, a Lone Star Governance (LSG) Coach, who must be approved by TEA and who will coach the board through governance-related requirements designed to create the governance conditions for Austin ISD to come into compliance with special education laws, including the following:

(1) The entire board plus the superintendent will attend the two-day LSG workshop together by no later than October 15, 2023;

(2) The board will engage in quarterly self-evaluations using the LSG Implementation Integrity Instrument, and the board must achieve a Meets Focus score within 2 years of the board completing the LSG workshop in alignment with the LSG Implementation Integrity Instrument; and

(3) In order to maintain its Meets Focus score on the LSG Implementation Integrity Instrument, the board will continue working with the LSG Coach for three consecutive quarters after reaching Meets Focus level;

(ii) The Board will improve its focus on special education compliance and student outcomes for students with special needs by taking the following actions and meeting the following requirements, respectively:

(1) beginning no later than January 2024, the Board must spend at least 50% of the total minutes in Board-authorized public meetings, calculated on rolling three-month time periods,[1] investing in student outcomes, which must include progress monitoring related to special education compliance and student outcomes for students with special needs;

(2) the calculation of time for purposes of subparagraph (1) above shall include open session of regularly scheduled Board meetings, specially called Board meetings, Board committee meetings, and all components of any other Board-authorized public meeting but shall exclude time spent on the public comment, student recognition, pledge, and prayer portions of Board meetings, in closed session at Board meetings, and in statutorily required tax rate and grievance hearings; and

(3) at the first Board-authorized public meeting each month, the Board will publicly report, by reading into the record: (a)

[1] For purposes of conducting the calculations in this subparagraph, "rolling three-month time period" shall include any grouping of three consecutive months (e.g., January/February/March, February/March/April, March/April/May, etc.).

the percentage of time invested in student outcomes during the prior three-month time period, as calculated in subparagraph (2) above; and (b) the total time spent in closed session during the prior month;

(iii) In order to create the governance conditions necessary for the Superintendent to have the flexibility and decision-making authority necessary for Austin ISD to expeditiously achieve compliance with special education laws, the Board will, no later than December 31, 2023, amend its policies and procedures to reflect governance best practices, including but not limited to the following:

(1) adopt board operating procedures that contain best governance practices, codify such procedures in BE (local), and post the adopted procedures on the district's website;

(2) revise DC (local) to provide the Superintendent with exclusive hiring authority on all district staff except for the internal auditor and remove prior notice requirements in said policy, including with regard to campus principals;

(3) revise CH (local) such that board approval is required for contracts related to special education only when the duration of such contracts is three years or longer or the amount of the contract exceeds $500,000, and to remove the requirement to inform the board of the renewal of such contracts;

(4) revise BP (local) to ensure administrative regulations related to special education are not subject board review, board approval, or publication in the Board Policy Manual unless required by law;

(5) revise DFBB (local) to add "failure to comply with special education requirements" as a reason for non-renewal;

(6) revise DGB (local) such that consultation shall not be required related to special education issues unless required by law;

(7) revise DGBA (local) to reflect best practices regarding the role of management versus the governing body in order to ensure administrative progress in special education; and

(8) revise DN (local), DNA (local), and DNB (local) to require that special education criteria relevant to employee job responsibilities be added to teacher and principal personnel evaluations; and

(iv) With regard to the above-referenced policies revised in accordance with this order, the Board will not make substantial changes to revert to prior policy language for five years from the date of this Agreed Order or from the date the policy changes have been approved.

3.7 Additionally, the LEA agrees to procure, at its own expense, an external audit, as authorized by TEC § 39A.902. The external audit must consist of a full and comprehensive evaluation of the LEA's special education program and related services, including, but not limited to, compliance with federal and state statutes, rules, and regulations related to special education; internal controls; governance issues; and any additional factors that are relevant to the LEA's implementation of special education services. The LEA agrees to fully cooperate with TEA requests for information and interviews regarding this external audit.

3.8 The agency may choose, at its sole discretion, to provide for an extension of a stated timeline, if the district has made a good-faith effort to communicate with the agency regarding the preparation and production of the required responsive documentation.

3.9 Any Agency decision to not proceed with an enforcement action for an individual timeline requirement does not invalidate the Agency's ability to enforce strict timeline requirements at a future date. Any such extension does not invalidate the Agency's ability to enforce the appointment of a conservator or management team at a future date.

3.10 The Parties agree and stipulate that upon the appointment of one or more monitors that the Agency shall have fulfilled all requirements under the Texas Education Code, Texas Administrative Code, and any other relevant law or rule, as it relates to the appointment of the monitor or team of monitors.

3.11 In the event Paragraph 3.2 becomes applicable, the Parties agree and stipulate that upon the appointment of a conservator or management team that the Agency shall have fulfilled

all requirements under the Texas Education Code, Texas Administrative Code, and any other relevant law or rule, as it relates to the appointment of the conservator or management team.

3.12 In the event Paragraph 3.2 becomes applicable, the Parties agree that, when calculating the date of the placement of a conservator or management team, the date the conservator or management team is placed shall be the date the Commissioner issues an enforcement letter ordering the placement of the conservator or management team.

3.13 If the appointment of a monitor team or a conservator (if applicable) is found to be legally invalid for any reason, then this Agreement shall have no further legal effect, and TEA shall retain the right to re-initiate the review and assign any sanction or intervention legally available to the Commissioner of Education at the time the monitor team or conservator appointment is found invalid, subject to any procedural rights available to the LEA at that time.

3.14 The Parties agree that attorneys' fees, costs, and expenses that have been incurred will be paid by the Party incurring the same.

[***SIGNATURE PAGE FOLLOWS***]

WE, MATIAS SEGURA, SUPERINTENDENT AND ARATI SINGH, BOARD PRESIDENT, HAVE READ AND UNDERSTAND THE FOREGOING. WE UNDERSTAND THAT BY SIGNING THIS STIPULATED AGREEMENT, THE LEA WAIVES CERTAIN RIGHTS. WE SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY ON BEHALF OF AUSTIN INDEPENDENT SCHOOL DISTRICT. WE UNDERSTAND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

SIGNED this _____day of _____, 2023

_____
Matias Segura
Superintendent of Austin ISD

SIGNED this _____day of _____, 2023

_____
Arati Singh
Board President of Austin ISD

ORDERED this _____day of _____, 2023

_____
Mike Morath
In his official capacity of Commissioner of Education and as legal representative of the Texas Education Agency

APPENDIX A

Priority I: Satisfy open corrective action plans (CAPs)

Austin ISD will satisfy each open Special Education CAPs initiated by TEA on or between October 15, 2020, and June 30, 2023, by the dates listed below.

(A) By October 31, 2023, Austin ISD agrees to satisfy all requirements of the original CAP for Complaint 20216617. This requires AISD to:

1. Complete all outstanding evaluations in which parental consent for evaluation was obtained prior to the 2022-2023 school year (SY).

   By October 31, 2023, using a template provided by TEA, Austin ISD will demonstrate that it has completed evaluations and eligibility determinations for the 111 untimely evaluations in which parental consent for evaluation was obtained prior to the 2022-2023 school year and remained outstanding as shown in Austin ISD's May 2023 monthly report to TEA. (34 CFR §§300.301, 300.306; Texas Education Code (TEC) §29.004, and 19 TAC §89.1011).

2. Complete compensatory education determinations for eligible students with disabilities who had delayed evaluations and were determined eligible for special education services.

   By October 31, 2023, using a template provided by TEA, Austin ISD will demonstrate that it made compensatory education determinations for all students with disabilities whose evaluations were delayed on or between July 1, 2019 and June 30, 2022 and who were later determined eligible for special education and related services. (34 CFR §300.101).

(B) By January 31, 2024, Austin ISD agrees to complete the outstanding 1,159 evaluation, eligibility, and compensatory education determinations for referred evaluations in which parental consent for evaluation was obtained during the 2022-2023 school year.

1. By October 31, 2023, using a template provided by TEA, Austin ISD will demonstrate that it has completed of all evaluations in which parental consent for evaluation was obtained on or between June 30, 2022, and December 31, 2022 (34 CFR §§300.301, 300.306; T EC §29.004 and 19 TAC §89.1011).

2. By December 31, 2023, using a template provided by TEA, Austin ISD will demonstrate that it has completed of all evaluations in which parental consent was obtained on or between January 1, 2023 and June 30, 2023 (34 CFR §§300.301, 300.306; TEC §29.004 and 19 TAC §89.1011).

3. By January 31, 2024, using a template provided by TEA, Austin ISD will demonstrate that it ensured that compensatory education determinations have been

made for all students described in B1 and B2 above who have been determined eligible for special education and related services. (34 CFR §300.101).

(C) Beginning October 1, 2023, Austin ISD agrees to submit monthly reports to the TEA director of special education complaints regarding the 14 CAPs initiated on or between November 2, 2022, and June 21, 2023. Reports will be based on parameters set by TEA to show that Austin ISD is conducting accurate tracking, reporting, and monitoring of identified noncompliance to ensure that the requirements for each CAP are satisfied as soon as possible but no later than one year from TEA's identification of noncompliance. (34 CFR §300.600(e))

TEA Special Education Complaint ID	Deadline for Satisfying CAP
20117	11/01/2023
20170	11/01/2023
20241	11/08/2023
20731	01/05/2024
21070	02/23/2024
21072	02/10/2024
21188	02/24/2024
21128	03/06/2024
21487	03/08/2024
21286	05/11/2024
21806	05/19/2024
21975	05/19/2024
22140	06/21/2024
22159	06/21/2024

(D) Austin ISD agrees to satisfy the requirements for the CAP regarding the existing continued non-compliance for SPP11 timely evaluations issued in the 2021-2022 school year. Austin ISD will increase compliance with Federally Required Element 1: State Performance Plan (SPP) Compliance Indicators annually by decreasing the performance level (PL) scoring follows:

1. For the 2023-2024 school year, Austin ISD will achieve a PL 2 for FRE1

2. For the 2024-2025 school year, Austin ISD will achieve a PL 1 for FRE1

3. For the 2025-2026 school year, Austin ISD will achieve a PL 0 for FRE1

Until Austin ISD achieves PL 0 for Federally Required Element 1 (FRE1) the district will be considered noncompliant with any elements below 100%.

Priority II: Identify and implement effective practices to correct systemic issues related to compliance with special education requirements.

Austin ISD will develop and implement an operational strategic plan to address systemic issues related to compliance with special education requirements, designed to improve data

integrity, compliance data tracking, IEP progress monitoring, IEP implementation and staff training (CFR §300.111, 34 CFR §§300.300-311, TEC §29.004 and 19 TAC §89.1011.).

(A) By April 30, 2024, Austin ISD will develop a strategic plan utilizing a third-party audit. Austin ISD affirms that a contractor for the third-party audit is currently being selected through a request for proposal process. At a minimum the strategic plan must:

1. Identify the causes for the ongoing noncompliance with federal and state special education requirements related to child find, evaluation, and eligibility determinations.

2. Identify solutions, establish practices, and training requirements for administrators and evaluators that are designed to promote districtwide compliance with special education evaluation and eligibility determination requirements.

3. Identify solutions and establish training requirements to support teachers and related service personnel that are designed to promote districtwide compliance with IEP development and implementation.

4. Identify processes for data collection of student performance and for progress monitoring.

5. Establish goals for Austin ISD to come into compliance with IDEA, and meet the recommendations set in the strategic plan

6. Identify the implementation timelines for goal completion, and the procedure to monitor progress toward completion of the goals

7. Establish a reporting structure within district special education leadership with accountabilities to the goals and implementation plan

8. Report quarterly progress updates on the goals and strategic plan to the Austin ISD Board of Trustees

(B) By June 30, 2024, Austin ISD agrees to produce a publicly available report on the state of special education in Austin ISD and the strategic plan. The report will be created based on the third-party audit and the previously obtained by Stetson Special Education Report. The report will establish clear expectations for how Austin ISD will implement federal and state special education requirements and develop an accurate and compliant operating system in order to increase outcomes for students with disabilities.

Action items and evidence:

- *Published Strategic Plan*
- *Completion of the report*
- *Established goals and implementation timelines*
- *Defined data collection processes for performance and progress monitoring of goals*
- *Defined special education leadership positions with set accountabilities to the plan and goals*
- *Established progress reporting on the implementation of the plan and goals to the board and TEA*

(C) During the 2023-2024 school year and by the deadlines listed below, Austin ISD will ensure that the district's administration and school staff are knowledgeable about and experienced in implementing effective programs for students with disabilities. Austin ISD will provide evidence that campus leaders and teachers communicate accurate information to parents regarding the requirements of the Individuals with Disabilities Education Act (IDEA) and state special education law related to child find, special education eligibility, the provision of a free appropriate public education (FAPE), and placement of students with disabilities in the least restrictive environment (LRE). Austin ISD will demonstrate compliance with all federal and state laws, regulations and rules in IDEA, Part B, the Texas Education Coe, and the Texas Administrative Code that relate to special education child find, eligibility, and placement.

1. By December 1, 2023, Austin ISD will train all campus administrators in ARD Committee Manager Training.

2. By January 1, 2024, Austin ISD will train the district's campus principals, general education teachers, special education teachers and evaluation staff using, but not limited to, the following TEA guidance documents: TEA Child find and Supports for Special Education Referrals, and the IRIS Center modules on Accommodations: Instructional and Testing supports, Family Engagement and Pre-Referral.

3. By May 31, 2024, Austin ISD will train the district's campus principals and leadership teams on How Administrators Can Support the Development and Implementation of High-Quality IEPs using, but not limited to, the TEA and IRIS Center guidance documents referenced in (B)(2) above.

4. By January 31 2024, Austin ISD will train all district instructional and related services staff on federal and state special education statutes, policies, and regulations regarding the education of students with disabilities using, but not limited to, the TEA Legal Framework, and PRN IDEA 2004 training modules.

5. Before the first day of school for the 2024-2025 SY, Austin ISD will train all special education evaluators and related services personnel on federal and state statutes, policies, and requirements related to child find, full and individual initial evaluations (FIIE), and determining initial eligibility for special education services. In addition, Austin ISD will ensure that all special education evaluators and related service personnel have completed ARD Committee Manager Training.

6. By May 31, 2024, Austin ISD will establish and train all campus leadership teams and teachers on the process that will be implemented on every district campus for parent participation on admission, dismissal, and review (ARD) committees, utilizing, but not limited to, the IRIS Center materials referenced in (B)(2) above, and the SPEDTex family Engagement tool kit. The process, if not already in place by May 31, 2024, will be implanted beginning with the 2024-2025 school year.

7. By May 31, 2024, Austin ISD will develop a districtwide special education evaluation manual outlining responsibilities, processes, timelines and accountabilities for evaluators, campus leaders, and special education staff that meets federal and state special education requirements and is based on but not limited to the information in the above referenced TEA Learn modules, TEA Legal Framework, SPEDTex and IRIS Center resources.

In the event, Austin ISD has existing training materials that satisfy the requirements specified above in C1-C7 or develops training material based on the materials cited above, the district will be required to submit those materials to TEA for review and approval prior to implementation. Additionally, Austin ISD will incorporate trainings identified within the order into district professional development calendars, onboarding, and training plans for future school years beyond 2024-2025.

Action Items and evidence:

- *Evaluation Manual and Procedures*
- *Revised Special Education Policies and Procedures*
- *Professional Development Plans and Training Logs*
- *Procedures for parental participation in the ARD and process for monitoring*
- *Procedures for parent follow-up and verification on participation and communication*

(D) During the 2024-2025 school year and by the deadlines listed below, Austin ISD will establish expectations for special education service delivery and data management infrastructures for program planning and staff decisions to improve outcomes for students with disabilities by completing the following:

1. By January 31, 2024, Austin ISD district leadership in the areas of special education and of curriculum and instruction will complete Multi-Tiered System of Supports (MTSS) training in the Tiered Interventions using Evidenced-based Research (TIER) Leadership Module.

2. Following the timeline detailed below, Austin ISD will use the material from the trainings identified in C1 to develop a TEA-approved districtwide MTSS program. The program will consist of a district MTSS manual, and include the processes for systemwide progress monitoring, including training for all special education and

general education teachers, special education providers, and campus leadership teams.

3. By March 1, 2024, Austin ISD will submit the manual to the TEA Executive Director of General Supervision and Monitoring for review.

    a. TEA will either approve the MTSS manual or identify needed revisions, clarifications, or corrections. If revisions, clarifications or corrections are required, by May 31, 2024, Austin ISD will respond to the Executive Director of General Supervision and Monitoring with the revisions, clarifications, or modifications.

    b. TEA will either approve the MTSS manual or provide required edits to Austin ISD that must be provided to the TEA Executive Director of General Supervision by July 15, 2024.

    c. Upon review of those edits TEA will either provide final approval of the manual or schedule a conference with Austin ISD leadership to ensure the manual is complete and approved by September 15, 2024.

4. By January 31, 2024, Austin ISD district level leadership in the areas of special education and of curriculum and instruction will complete TIER courses, in order to use training content to build a district MTSS Manual:

    a. Overview of Multi-Tiered System of Supports (MTSS)
    b. Supports for Special Education Referrals
    c. Creating the Instructional Program
    d. Creating an Assessment Plan
    e. Developing and Using an MTSS Problem-Solving Team
    f. Ongoing Professional Development and Support (MTSS)
    g. MTSS: Relationship With Other Programs
    h. Your MTSS Plan
    i. Decision Making (*coming soon*)

5. By June 30, 2024 for all returning staff and May 31, 2025 for all new staff hired for the 24-25 SY, Austin ISD will ensure that campus leadership have completed the following TIER Courses:

a. Overview of Multi-Tiered System of Supports (MTSS)
b. Supports for Special Education Referrals
c. Creating the Instructional Program
d. Creating an Assessment Plan
e. Developing and Using an MTSS Problem-Solving Team
f. Ongoing Professional Development and Support (MTSS)
g. MTSS: Relationship With Other Programs
h. Your MTSS Plan
i. Decision Making (*coming soon*)

6. By September 30, 2024 for all returning staff and May 31, 2025 for all new staff hired for the 24-25 SY, Austin ISD will ensure that all teachers have completed the following TIER Courses:

a. Overview of Multi-Tiered System of Supports (MTSS)
b. Roles and Responsibilities Within a Problem-Solving Team
c. Data-Based Individualization within MTSS
d. Student-Centered Approaches
e. Examples of MTSS Implementation
f. Supports for Special Education Referrals
g. Decision Making (*coming soon*)

Austin ISD will incorporate all trainings defined above in items D1-D6 into district professional development calendars, onboarding, and training plans for future school years beyond the 2024-2025 SY.

Action Items and evidence:

- *District professional development plan and calendar to ensure all staff are trained in MTSS program*
- *Training materials and logs*
- *MTSS manual that:*
  - *meets standards outlined in the TIER Your MTSS Plan training and its accompanying handouts*
  - *reflects staff expectations for carrying out quality MTSS interventions, progress monitoring as outlined in the TIER Creating the Instructional Program. training.*
  - *meets the Fidelity of Implementation (FOI) in the Multi-tiered System of Supports (MTSS) Fidelity of Implementation Rubric (Updated March*

2021) by scoring a 5 for 80% of all components and no components scored at a 1

- *includes progress monitoring tools, district to campus and campus to classroom walk through protocols to assess FOI*
- *demonstrates alignment of how MTSS practices support special education referrals as outlined in the TIER Supports for Special Education Referrals training.*

- *TEA will use the AIRS FOI and content from assigned TIER training to evaluate the effectiveness of the submission.*

7. Austin ISD agrees to begin dissemination of the TEA-approved manual upon its final approval by TEA. By October 1, 2024, Austin ISD will provide assurance to the TEA Executive Director of General Supervision and Monitoring that it has disseminated the district's MTSS manual referenced in subsection C2 above to all district and campus leadership teams and teachers.

8. Beginning with the 2024-2025 school year, Austin ISD will implement the TEA approved MTSS program and demonstrate monitoring of implementation through developing and completing the following:

   a. Beginning August 2024, Austin ISD will maintain evidence of the establishment of MTSS problem-solving teams as defined by TIER in the Developing and Using an MTSS Problem-Solving Team.

   b. By August 1, 2024, Austin ISD will develop and train campus leadership teams on completing progress monitoring reports and campus/classroom walk-through protocols

   c. By September 1, 2024, Austin ISD will develop training for all teachers on the new progress monitoring tools and classroom walk-through protocols

   d. By October 1, 2024, Austin ISD will have a series of scheduled ongoing PD sessions for teachers and coaching protocols established for campus leadership teams based on progress monitoring and walk-through protocols

   e. By October 1, 2024, Austin ISD will develop conference tools and protocols for district leaders to use when calibrating and conducting inter-rater reliability campus and classroom walkthroughs with campus leaders

   f. On October 31, 2024, and again on March 31, 2025, Austin ISD will submit the following data with the MTSS Progress Reports to TEA:

      - Student universal screening data reports for all elementary campuses in reading and math. These reports must show the percentage of students identified for Tier 2 and Tier 3 intervention.

- Intervention entry and exit criteria.

g. By November 1, 2024, Austin ISD district leadership will initiate calibration visits on progress monitoring and campus/classroom walk-throughs using the conference tools and protocols developed to establish inter-rater reliability measures

h. By December 31, 2024, Austin ISD will submit training logs for all campus leadership teams and teachers

i. By December 31, 2024, all campus teachers will have had one walk-through conducted by a campus or district leadership team member.

j. By December 31, 2024, all campus leaders will have had a campus walk-through conducted by district level leadership.

k. By January 31, 2025, Austin ISD will define requirements based on calibration and validation efforts that will identify the teachers and campus leaders who need to attend coaching sessions and professional development sessions

l. By February 15, 2025, Austin ISD will publish opportunities for coaching and professional development sessions available for teachers and campus leaders related to walk-through performance.

m. By February 15, 2025, Austin ISD will notify teachers and campus leaders determined to need coaching sessions or professional development following initial walkthrough reviews.

n. By May 31, 2025, Austin ISD will conduct at least two follow-up reviews on any campus/classroom or with any campus leader who has been assigned additional coaching or professional development based on prior performance on the progress monitoring or walk-through protocols.

o. By May 31, 2025, Austin ISD will establish and implement high quality special education instruction and intervention models at all campuses. This requirement is designed to address training and professional development on instruction and interventions for effective IEP development and implementation to increase access to and improved outcomes for students with disabilities.

p. By June 30, 2025, Austin ISD will produce and submit a report to TEA and the Austin ISD Board of Trustees detailing the outcomes of the campus/classroom walk-throughs and progress monitoring efforts. This report will include reporting performance by campus, level of instruction elementary, middle school, high school, numbers of teachers and staff

referred for professional development and coaching, results of monitoring and walk-throughs post coaching, and outcomes of calibration efforts.

q. By June 30, 2025, Austin ISD will submit to the TEA executive Director of General Supervision and Monitoring evidence of routine monitoring of students coded 01 in the PEIMS data element INTERVENTION-STRATEGY-INDICATOR-CODE.

Action items and evidence:

- *MTSS screening reports*
- *Maintenance of evidence in alignment with TIER Developing and Using an MTSS Problem Solving Team*
- *Evidence of routine progress reports using 01 in the PEIMS data element*
- *Campus and classroom walk-through outcomes report*
- *Evidence of campus and classroom walk-throughs*
- *Evidence of campus and classroom calibration visits*
- *Evidence of criteria for coaching and PD*
- *Schedule of available coaching and ongoing PD based on walk-throughs and MTSS*
- *Evidence of assignment of teachers and leadership staff to additional coaching and PD*
- *Evidence of follow-up verification walk-throughs*
- *Training logs for professional development provided on instruction and interventions for effective IEP development and implementation to increase access and improved outcomes for students with disabilities.*

9. By May 31, 2025, Austin ISD will establish continuum of service models on providing a free and appropriate public education (FAPE) to students with disabilities in the least restrictive environment (LRE).

10. By May 31, 2025, Austin ISD will train all teaching staff on services provided across the district to students with disabilities ensuring the provision of rigorous instruction regardless of instructional setting.

11. By May 31, 2025, Austin ISD will establish a system to manage the allocation/distribution of resources (including staff) based on need to ensure compliance with IDEA.

Action items and evidence

- *Continuum of services map identifying the LRE service models available at each campus and feeder patterns when students cannot be served at their home campuses*
- *Evidence of training for all teaching staff*
- *District protocols and policies for assigning resources to campuses, setting caseloads, determining capacity needs and the deployment of resources based on needs*
- *Regularly scheduled progress monitoring of IEPs to determine quality of IEP development (log dates and outcomes of monitoring)*

12. Austin ISD will ensure the development of compliant IEPs in accordance with federal and state requirements by completing the following by September 30, 2024 for all returning staff and May 31, 2025 for all new staff hired for the 24-25 SY:

    a. Train all special education facilitators, coordinators, providers, and evaluators on:

        i. A Step toward IEP Quality and Rigor;

        ii. Standards-based Individualized Education Program (IEP) Process Training; and

        iii. Developing High-Quality Individualized IEPs ;

    b. Develop a calendar of ongoing professional development modules

    c. Implement a monitoring process to check IEP quality and fidelity of implementation (FOI); and

    d. Establish coaching and supports for teachers who have not meet IEP development or FOI requirements.

In the event, Austin ISD has existing training materials that satisfy the requirements specified above in D12 or develops training material based on the materials cited above, the district will be required to submit those materials to TEA for review and approval prior to implementation. Additionally, Austin ISD will incorporate trainings identified within the order into district professional development calendars, onboarding, and training plans for future school years beyond 2024-2025.

Action items and evidence:

- *Training logs and materials*
- *Professional development calendar and development of modulus*
- *Monitoring process protocols, schedules, and guidance for completing FOI checks*
- *Cadence of regularly scheduled progress monitoring of IEPs to determine quality (log dates and outcomes of monitoring)*
- *Process for identifying teachers failing to meet FOI requirements*
- *Training and support system for teachers failing to meet FOI requirements*
- *Follow-up assessments and monitoring procedures for teachers failing to meet FOI requirements*

(E) By August 1, 2025, Austin ISD will ensure that access to quality academic instruction will be available to all students with disabilities, by the start of the 2025-2026 school year.

1. By August 1, 2024, Austin ISD will ensure that the district's inclusive practices, instructional planning, guidance on inclusion, and implementation of inclusion education services align with TEA Guidance on Inclusion and Specially Designed Instruction.

2. By August 1, 2024, Austin ISD will develop and implement a districtwide Special Education Professional Development and Training plan differentiated based on role and/or teaching assignment approved by TEA. The plan must address, at minimum, child find, FAPE, specially designed instruction (SDI), IEP development, progress monitoring, and IEP implementation.

3. By the first day of school for the 2024-2025 SY for all returning staff and May 31, 2025 for all new staff hired for the 24-25 SY, Austin ISD will ensure all district instructional staff are offered the following training modules on knowledge of research, evidence-based practices for students with disabilities and data-based decision-making and will require that all district instructional staff complete the following modules:

    a. Differentiated Instruction;

    b. Cultural and Linguistic Differences;

    c. Universal Design for Learning; and

    d. HQIM Instructional supports and accommodations.

In the event, Austin ISD has existing training materials that satisfy the requirements specified above in E3 or develops training material based on the materials cited above, the district will be required to submit those materials to TEA for review and approval prior to implementation. Additionally, Austin ISD will incorporate trainings identified within the

order into district professional development calendars, onboarding, and training plans for future school years beyond 2024-2025.

Action items and evidence:

- *Austin ISD will submit documents regarding the following as evidence:*
  - *Training logs and materials*
  - *PD calendar*
  - *Monitoring process protocols, schedules, and guidance for completing FOI checks on training*
  - *Cadence of regularly scheduled progress monitoring of IEPs to determine quality (log dates and outcomes of monitoring)*
  - *Process for identifying teachers failing to meet FOI*
  - *Training and support system for teachers failing to meet FOI requirements*
  - *Follow-up assessments and monitoring procedures for teachers failing to meet FOI requirements*

4. By August 1, 2025, Austin ISD will integrate knowledge of research and evidence-based practices for students with disabilities into the teacher and principal evaluation and appraisal systems and provide the following supports:

   a. Job-embedded coaching for teacher, instructional coaches, and campus leadership teams;

   b. Exemplar lessons and activities for teachers to model;

   c. Defined observation protocols and criteria based on district established systems for special education and MTSS that principals can use to assess teachers;

   d. Communities of practice for teachers and instructional coaches;

   e. Opportunities for co-planning between general education and special education teachers at the campus and district level; and

   f. Ongoing professional development to support continuous improvement at all levels, campus leadership, instructional coaches, general education and special education teachers.

5. By August 1, 2024, Austin ISD will ensure that student progress in classrooms and with IEP goals are reported accurately in accordance with the student's IEP and distributed to the students' parent/guardian in a timely manner.

Action items and evidence:

- *Student progress reports and performance data reports issued to parents/guardians timely*
- *Austin ISD will demonstrate implementation of quality academic instruction for all students with disabilities for two consecutive school years (25-26 and 26-27) unless implemented earlier.*

<u>Priority III</u>: Improve Data Management and Reporting Systems

Austin ISD will establish accurate systems to facilitate reporting on the district's progress in meeting federal and state special education requirements and its implementation of the terms of this Agreed Order to the board of trustees, families, community stakeholders, and TEA.

(A) Beginning August 1, 2024, and monthly thereafter, Austin ISD will demonstrate that it conducts districtwide monitoring of special education compliance through the use of an accurate tracking and reporting system regarding students served by special education. The tracking and reporting system will include:

- student ID
- campus location
- case manager/lead evaluator
- date consent obtained
- initial evaluation due date (SPP11-A)
- date initial evaluation completed
- date eligibility determination is due (SPP11-B)
- date eligibility determined
- documented related services
- when evaluations and/or eligibility determinations are not completed timely, documented compensatory education considerations and determinations
- IEE request and completion dates
- Triennial re-evaluation data and completion dates, due dates for additional data

(B) Beginning October 1, 2024, Austin ISD agrees to submit a detailed monthly report of this data to TEA and that it will concurrently submit a summary report (redacted of all personally identifiable student information) to the Austin ISD Board of Trustees and meets the following requirements:

- Reporting that can aggregate:
  - Number of referrals, days for completion
  - Number of DNQ, Number of students with disabilities
  - Number of students per disability type
  - Number of students by LRE code
  - Number of IEP minutes
  - Number of students with LPAC accommodations
  - Student data by SPP indicators.

- All reports must provide data per campus as well as districtwide and provide data in different time windows (monthly, quarterly, semester, school year).

Priority IV: Establish a Parent Outreach Campaign

Austin ISD will establish and develop parent and family accessible materials. The materials will be uploaded onto a parent website and made available in multiple languages. Austin ISD will establish a parent advisory group and implement ongoing practices for gathering parental feedback.

(A) By December 31, 2023, Austin ISD will provide evidence of the development and implementation of parent information outreach materials that inform parents of their rights and options under IDEA related to special education evaluations and eligibility determinations, timelines that Austin ISD is required to follow for evaluations and eligibility determinations, and compensatory services that may be needed as a result of untimely evaluations and eligibility determinations. The materials must also specifically address the IDEA regulation pertaining to obtaining an Independent Educational Evaluation (IEE). (34 CFR §§300.111, 300.300-300.311, and 300.502; TEC §29.004, and 19 TAC §89.1011). The materials must include contact information for TEA SPEDTex. The parent outreach campaign will include the following:

1. By October 15, 2023, Austin ISD will establish a centralized district-level communication contact for child find concerns and questions.

2. By November 30, 2023, Austin ISD will review and revise all parent facing materials produced by Austin ISD that pertain to evaluations and eligibility determinations under IDEA, delayed evaluations and eligibility determinations, compensatory service determinations, and IEEs, including but not limited to the materials referenced in (A) above to ensure that the materials accurately reflect federal and state special education requirements.

3. By November 30, 2023, Austin ISD will produce outreach materials for families on child find, requesting evaluations, and the procedural safeguards available to a parent when a school district has fails to conduct a timely special education evaluation or has denies a parental request for a special education evaluation.

4. By November 30, 2023, Austin ISD will have a specific website to host the following information for parents and families: all handbooks, parent-facing materials, and resources referenced in (A) and all of its subsections;

5. By November 30, 2023, Austin ISD will establish a process to gather parent feedback regarding Austin ISD's creation and dissemination of the materials detailed in **(A) and all of its subsections,**

6. By December 15, 2023, Austin ISD will **establish child find awareness activities to include parent information sessions, videos, the outreach materials referenced above, and FAQs on child find.**

7. By December 31, 2023, Austin ISD will establish a new parent advisory group to meet quarterly, consisting of at least 15 parents/guardians of students served in special education throughout the district and who have not previously served on a district special education advisory group or committee during the preceding three years. The advisory group shall replace all currently existing special education advisory groups or committees. The advisory group must be facilitated and attended by district leadership in the areas of curriculum and special education.

    a. By November 1, 2023, Austin ISD will establish a panel of district leadership in special education as well as a representative from the superintendent's cabinet and the assigned TEA monitor to review applications and nominations for the parent advisory group.

    b. By November 15, 2023, the parent advisory group review panel will establish membership criteria, an application, and a nomination process consistent with all requirements herein.

    c. By December 1, 2023, Austin ISD will publish recruitment materials including the application and nomination process.

        i. Materials must be accessible in multiple languages, written in language understandable by the general public, and where appropriate meet 508 accessibility standards.

    d. By January 15, 2024, Austin ISD will provide the TEA Executive Director of General Supervision and Monitoring the members it has selected for the parent advisory group, criteria for selection, and qualifications for review.

    e. By February 15, 2024, for each member of the parent advisory group who has consented in writing to having his or her name published, Austin ISD will publish on the special education website and share with the school board the parent advisory group members' names.

    f. By March 15, 2024, Austin ISD will conduct the first parent advisory group meeting

    g. Beginning within five business days following the first meeting, and within five business days of each quarterly meeting thereafter, Austin ISD will publish the meeting agenda, minutes and recommendations proposed by a majority the members of the parent advisory group

Action items and evidence:

- *Website, revised materials, and newly developed materials available in multiple languages and 508 accessible*
- *Parent surveys*
- *Advisory group established, members approved by monitor/conservator*
- *Advisory group feedback documented, agendas, minutes, recommendations posted*
- *Child find awareness materials provided to campuses*
- *Evidence of campus information sessions, and dissemination of child find awareness activities*
- *Family engagement reports to TEA and the Board*