



TEXAS EDUCATION AGENCY

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Michael L. Williams
Commissioner

**IMPORTANT
MONITORING
INFORMATION**

May 9, 2013

236-903
2012-2013

Ms. Veronica Casanova, Interim Superintendent
Windham School District
P.O. Box 40
Huntsville, Texas 77342-0040

Dear Ms. Casanova:

The Windham School District was selected for participation in the 2012-2013 special education monitoring process and was notified that the Texas Education Agency would conduct an on-site visit to the Windham School District during the week of April 16-17, 2013. The purpose of the on-site visit from the Division of Program Monitoring and Interventions was to monitor the implementation of the special education requirements.

The special education on-site reviews were conducted under the authority of 34 Code of Federal Regulations (CFR) §300.149. Prior to the visits, TEA staff reviewed relevant data. During the on-site visit, the TEA visited six sites and conducted individual interviews with Windham School District personnel, classroom observations, document reviews, and student data reviews. While conducting the on-site visits at the six facilities the agency teams identified three areas of noncompliance. The specific areas of noncompliance are detailed in the enclosed summary of documentation of noncompliance. The Windham School District must develop and submit a corrective action plan (CAP) for correction of these findings of noncompliance.

The LEA is required to correct any noncompliance items as soon as possible, but in no case may the correction take longer than one calendar year from the date of notification of noncompliance. Failure to correct noncompliance within required timelines will result in elevated interventions or sanctions as referenced in Texas Education Code (TEC), Chapter 39, Subchapter E, 19 Texas Administrative Code (TAC) §89.1076, Interventions and Sanctions, for special education, and §97.1071, Special Program Performance; Intervention Stages.

We appreciate your ongoing support of all students with disabilities. If you have any questions regarding the findings, please contact Steve Hamman in the Division of Program Monitoring and Interventions at (512) 463-5226 or by email at steve.hamman@tea.state.tx.us.

Sincerely,

Judy Struve
Program Monitoring and Interventions

JS/sh

cc: Virginia Price, Career and Technical Education Administrator, Windham School District
Melinda Coogler, Special Education Specialist, Windham School District
Gene Lenz, Director of Federal and State Education Policy, TEA

TEXAS EDUCATION AGENCY
Division of Program Monitoring and Interventions - Special Education
Summary of Documentation of Noncompliance

LEA Name: Windham School District	CDN: 236-903
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Legal Reference	Specific Areas of Noncompliance	Required Corrective Actions Documented in Corrective Action Plan
<p>Definition of Individualized Education Program (IEP) 34 CFR §300.320(a)(7)</p>	<p>A review of student eligibility folders and interviews with LEA staff indicated that students' IEPs did not document the special education instructional services to be provided. Specifically, IEPs did not indicate the frequency and duration for direct or indirect inclusion support special education services.</p>	<p>Conduct a district wide review of students' IEPs to determine who does not have frequency and duration for inclusion support special education services. Convene admission, review and dismissal (ARD) committees or IEP amendments identified students to address frequency and duration for all direct or indirect inclusion support special education services. Determine if the lack of frequency and duration has denied students a free, appropriate public education, (FAPE) and consider compensatory services, as appropriate.</p> <p>Conduct training for appropriate staff on documentation of frequency and duration for direct and indirect inclusion support special education services provided by special education staff.</p>
<p>Continuum of Alternative Placements 34 CFR §300.115</p>	<p>A visit to the LEA's instructional facility at the Luther Unit, a review of student records, classroom observations, and interviews with LEA staff and students indicated that a continuum of placement options was not provided. Specifically, students who were previously placed in special education classes were placed in all regular education classes without justification for the changes in placement. The change in placement was due to the lack of a certified special education teacher.</p>	<p>Employ a certified special education teacher to provide special education services to students with disabilities.</p> <p>Conduct ARD committee meetings to determine if students at the Luther Unit who were moved from special education classes to regular classes were denied FAPE and to consider compensatory services, as appropriate to the students' individual needs.</p> <p>Conduct a district wide audit of special education folders for all students who have had a change of placement in the last year. Review the student records to determine the</p>

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<p>Provisions for Individuals Who Are Members of Special Populations 19 Texas Administrative Code (TAC) §75.1023(d)(1)</p>	<p>A review of student eligibility folders indicated that, at two LEA units (Clemons and Luther), the LEA did not convene properly constituted ARD committee meetings. Specifically, ARD committees considering initial placement in career and technical education (CTE) classes did not include a CTE representative.</p>	<p>provision of FAPE and to ensure that ARD committees have provided justification for changes in placement based on individual student needs. Hold ARD committee meetings as needed to address FAPE, justification of change of placement and compensatory services, as appropriate to the students' individual needs.</p> <p>Conduct training for appropriate staff on continuum of alternative placements and the provision of FAPE to address the individual needs of students.</p>
		<p>Develop procedures to ensure that a CTE representative will be in attendance at ARD committee meetings for students who are in or being considered for a CTE course.</p> <p>Conduct training for appropriate staff on the requirement that a CTE representative be present at all ARD committee meetings when a student with a disability is being considered for enrollment in a CTE course or is enrolled in a CTE course.</p>
		<p>The agency will require documentation verifying that:</p> <ul style="list-style-type: none"> • policies and procedures, including operating guidelines and practices, have been changed and implemented as written, as necessary; • 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; • decision-making frameworks/guidelines have been implemented. <p>The LEA is required to correct any noncompliance</p>

Legal Reference	Specific Areas of Noncompliance	Required Corrective Actions Documented in Corrective Action Plan
		<p><i>items as soon as possible, but in no case may the correction take longer than one calendar year from the date of identification of noncompliance. Failure to correct noncompliance within required timelines will result in elevated interventions or sanctions as referenced in Texas Education Code (TEC), Chapter 39, Subchapter E, 19 Texas Administrative Code (TAC) §89.1076, Interventions and Sanctions, and §97.1071, Special Program Performance; Intervention Stages, and will impact a district's determination status as issued by the TEA under 34 Code of Federal Regulations (CFR) §300.608(a).</i></p>