

Special Education Complaint Investigative Report
April 16, 2024

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Local Educational Agency (LEA): Corpus Christi ISD
Co-Dist: 178-904
FY: 2023-2024
Complaint No.: 202425028

To the Individuals Addressed:

This report is the written decision of the Texas Education Agency (TEA) regarding the third-party complaint filed on behalf of multiple students in the Corpus Christi Independent School District (ISD), herein referred to as the local educational agency (LEA). For the purposes of confidentiality, student gender pronouns are made neutral.

However, TEA is not providing a copy of the report to the complainants because TEA has not received a release of information from parents of the students subject to the complaint or from the adult students giving TEA permission to release their information to the complainants.

Allegations, Conclusions, and Reasons for TEA's Decision

TEA investigated the following alleged violations of federal and state special education laws and the implementing regulations pertaining to the Individuals with Disabilities Education Act (IDEA), Texas Education Code (TEC), and/or the Texas Administrative Code (TAC).

Allegation One: For students who were not eligible for special education and who were referred for truancy between February 6, 2023, and February 6, 2024, did the LEA ensure that it met its child find obligations under 34 CFR §300.111?

Allegation Two: For students who were eligible for special education and who were referred for truancy between February 6, 2023, and February 6, 2024, did the LEA ensure that the students' individualized education program (IEP) teams revised their IEPs in accordance with 34 CFR §300.324 to address attendance/truancy?

As noted in the attached investigative report, TEA determined the following noncompliance and required corrective actions of the LEA.

The LEA did not ensure that it met its child find obligations under 34 CFR §300.111.

The LEA did not ensure that students' IEPs were revised in accordance with 34 CFR §300.324.

If a party to a complaint believes that the TEA's written report includes an error that is material to the determination in the report, the party may email, mail, or fax a signed, written request for reconsideration to TEA within 15 calendar days of the date of the report. The party's reconsideration request must identify the asserted error and include any documentation to support the claim. The party filing a reconsideration request must forward a copy of the request to the other party at the same time that the request is filed with the TEA. The other party may respond to the reconsideration request within five calendar days of the date on which the TEA received the request. The TEA will consider the reconsideration request and provide a written response to the parties within 45 calendar days of receipt of the request. The filing of a reconsideration request must not delay a public education agency's implementation of any corrective actions required by the TEA.

This concludes TEA's investigation. Please direct questions regarding this investigative report to Keith Swink or to me at Joshua.DeLoach@tea.texas.gov.

Respectfully,

Joshua DeLoach

Joshua DeLoach
Texas Education Agency

enclosure: satisfaction survey

The two specific allegations and TEA's findings of fact and conclusions, together with the reasons for TEA's final decision, are as follows.

Allegation One

For students who were not eligible for special education and who were referred for truancy between February 6, 2023, and February 6, 2024, did the LEA ensure that it met its child find obligations under 34 CFR §300.111?

Statement of the Complaint for Allegation One

In the February 6, 2024 letter of complaint, the complainants allege that the LEA did not initiate child find processes for students who were referred for truancy even though there were reasons to suspect that students had a disability and that they required special education services because of that disability. The complainants provided information for [REDACTED] specific students.

Findings of Fact for Allegation One

1. The LEA conducted an internal investigation of Allegation One and determined the following.
 - a. It did not meet its child find obligations for students [REDACTED]
 - b. The LEA met its child find obligations for student [REDACTED].
2. The LEA has implemented a corrective action plan as follows.
 - a. Campus will contact parent and schedule a Section 504 meeting for students [REDACTED] and [REDACTED] to address individual student needs and concerns regarding impairments and consider the possible need for evaluation under Individuals with Disabilities Education Act (IDEA).
 - b. District-wide training will be conducted in how to appropriately document and report the consideration of impairments that might warrant evaluation for IDEA consideration or Section 504.
 - c. District-wide training will be conducted on how to appropriately implement truancy prevention strategies to ensure that students are able to make progress.
 - d. For students who were court-ordered GED who did not have a respective committee meeting ([annual, review and dismissal (ARD)]_or Section 504) identified through the review process, campuses will contact parents and schedule a Section 504 meeting for students to address individual student needs and concerns regarding impairments and consider the possible need for evaluation under Individuals with Disabilities Education Act (IDEA).
3. The LEA provided responsive documentation for each of the [REDACTED] students. The information for each student is summarized below.

Findings of Facts for [REDACTED]

1. [REDACTED]

[REDACTED]

Findings of Fact for [REDACTED]

[REDACTED]

[REDACTED]

Findings of Fact for [REDACTED]

[REDACTED]

Conclusions and Reasons for TEA's Final Decision for Allegation One

34 CFR 300.111 requires that all children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.

TEA concurs with the LEA's findings that the LEA did not meet its child find obligations for [REDACTED] and [REDACTED]. TEA also concurs with the LEA's findings regarding [REDACTED]. Specifically, there was no indication during the timeline of the complaint that [REDACTED] had a disability or that the student required special education instruction.

Allegation One is substantiated.

Allegation Two

For students who were eligible for special education and who were referred for truancy between February 6, 2023, and February 6, 2024, did the LEA ensure that the students' IEP teams revised their IEPs in accordance with 34 CFR §300.324 to address attendance/truancy?

Statement of the Complaint for Allegation Two

In the February 6, 2024 letter of complaint, the complainants allege that the LEA did not ensure that students who were eligible for special education received supports necessary to address attendance/truancy.

Findings of Fact for Allegation Two

1. As part of the LEA's initial submission of documentation for this investigation, the LEA submitted a spreadsheet for all other students whom the LEA had referred for truancy between February 6, 2023, and February 6, 2024. From this spreadsheet, TEA selected five students who were eligible for special education and who had been referred for truancy and requested those students' specific information. The findings for each student are summarized below.

Findings of Fact for Student

[Redacted]

Findings of Fact for Student

[Redacted]

Findings of Fact for Student

[Redacted]

[REDACTED]

[REDACTED]

Findings of Fact for Student

[REDACTED]

Findings of Fact for Student

[REDACTED]

Conclusions and Reasons for TEA’s Final Decision for Allegation Two

34 CFR §300.324 requires that, in developing each student’s IEP, the IEP team consider the strengths of the student, the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, and the academic, developmental, and functional needs of the student. The IEP team must in the case of a student whose behavior impedes the student’s learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior. The LEA must ensure that the IEP team reviews the student’s IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved and revises the IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate.

Of the [REDACTED] students who were eligible for special education during the timeline of the complaint, the students’ IEP teams did not address the students’ needs regarding attendance/truancy. The goals regarding attendance that were in place for [REDACTED] of the students were not effective, yet the IEP teams failed to revise the goals. None of the IEP teams attempted to determine or to gain information regarding any underlying causes of the students’ truancy. None of the IEP teams discussed whether in-home/parent training evaluations were needed to specifically address truancy. Finally, there is no mention in any of the students’ IEPs that truancy was ever filed or going to be filed against the students.

Allegation Two is substantiated.

Identified Noncompliance

Based on the evidence and current state and federal requirements, TEA finds the following noncompliance.

The LEA did not ensure that it met its child find obligations under 34 CFR §300.111.

The LEA did not ensure that students' IEPs were revised in accordance with 34 CFR §300.324.

Required Corrective Actions

In accordance with 34 CFR §300.151, TEA must address: (1) how to remediate the denial of those services based on the needs of the student and (2) appropriate future provision of services for all students with disabilities when resolving a complaint in which appropriate services were not provided. TEA requires the following corrective actions of the LEA.

For the students subject to Allegation One

The LEA must conduct a folder review for each student who was not eligible for special education and who was referred for truancy between February 6, 2023, and the date of this investigative report to determine if the student should have been evaluated for special education.

For any student the LEA finds who should have been evaluated for special education, the LEA must provide the student's parent or the adult student with prior written notice to evaluate the student, a copy of the notice of procedural safeguards, and the opportunity to provide consent for the evaluation.

Upon completion of each respective student's evaluation, the LEA must convene an IEP team meeting to determine the student's eligibility for special education and, as appropriate, develop an IEP and determine placement.

If the student is found eligible for special education, the respective student's IEP team must include in the student's IEP supports/strategies to address any continuing attendance concerns and must determine if the student requires compensatory services.

If the IEP team determines that the student requires compensatory services, the IEP team must include a statement of the type, frequency, location, and duration of the compensatory services in the student's IEP. Compensatory services are services that the student needs to make up for any reduced educational benefit caused by the noncompliance cited in this report and are services that are over and above the student's current IEP services.

For the students subject to Allegation Two

The LEA must conduct a folder review for each student who was eligible for special education and who was referred for truancy between February 6, 2023, and the date of this investigative report to determine if the student's IEP meets the student's needs regarding truancy, if additional evaluations are required, and if additional information is needed to determine the causes and possible remedies for the truancy.

Based on the folder review for each student, the LEA must take one or more of the following actions as appropriate for each respective student.

1. Provide the student’s parent or the adult student with prior written notice to reevaluate the student, a copy of the notice of procedural safeguards, and the opportunity to provide consent for the reevaluation.
2. Meet with the student’s parent or the adult student to obtain needed information regarding the causes and possible remedies for the truancy.
3. Convene an IEP team meeting to revise the student’s IEP to put supports in place to address truancy.

Convene an IEP team meeting to determine if the student requires compensatory services. If the IEP team determines that the student requires compensatory services, the IEP team must include a statement of the type, frequency, location, and duration of the compensatory services in the student’s IEP.

For all students with disabilities in the LEA:

The LEA shall revise its policies and related guidelines to bridge any gaps between truancy action and IEP teams such that IEP teams are informed of the concern prior to truancy being filed in order to allow the IEP team the opportunity to revise students’ IEPs as appropriate. The LEA must provide written notice of revised policies/guidelines to LEA staff affected by the revisions.

The LEA shall also review its policies and related guidelines pertaining to the noncompliance cited in this report to determine if any other revision is necessary to prevent the noncompliance from reoccurring. If the LEA revises its policies and related guidelines, the LEA must provide written notice of revised policies/guidelines to LEA staff affected by the revisions.

The LEA must provide focused technical assistance to all special education, general education, and administrative personnel in the district to address the following.

1. Requirements related to child find
2. Requirements related to IEP development/revision

Required submission:

By **August 30, 2024**, the LEA must provide TEA with the following documentation demonstrating completion of the corrective actions.

- A copy of the revised policies and related guidelines to bridge any gaps between truancy action and IEP teams and a copy of any relevant memoranda or guidance letters issued to staff.
- A copy of any other revised policies and related guidelines or a statement regarding the outcome of the policy review and a copy of any relevant memoranda or guidance letters issued to staff or a statement that memoranda or guidance was not required.
- A copy of the training agendas describing the information presented in the staff development and a listing of the individuals, indicating their positions, who participated in the staff developments.

By **September 30, 2024**, the LEA must provide TEA with a spreadsheet for Allegation One as follows for each student.

| Student ID | Date of the Folder Review | Action Taken Regarding the Student |
|------------|---------------------------|------------------------------------|
| | | |

By **September 30, 2024**, the LEA must provide TEA with a spreadsheet for Allegation Two as follows for each student.

| Student ID | Date of the Folder Review | Action Taken Regarding the Student |
|------------|---------------------------|------------------------------------|
| | | |

Upon receipt of the information above, TEA may request additional documentation of the LEA to demonstrate implementation of the compensatory services.

All corrective action documentation must be emailed to correctiveactions@tea.texas.gov.

In accordance with 34 CFR §300.600(e), TEA must ensure that the LEA corrects identified noncompliance “as soon as possible, and in no case later than one year after the State’s identification of the noncompliance.”

This concludes TEA’s investigation of the complaint.