

RISK-BASED MONITORING OF SPECIAL EDUCATION SERVICES

LOUISIANA DEPARTMENT OF EDUCATION

PERFORMANCE AUDIT SERVICES

Issued May 15, 2024

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May 15, 2024

The Honorable J. Cameron Henry, Jr.,
President of the Senate
The Honorable Phillip DeVillier,
Speaker of the House of Representatives

Dear Senator Henry and Representative DeVillier:

This report provides the results of our second report evaluating the Louisiana Department of Education's (LDOE) oversight of students with disabilities who receive special education services. The purpose of this audit was to examine LDOE's risk-based monitoring of special education services provided to students with disabilities.

Overall, we found LDOE needs to improve its monitoring process to ensure all students with disabilities receive a free appropriate public education (FAPE) and all school systems follow the requirements of the federal Individuals with Disabilities Act (IDEA) and state law.

Specifically, we found LDOE did not conduct desk or on-site reviews for 43 of 100 school systems for at least seven years (academic years 2015-2016 through 2021-2022) to ensure certain fundamental rights of students with disabilities were protected. Instead, LDOE required 41 of the 43 systems to complete a self-assessment.

In addition, between fiscal years 2012 and 2019, LDOE reduced the number of employees dedicated to special education, and in 2015 the department entered into a Consent Judgment in Orleans Parish. Both actions may have contributed to LDOE's inability to conduct on-site and desk reviews in a timely manner and provide support to school systems. For example, during academic years 2015-16 through 2021-22, LDOE conducted a total of 262 desk or on-site reviews, with 166 (63.4%) reviews in Orleans Parish even though Orleans Parish had 7.2% of the students (6,427 of 89,681) with disabilities in Louisiana.

We also found LDOE's process to select students for a desk or on-site review did not ensure the department looked at all applicable federal and state law requirements in its monitoring protocol.

Additionally, LDOE did not develop policies and procedures or guidance for school systems to follow for informal removals, including how to document the

removals. Informal removals, such as routinely calling a parent to pick up a student because of behavior issues, may negatively affect students with disabilities by disrupting their required IDEA supports and services.

We found as well that LDOE did not follow federal regulations when it calculated significant disproportionality related to discipline. As a result, the department may not identify school systems that disproportionately discipline minority students who receive special education services.

The report contains our findings, conclusions, and recommendations. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the Louisiana Department of Education and other stakeholders for their assistance during this audit.

Respectfully submitted,



Michael J. "Mike" Waguespack, CPA
Legislative Auditor

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Risk-Based Monitoring of Special Education Services Louisiana Department of Education

May 2024

Audit Control # 40210039

Introduction

We evaluated the Louisiana Department of Education's (LDOE) risk-based monitoring of special education services provided to students with disabilities in elementary and secondary public schools during academic years 2015-16 through 2021-22. The federal Individuals with Disabilities Education Act (IDEA) requires LDOE to ensure that all children with disabilities are provided a free appropriate public education (FAPE), that educational services are designed to meet their unique needs, and that their rights and their parents' rights are protected.¹ To meet this mandate, the Louisiana State Board of Elementary and Secondary Education (BESE) promulgated state regulations² that outline how LDOE should monitor Local Education Agencies (school systems) that provide special education services. Federal law and regulations and state regulations³ require that the monitoring systems focus on improving outcomes for all children with disabilities.

A student with a disability means a child evaluated as having one of the following exceptionalities: an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

As of October 1, 2022 student count, 89,681 (13.1%) of 685,606 kindergarten through twelfth-grade (K-12) public-school students in Louisiana had a disability and were receiving special education services.

Source: 20 USCA § 1401(3)(A) and LDOE's October 1, 2022 student count.

We conducted this audit in response to legislative interest. In addition, the Office of Special Education Programs (OSEP)⁴ has designated⁵ Louisiana as "needs

¹ 20 (United States Code Annotated) USCA § 1400(d)

² Louisiana Revised Statute (R.S.) 17:1943 (B) states BESE should promulgate rules; which are found in LAC 28.XCI:101.

³ 20 USCA. § 1416(a), 34 Code of Federal Regulation (CFR) 300.600 (b), La. Admin Code. tit. 28, Pt XCI, § 101

⁴ OSEP is within the U.S. Department of Education and is dedicated to improving results for infants, toddlers, children, and youth with disabilities ages birth through 21. Its Monitoring and State Improvement Planning Division ensures that states and other public agencies continue to implement programs designed to improve results for infants, toddlers, children, and youth with disabilities.

⁵ IDEA details four categories for a state's determination of meeting IDEA requirements: meets the requirements and purposes, needs assistance, needs intervention, and needs substantial intervention.

assistance” in meeting IDEA requirements for the last six years.⁶ This report is the second in a series of reports evaluating LDOE’s oversight of students with disabilities receiving special education services in Louisiana. Our first report on LDOE’s complaint process was issued September 2023.⁷

Special Education Funding. For fiscal year 2023, the federal government awarded LDOE \$228.3 million to provide IDEA-required services.⁸ LDOE then passed \$209.6 million through to school systems to provide these services and retained \$18.7 million for administrative purposes. Of the funding for administrative purposes, according to LDOE, approximately \$612,000⁹ was used for LDOE’s required monitoring of special education services provided by school systems. Federal regulations¹⁰ require state education agencies, like LDOE, to spend IDEA administrative funds for the purpose of administering IDEA requirements, or to coordinate activities and provide technical assistance to other programs that provide services to children with disabilities.

Rights of Students with Disabilities. IDEA gives students with disabilities the right to specially designed instruction and individualized services they need to benefit from public education. IDEA also requires LDOE to exercise general supervision of school systems that receive federal funding, including ensuring school systems are providing required services, with a primary focus on improving educational results and functional outcomes for all children with disabilities. Exhibit 1 summarizes the primary IDEA requirements.

⁶ According to OSEP’s 2023 Determination Letter, 21 other states received this designation for this year. OSEP’s designation history is only available for the past six years so it is unclear if LDOE has had this designation for longer.

⁷ [https://app2.lla.state.la.us/publicreports.nsf/0/a666a02b25f610d586258a300077a992/\\$file/0000ls28.pdf?openelement&.7773098](https://app2.lla.state.la.us/publicreports.nsf/0/a666a02b25f610d586258a300077a992/$file/0000ls28.pdf?openelement&.7773098), September 2023.

⁸ LDOE receives these funds in accordance with 20 USCA § 1411 (2)(B).

⁹ According to LDOE, this covers salary costs for the IDEA monitoring team, but does not include travel, other incurred costs, or other team member salaries that could be considered "monitoring" as a result of statewide monitoring.

¹⁰ 34 CFR § 300.704

Exhibit 1 IDEA Requirements for Students with Disabilities	
IDEA Requirements	Description
1. Free Appropriate Public Education (FAPE)	IDEA gives each eligible student with disabilities the right to FAPE. FAPE requires that public school systems provide free special education services to meet the unique needs of students with disabilities. This includes specially designed instruction, as well as, related services to help the student benefit from special education, such as counseling, speech therapy, or transportation.
2. Child Find	IDEA requires school systems to locate, identify, and evaluate all children with disabilities to ensure students with disabilities receive FAPE. IDEA further requires that a student must receive an evaluation before being provided with special education services to determine: (1) whether the student qualifies as a "child with a disability" according to the IDEA definition, and if so, (2) to determine the educational needs of the student.
3. Individualized Education Program (IEP)	IDEA requires school systems to develop an IEP. An IEP is a written plan for each student with a disability that is developed, reviewed, and revised at least once a year by a team including educators, parents, the student whenever appropriate, and others who have knowledge or expertise needed for the development of the student's special education program. The IEP must contain measurable goals for where students' skills should be in a year. It must also be designed to offer progress in the general education curriculum and functional performance.
4. Least Restrictive Environment (LRE)	IDEA requires that "...to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with [students] who are not disabled."
5. Parent and Student Participation in Decision-making	IDEA requires school systems to ensure that parents have the opportunity to be active participants in each step of the special education process. For example, IDEA requires that each public agency take steps to ensure that one or both of the parents of a student with a disability are present at each IEP Team meeting or are afforded the opportunity to participate.
6. Procedural Safeguards	IDEA requires procedural safeguards to ensure the rights of students with disabilities and their parents are protected and they have access to the information needed to effectively participate in the process.
7. Disproportionality	IDEA requires state education agencies to identify significant disproportionality, based on race and ethnicity in the (1) identification of children as students with disabilities; (2) placement of students with disabilities in more restrictive educational settings; and (3) exclusionary discipline of students with disabilities, including suspensions and expulsions.
Source: Prepared by legislative auditor's staff using information from IDEA.	

LDOE's Monitoring Levels. LDOE uses three different levels to monitor special education services provided to students with disabilities. These three levels are summarized in Exhibit 2, and Appendix C contains LDOE's summary of its IDEA monitoring process.

Exhibit 2 LDOE's Special Education Monitoring Levels As of Academic Year 2021-22		
Level	Description	Benefits and Limitations of Monitoring Activity
Level 1 State Performance Plan/Annual Performance Report Monitoring (SPP/APR)	<ul style="list-style-type: none"> • IDEA requires each state to submit the SPP/APR on its efforts to implement the requirements of IDEA.* • LDOE uses data submitted by school systems** to create the SPP/APR. This includes data related to OSEP required indicators such as student outcomes (e.g. assessment scores, graduation rates, and dropout percentage); information from LDOE's survey about parent involvement sent to selected parents; and data to help LDOE monitor compliance with some IDEA requirements. • LDOE reviews the data submitted and provides an explanation of any slippage, conducts outreach to school systems, and manages plans of correction. 	<p>Benefit:</p> <ul style="list-style-type: none"> • Using data allows LDOE to annually monitor certain performance and compliance indicators of all school systems based on the data submitted. <p>Limitations:</p> <ul style="list-style-type: none"> • According to OSEP, IDEA requirements related to the fundamental rights of students with disabilities and their families cannot be reviewed using SPP/APR data, in isolation. • Level 1 primarily relies on data self-reported by school systems.
Level 2 IDEA Part B Grant, Allowable Costs	<ul style="list-style-type: none"> • Fiscal monitoring is conducted annually by LDOE for each school system. A part of LDOE's review is evaluating grant requirements, IDEA budgets and allowable expenses, funds reserved to address significant disproportionality, and to reconcile approved budgets with IDEA reimbursement requests. LDOE then determines if a corrective action plan is required. 	<p>Benefit:</p> <ul style="list-style-type: none"> • School systems are monitored annually to ensure the level of support for students with disabilities from their state and local funds are maintained. <p>Limitation:</p> <ul style="list-style-type: none"> • This review only pertains to IDEA funding.

Exhibit 2 LDOE's Special Education Monitoring Levels As of Academic Year 2021-22		
Level	Description	Benefits and Limitations of Monitoring Activity
Level 3 Risk-Based Monitoring	<ul style="list-style-type: none"> LDOE annually ranks school systems based on five risk indicators (i.e., assessment proficiency mathematics, English language arts proficiency, graduation rates, dropout rates, and school system determinations). Based on these risk indicators, LDOE ranks each school system from low to high risk based on their improvement in the five indicator areas. Depending on the ranking and LDOE's supervisory authority, LDOE may require one of the following: (1) school systems to complete no risk-based monitoring, (2) school systems to complete a mandatory self-assessment, (3) a desk review, or (4) an on-site review. Reviews may include file reviews, teacher interviews, parent interviews, and going through other types of documentation to verify special education services were rendered (e.g., reviewing evaluations and IEPs, ensuring students are receiving services in IEPs, reviewing disciplinary actions). Corrective action plans are required when non-compliance is identified. 	<p>Benefit:</p> <ul style="list-style-type: none"> Includes monitoring IDEA requirements specifically related to the fundamental rights of students with disabilities and their families, including ensuring services were provided to students. <p>Limitation:</p> <ul style="list-style-type: none"> Unlike the other two monitoring levels, this review requires the most resources, and LDOE does not have the resources to conduct a desk or on-site review for each school system annually.
<p>*Federal Fiscal Year 2021 State Performance Plan / Annual Performance Report, February 2023</p> <p>** Indicators include graduation rates, dropout rates, significant discrepancy in suspension/expulsion, educational environment, preschool outcomes, parent involvement, disproportionate representation, child find, early childhood transition, secondary transition, post-school outcome, resolution sessions, mediation, and state systemic improvement plan.</p> <p>Source: Prepared by legislative auditor's staff using information provided by LDOE.</p>		

For this audit, we focused primarily on LDOE's Level 3 risk-based monitoring. Specifically, we focused on its desk and on-site reviews because according to OSEP, solely relying on a school system's performance on the SPP/APR (Level 1) would not constitute a reasonably designed general supervision system because some fundamental rights of students with disabilities and their families are not represented in the SPR/APR, and Level 2 evaluates IDEA costs. We also reviewed LDOE's special education staffing levels and LDOE's calculation of significant disproportionality related to discipline.

To conduct this audit, we interviewed LDOE staff, researched applicable state and federal laws and regulations, surveyed parents, and special education

directors,¹¹ conducted parent and other stakeholder interviews and observed an on-site visit with LDOE staff. We also reviewed data in LDOE's Enhanced Special Education Reporting (eSER) system, LDOE monitoring files, and LDOE monitoring reports. The objective of this audit was:

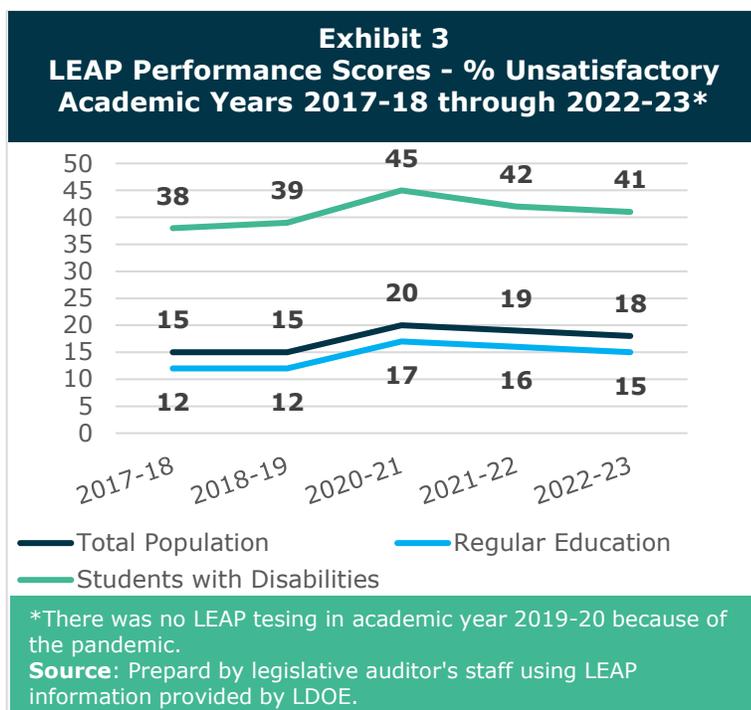
To evaluate LDOE's risk-based monitoring of special education services provided to students with disabilities.

Our results are summarized on the next page and discussed in detail throughout the remainder of the report. Appendix A contains LDOE's response to this report. Appendix B details our scope and methodology. Appendix C contains LDOE's summary of its IDEA monitoring process. Appendix D contains LDOE's monitoring protocol used during desk and on-site reviews. Appendix E contains a summary of systemic findings LDOE identified during desk and on-site reviews. Appendix F summarizes school systems in the state outside of Orleans Parish that were open the entire period from fiscal year 2015-16 through 2021-22 and the type of monitoring they received. Appendix G provides Oregon's examples of what constitutes an informal removal. Appendix H provides the questions the Oregon Department of Education developed to address informal removals at the school level. Appendix I explains the LDOE's methodology for calculating significant disproportionality.

¹¹ We sent a survey to 145 special education directors and 111 (76.6%) responded. We then asked directors to forward the survey to all parents of students with disabilities, and received 954 parent responses. These numbers may vary throughout the report as some respondents started, but did not complete the survey.

Objective: To evaluate LDOE's risk-based monitoring of special education services provided to students with disabilities.

We found that LDOE needs to improve its risk-based monitoring process to ensure all students with disabilities are receiving free appropriate public education (FAPE) and school systems are meeting the federal Individuals with Disabilities Education Act (IDEA) and state law requirements. Adequate monitoring is important because, according to IDEA,¹² the primary focus of federal and state monitoring activities is improving educational results and functional outcomes for all children with disabilities. Exhibit 3 shows the percentage of students with disabilities who scored "unsatisfactory" on the Louisiana Educational Assessment Program (LEAP) testing from 2017-18 to 2022-23.



Although LDOE developed a risk-based monitoring system to monitor whether special education services are provided in accordance with IDEA and state law, this process results in some schools not receiving desk and on-site reviews for several years. We also found that LDOE did not review all IDEA and state law requirements listed in its procedures, decreased the number of employees dedicated to monitoring special education (SPED), and did not follow federal regulations when calculating significant disproportionality related to discipline. Our results are as follows:¹³

- LDOE did not conduct a desk or on-site review for 43 (43.0%) of 100 school systems for at least seven years (academic years 2015-16 through 2021-22) to ensure certain fundamental rights of students with disabilities required by IDEA are being protected. Instead of LDOE completing a desk or on-site**

¹² 20 USCA § 1416 2(A)

¹³ We excluded Orleans Parish because it is under a 2015 class action settlement with LDOE with different monitoring requirements. Unless otherwise indicated, our results exclude Orleans Parish.

review, LDOE required all but two of these school systems to complete a self-assessment. These 43 school systems included 35,833 (40.0%) of 89,681 students with disabilities and 580 (33.8%) of the 1,714 total public schools in Louisiana.

- **LDOE decreased the number of employees dedicated to special education from fiscal years 2012 through 2019, and in 2015 LDOE entered into a Consent Judgment in Orleans Parish. Both actions may have contributed to LDOE’s inability to conduct on-site and desk reviews in a timely manner and provide support to school systems.** During academic years 2015-16 through 2021-22, LDOE conducted a total of 262 desk or on-site reviews, with 166 (63.4%) reviews in Orleans Parish even though Orleans Parish had 7.2% of the students (6,427 of 89,681) with disabilities in Louisiana.
- **LDOE’s process to select students during a desk or on-site review does not ensure it monitors all applicable federal and state law requirements listed in its monitoring protocol.** Specifically, LDOE does not ensure its sample contains a sufficient array of students (e.g., students recently qualified for special education services, received certain discipline actions, or of a certain age) that would allow it to evaluate all applicable federal (IDEA) and state requirements (e.g., initial evaluations, disciplinary procedures, transition services, and graduation pathways) during a school system review. LDOE could use existing special education data, when possible, during its desk and on-site reviews to increase the number of students they review.
- **LDOE has not developed policies and procedures or guidance for school systems to follow regarding informal removals, including how to document informal removals.** Informal removals, such as routinely calling a parent to pick up a student because of behavior issues, can negatively impact students with disabilities by disrupting their required IDEA supports and services. In addition, LDOE could use discipline and attendance data to identify school systems that may be informally removing students.
- **LDOE is not following federal regulations when calculating significant disproportionality relating to discipline.** As a result, LDOE may fail to identify school systems who disproportionately discipline minority students receiving special education services.

Our results and recommendations are discussed in more detail in the sections below.

LDOE did not conduct a desk or on-site review for 43 (43.0%) of 100 school systems for at least seven years (academic years 2015-16 through 2021-22) to ensure certain fundamental rights of students with disabilities required by IDEA are being protected. Instead of LDOE completing a desk or on-site review, LDOE required all but two of these school systems to complete a self-assessment.

According to federal (IDEA) and state laws and regulations,¹⁴ LDOE is required to monitor school systems to ensure they are meeting IDEA requirements. Therefore, it is important for LDOE to conduct a sufficient number of desk or on-site reviews since this level of monitoring provides in-depth analysis of student level information (e.g., initial evaluations, re-evaluations, IEPs, service logs, and disciplinary documentations) and verifies that certain fundamental rights of students with disabilities and their families are being met by school systems. Desk and on-site reviews include monitoring activities not included in any other type of monitoring, such as whether:

- Parent and other required team members were invited to attend IEP meetings.
- Evaluations are appropriately developed.
- IEPs include all special education services listed in the evaluation; include a statement of the student's present levels of academic achievement and functional performance; and incorporate parent concerns.
- Service logs are maintained and match the services listed in the IEP.
- School systems complete required steps when certain disciplinary actions are issued including notifying parents.

For the federal and state requirements LDOE verifies during desk and on-site reviews, see Appendix D. Level 3 Risk-Based monitoring includes LDOE conducting desk and on-site reviews, and can also include self-assessments conducted by the school system. Exhibit 4 summarizes the Level 3 monitoring types from academic years 2015-16 through 2021-22 from school systems opened during this entire time period and outside of Orleans Parish.¹⁵ During academic years 2015-16

¹⁴ 20 USCA § 1412 (a) 11; 34 CFR § 300.149; LA R.S. 17:1943; LAC 28:XCI:101

¹⁵ We excluded Orleans Parish because it is under a 2015 class action settlement with LDOE and has different monitoring requirements. Unless otherwise indicated, our results exclude Orleans Parish. See pages 17-18 for more detail on this settlement.

through 2021-22, LDOE identified 36 systemic violations during its desk and on-site reviews, which included issues with IEP goals and present levels of performance, failure to provide free and appropriate public education (FAPE), parent consent and participation, etc. For a summary of these violations see Appendix E.

Exhibit 4				
Description of Level 3 Risk-Based Monitoring Types				
Academic Years 2015-16 through 2021-22				
Outside of Orleans Parish				
Risk Level	Monitoring Type	Description	# School Systems*	# of Reviews**
Low Risk	No Required Assessment	Neither the school system nor LDOE are required to complete any risk-based monitoring.	2	N/A
Moderate Low Risk	Mandatory Self-Assessment	<ul style="list-style-type: none"> School systems self-evaluate their compliance with IDEA. Using the guidance provided by LDOE, school systems select a targeted sample of files and review IDEA requirements. LDOE relies on school systems to document issues of non-compliance, create a corrective action plan, maintain documentation, and randomly conduct follow up and note any additional issues. LDOE conducts spot checks to ensure the compliance results of the self-assessment accurately represent the compliance standard. 	41	264 (76.1%)
Moderate High Risk	Desk Review	<ul style="list-style-type: none"> LDOE selects a targeted sample of files and provides this list to school systems who then have 30 days to pull the students' records and provide them to LDOE. LDOE's monitoring staff then reviews the files at LDOE headquarters using a monitoring protocol that guides the reviewer to ensure IDEA requirements are met. If there are systemic findings, school systems will have to submit a corrective action plan, which LDOE monitors. 	48	73 (21.0%)

High Risk	On-site Review	<ul style="list-style-type: none"> LDOE selects a targeted sample of files and provides this list to school systems 24-48 hours in advance. LDOE monitoring staff review the files at the school system’s physical location using the monitoring checklist discussed above and conduct a parent meeting. If there are systemic findings, school systems will have to submit a corrective action plan, which LDOE monitors. 	9	10 (2.9%)
Total (All Types)			100	347
Total Desk and On-Site			57	83
<p>*This is the highest level of monitoring completed for each school.</p> <p>** Includes the number of reviews related to school systems open during academic years 2015-16 through 2021-22 and located outside of Orleans Parish. Some schools were monitored more than once.</p> <p>Source: Prepared by legislative auditor’s staff using information provided by LDOE’s monitoring staff.</p>				

For at least seven years, LDOE did not conduct desk or on-site reviews for 43 (43.0%) of the 100 school systems that were open the entire period during academic years 2015-16 through 2021-22. These 43 school systems included 35,833 (40.0%) of 89,681¹⁶ students with disabilities and 580 (33.8%) of the 1,714 total public schools in Louisiana.

According to our survey of SPED Directors in local school systems, 62 (59.0%) of 105 respondents indicated that IDEA compliance would increase if each school system were monitored at least once in a given period.

Source: 2023 SPED Director Survey

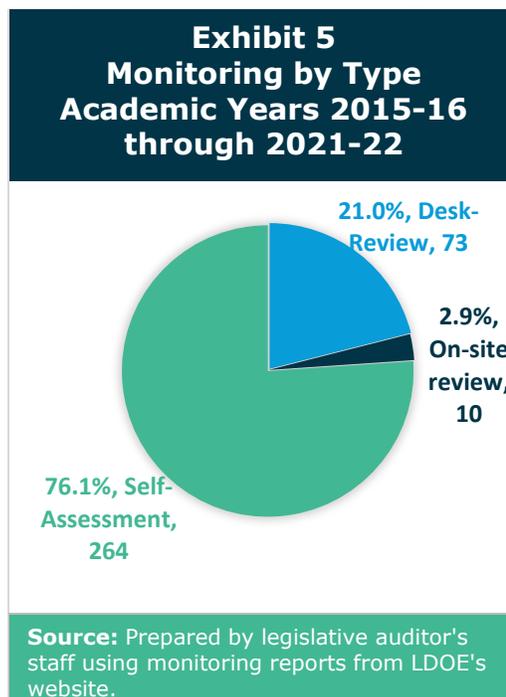
LDOE stated its informal goal is for a school system not to go more than two years without a desk or on-site review. However, under LDOE’s current Level 3 Risk-Based process, if a school system is continuously classified as low or moderately low risk, it is less likely to be selected for a desk or on-site review. As a result, a school system could be classified as low risk because its school assessment scores, graduation rates, and other indicators are improving, but without receiving an on-site or desk review, LDOE cannot be sure the school system is providing special education students with required services (e.g., physical therapy, speech therapy, etc.). According to LDOE, it reserves the right to impose or adjust the type of monitoring each school system receives at any time. OSEP released guidance in July 2023 stating that State Education Agencies (i.e., LDOE) should monitor all school systems at least once every six years. Additionally, five (50.0%) of the 10 other states¹⁷ we reviewed established schedules for conducting monitoring, ranging from four to six years. Appendix F summarizes school systems in the state that were open the entire period from fiscal year 2015-16 through 2021-22 and the type of monitoring they received during this time.

¹⁶ As of the October 1, 2022 student count.
¹⁷ Arkansas, Georgia, Maryland, Texas, and Virginia

In addition, while LDOE developed an annual consolidated monitoring schedule,¹⁸ LDOE does not track the last time it conducted a desk or on-site review for each school system. As a result, LDOE could not provide the date of the last desk or on-site review for 30 (69.8%) of the 43 school systems. According to LDOE, this information could not be located due to staff changes prior to 2015. For the remaining 13 school systems, LDOE provided evidence that they had a desk or on-site review within the last eight to 11 academic years. According to LDOE, they have started testing a new system for monitoring that will allow them to track and pull reports, including the last time a school system received a desk or on-site review.

Self-assessments are the most common type of risk-based monitoring required by LDOE. During academic years 2015-16 through 2021-22, LDOE required school systems to complete 264 self-assessments, which accounted for 76.1% of the 347 types of reviews, as shown in Exhibit 5.

During self-assessments, school systems are responsible for selecting which files to review, reviewing the files to determine if there are any IDEA violations, reporting results to LDOE, and determining if a corrective action plan is needed. According to LDOE, they spot check self-assessment results provided by school systems, but these checks do not ensure all areas of non-compliance are being reported by school systems. In addition, while LDOE maintains the self-assessments submitted by school systems, LDOE does not track the violations school systems report in their self-assessment. If it did, LDOE could use this information during subsequent reviews to ensure previous violations are/remain corrected.



We interviewed two former school system special education directors, who both stated that they would correct any issues they could in student files during self-assessments, but would not always disclose issues to LDOE. Therefore, they may not have been required to complete a corrective action plan¹⁹ to remedy the issues identified. While self-assessments may encourage school systems to self-identify and correct issues, LDOE cannot ensure that all school systems are meeting IDEA requirements by primarily relying on this form of risk-based monitoring.

¹⁸ This schedule tells schools when to expect different types of federal monitoring including IDEA monitoring.

¹⁹ Corrective action plans guide school systems on how to address the issues identified during desk and on-site reviews. This may include requiring school systems to correct issues identified, provide training to teachers or other staff, or conduct ongoing consistency checks.

Of the 347 total reviews, only 10 (2.9%) were on-site reviews.

According to LDOE’s risk assessment process, only school systems with the highest risk would receive an on-site visit.

Conducting on-site reviews is important as these are the only type of review where LDOE observes special education services being offered to students, observes the students in their environment, meets with parents, and interviews teachers and other school staff such as speech therapists, occupational therapists, physical therapists, behavioral support staff, and paraprofessionals.

SPED Director Regarding Interviews During On-Site Visits

[LDOE conducting] interviews have gone "by the wayside." In years past, LDOE met with the administrators and special ed teachers. This validated the accuracy of what the monitor sees on paper and what actually takes place at the school. This, of course, takes more time but gives a true picture of the special education management of the school/district.

Source: 2023 SPED Director Survey

We attended LDOE’s on-site review for one school system and observed their benefits. For example, on-site interviews are an opportunity for LDOE monitoring staff to become aware of potential areas of federal and state non-compliance from parents and school staff and give school staff the opportunity to describe any obstacles they have in providing required services. This is important because in our report *Complaint Process for Students with Disabilities Receiving Special Education Services—LDOE*, issued September 2023,²⁰ the most common type of complaint LDOE received involved issues with the services provided in students’ IEPs (e.g., IEP not followed, services denied, untimely IEPs, etc.), which accounted for 29.3% of these complaints. Currently, LDOE monitoring staff conducts a parent meeting and selects a few available staff to interview to identify any potential issues during their review. Instead of selecting special education school staff at random, LDOE could allow input from all special education staff by having a staff meeting or surveying school staff. Additionally, since on-site visits are not feasible for all school systems, LDOE could also obtain and incorporate input from parents and special education school staff during desk reviews by using electronic meetings or sending out surveys.

In addition, unlike desk reviews, where LDOE gives a school 30 days to provide documentation on its selected students, LDOE does not provide school systems with as much advanced notice of which students it is monitoring during an on-site visit. Schools have 24-48 hours to provide information for an on-site review. Of the 98 SPED directors that responded to our survey, 24 (24.5%) stated that there is a risk that school systems may alter or fabricate documentation, such as service provider logs, before sending such documentation to LDOE for a desk review. LDOE may also consider reducing the 30 days’ notice school systems have to pull selected students’ files to reduce the risk of this happening.

Recommendation 1: LDOE should ensure that all school systems receive at least a desk review or on-site visit by LDOE to meet the time period

²⁰ [https://app2.lla.state.la.us/publicreports.nsf/0/a666a02b25f610d586258a300077a992/\\$file/0000ls28.pdf?openelement&.7773098September 2023](https://app2.lla.state.la.us/publicreports.nsf/0/a666a02b25f610d586258a300077a992/$file/0000ls28.pdf?openelement&.7773098September 2023)

recommended by OSEP. This includes developing a process to track when school systems receive the different types of risk-based monitoring.

Summary of Management's Response: LDOE agrees with this recommendation and stated that it has now provided an on-site and/or desk review to all school systems identified by LLA. See Appendix A for LDOE's full response.

Recommendation 2: LDOE should increase the percentage of on-site reviews it conducts.

Summary of Management's Response: LDOE agrees with this recommendation and stated that it has officially requested 6 additional full-time staff dedicated exclusively to IDEA monitoring. See Appendix A for LDOE's full response.

Recommendation 3: LDOE should incorporate parent, teacher, and other staff feedback into its desk-review process and ensure that during both on-site and desk reviews all relevant teachers and other relevant staff have an opportunity to participate.

Summary of Management's Response: LDOE partially agrees with this recommendation and stated that it does not see the need to add an additional layer to the already existing parental engagement processes. LDOE has a standard process for soliciting the feedback of thousands of parents through an official, annual parent survey required by OSEP. LDOE also states its desk review process does not preclude any LDOE monitoring staff member from engaging with school system staff or parents. See Appendix A for LDOE's full response.

LLA Additional Comments: LDOE's survey relates to parent involvement in the special education process, but does not ask about experiences related to services not provided, issues with disciplinary actions, or informal removals which could help LDOE identify potential areas of concern.

Recommendation 4: LDOE should consider giving school systems less time to prepare documentation for desk reviews.

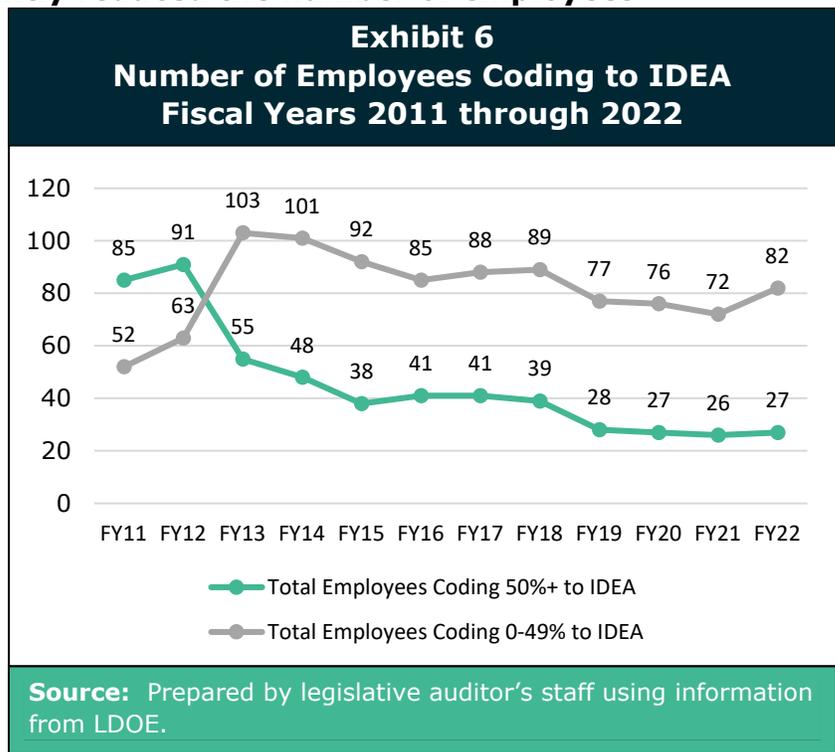
Summary of Management's Response: LDOE partially agrees with this recommendation and stated that it will consider reducing the time school systems have to prepare documentation for a desk review. However, due to student privacy, LDOE must also consider the time school systems need to gather documentation and upload that documentation to a secure file transfer portal (FTP) in addition to all other daily workstreams required to administer local special education programs. See Appendix A for LDOE's full response.

LDOE decreased the number of employees dedicated to special education from fiscal years 2012 through 2019, and in 2015 LDOE entered into a Consent Judgment in Orleans Parish. Both actions may have contributed to LDOE’s inability to conduct on-site and desk reviews in a timely manner and provide support to school systems.

Federal regulations²¹ require LDOE to spend IDEA administrative funds for the purpose of administering IDEA requirements, or to coordinate activities and provide technical assistance to other programs that provide services to students with disabilities. In Louisiana, 109 (20.5%) of the total 533 LDOE employees’ salaries were paid, either all or partial, out of IDEA funds in fiscal year 2022. Of the 109, 38 (34.9%) had job descriptions that specifically stated they directly work with special education while 71 (65.1%) employees’ job descriptions did not mention special education.

According to LDOE, in response to significant reductions in the general fund, LDOE significantly reduced the number of employees dedicated to special education from fiscal years 2012 to 2019²². This may have contributed to LDOE’s inability to conduct desk and on-site reviews in a timely manner and provide support to school systems.

We found that from fiscal years 2012 through 2019, LDOE decreased the number of employees who coded more than half of their time to special education activities by 69.2% from a high of 91 in fiscal year 2012 to 28 in fiscal year 2019, as shown in Exhibit 6. This may be, in part, because general funds for LDOE operations decreased from \$54.2 million in fiscal year 2012 to \$28.1 million in fiscal year 2022, or a 48.1% decrease. This means there is less state support to pay for LDOE employees. IDEA funds may have been used to make



²¹ 34 CFR § 300.704

²² Starting in fiscal year 2019, LDOE’s staffing for special education services has remained consistent.

up some of the loss, while at the same time decreasing the number of LDOE staff that code the majority of their time to special education.

As of April 2024, LDOE had 10 employees that work in Diverse Learners, the primary group responsible for overseeing special education at LDOE, and six employees were responsible for monitoring all 187 school systems across the state. This decrease in staff may have contributed to LDOE not formally monitoring 43 of the 100 school systems, and may limit LDOE's ability to adequately support and monitor school systems. According to LDOE, it does not currently have the available positions to hire new monitoring employees but it has officially requested additional monitoring positions in the fiscal year 2025 budget.

Based on our survey of LDOE employees, we identified six employees who may have been incorrectly paid with IDEA funds and 14 employees who did not explain or provide evidence for the time they spent on IDEA.

We surveyed 54²³ of the 71 employees who LDOE paid a portion of their salary with IDEA funds during fiscal year 2021-22, but whose job descriptions do not mention special education, and asked what percentage of time they spend on IDEA and a description of their work activities. Of these 54 employees, we found evidence that LDOE may have incorrectly paid six (11.1%) employees using IDEA funds and 14 (25.9%) of employees did not answer our requests to explain or provide evidence of the IDEA related work they completed. We found:

- Four employees responded that they spend less time on IDEA than the percentage coded for IDEA funds. For example, one of these four employees stated they spend approximately 21-40% on IDEA related tasks. However, LDOE paid 75% of their salary out of IDEA funds.
- One employee provided evidence that indicated they only work with English Language Learners, which does not fall under IDEA.
- One employee failed to provide sufficient support to justify the time coded to IDEA.
- 11 employees did not respond to our survey.
- Three employees did not respond to our request to verify the work activities they listed in our survey.

Exhibit 7 shows the 109 LDOE employees whose salaries or a portion of their salaries were paid by IDEA funds and whether the employee had special education duties listed in their job descriptions in fiscal year 2022.

²³ The remaining 17 employees are no longer employed at LDOE.

Exhibit 7 Employees Whose Salary is at Least Partially Funded by IDEA by LDOE Fiscal Year 2021-22		
Department/Area	Employee's Job Description Contained Special Education Duties	Employee's Job Description Did Not Contain Special Education Duties
Assessments Accountability & Analytics	6	15
Career and College Readiness	3	12
Federal Support and Grantee Relations	8	5
Statewide Monitoring	6	2
Legal Services	3	0
School System Relations	1	3
Teaching & Learning	2	1
Academic Content	0	15
Diverse Learners	7	0
Early Childhood Strategies	1	3
Educator Development	1	1
School Improvement	0	14
Grand Total	38	71
Total LDOE Paid from IDEA Funds	\$1,452,651	\$1,391,840
Source: Prepared by legislative auditor's staff using data provided by LDOE and job descriptions provided by Civil Service.		

In January 2015, LDOE entered a Consent Judgment²⁴ that resulted in it dedicating more resources to monitor charter schools in Orleans Parish. While according to LDOE it did not admit fault during the settlement of the Consent Judgment, the lawsuit claimed that LDOE allegedly failed to effectively coordinate, monitor, and oversee the delivery of special education services across more than 60 distinct school districts operating in Orleans Parish. The lawsuit claimed that students with disabilities were subject to discrimination or otherwise excluded from schools; that mandatory evaluations for special education eligibility were not conducted; that students with disabilities are disciplined without the procedural safeguards required by federal and state law; and that students with disabilities were denied free appropriate public education (FAPE) and related services to which they are entitled. This Consent Judgment may have contributed to LDOE's inability to monitor the remainder of the state. Currently, there is no expiration date stated in the judgment.

²⁴ This Consent Judgment was entered among and between the Settlement Class; the Louisiana State Superintendent of Education (in his official capacity); the Louisiana Department of Education; the Louisiana Board of Elementary and Secondary Education; and the Orleans Parish School Board.

During academic years 2015-16 through 2021-22, LDOE conducted a total of 262²⁵ desk or on-site reviews, with 166 (63.4%) reviews in Orleans Parish even though Orleans Parish had 7.2% of the students (6,427 of 89,681)²⁶ with disabilities in Louisiana. While the Consent Judgment mandates monitoring in Orleans Parish, which contains 39.9% of the school systems in Louisiana, LDOE should dedicate enough resources to ensure the rest of the state is sufficiently monitored. Exhibit 8 shows where LDOE conducted desk or on-site reviews for special education services across Louisiana during academic years 2015-16 through 2021-22.

²⁵ This includes all desk and on-site reviews LDOE conducted for all school systems, not just those school systems that were open the entire period during academic years 2015-16 through 2021-22.

²⁶ As of the October 1, 2022 student count.

Recommendation 6: LDOE should ensure all staff being paid by any IDEA funds either administer IDEA requirements, or coordinate activities and provide technical assistance to other programs that provide services to students with disabilities, as required by federal law.

Summary of Management's Response: LDOE partially agrees with this recommendation and stated that it believes LLA's survey used in the report was unreliable as it asked LDOE employees to respond about work from two fiscal years ago. Currently, LDOE reviews payroll coding regularly to ensure that the work being performed aligns with funding. To strengthen this internal control, the system for ensuring this has been enhanced with new forms, timing and procedures so that more detailed descriptions of work performed are provided. See Appendix A for LDOE's full response.

LLA Additional Comments: We evaluated the staff being paid by any IDEA funds during fiscal year 2021-22, the last year of our audit scope. In addition, LDOE took approximately one year to provide a complete list of employees who coded time to IDEA during this fiscal year.

LDOE's process to select students during a desk or on-site review does not ensure it monitors all applicable federal and state law requirements listed in its monitoring protocol.

LDOE's desk and on-site review process involves reviewing a sample of student records to ensure IDEA and state law requirements are met. LDOE's student file selection criteria and procedures include areas that LDOE must evaluate, including the student's initial evaluation, re-evaluations, IEPs, disciplinary procedures, and alternative pathways. However, LDOE does not always ensure that all of these areas are reviewed during desk and on-site reviews for each school system. Additionally, LDOE could better use existing special education data during its desk or on-site reviews to increase the number of students reviewed.

LDOE's process to select students during a desk or on-site review does not ensure it monitors all applicable federal (IDEA) and state law requirements listed in its monitoring protocol. LDOE does not ensure its sample contains a sufficient array of students (e.g. students recently qualified for special education services, received certain discipline actions, or are of a certain age) that would allow it to evaluate all applicable federal (IDEA) and state requirements during a school system review, which is also required in its student file selection criteria procedures. For example, of the 16 school systems LDOE conducted a desk or on-site review on during academic year 2021-22, eight of the school systems had students with applicable disciplinary actions. However, LDOE did not evaluate a student with disciplinary actions for six (75.0%) of these school systems. In addition, of the 12 school systems that had students who required an initial evaluation, LDOE did not review this requirement for three (25%) of them.

Exhibit 9 summarizes the federal and state law requirements that LDOE did not review during its desk and on-site reviews of 16 school systems during academic year 2021-22 and how many school systems this impacted out of the total school systems reviewed.

Exhibit 9 School Systems Not Monitored for All Federal or State Law Requirements During Academic Year 2021-22				
Requirement	Description	Not Monitored	Total Applicable School Systems	% Not Monitored
Federal (IDEA) Requirement				
Initial Evaluation	For students who have recently qualified for special education services, LDOE should ensure parent consent was obtained prior to evaluation, the evaluation was conducted timely, and a variety of assessment tools and strategies were used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent.	3	12	25.0%
Transition	For students old enough, LDOE should ensure students have age appropriate post-secondary goals that cover training/education, employment, and, as needed, independent living. LDOE should ensure these goals are reviewed and updated annually, IEP goals are related to transition service needs, and transition services include courses of study that will reasonably enable the student to meet his or her post-secondary goals.	6	14	42.9%
Disciplinary Procedures	For students suspended for more than 10 consecutive or cumulative days* in one school year, LDOE should ensure a meeting was held to determine if behavior was a result of discipline. If this is true, LDOE should ensure a functional behavior assessment and behavior plan has been completed. LDOE also should ensure services are provided if a placement change occurred.	6	8	75.0%

Exhibit 9 School Systems Not Monitored for All Federal or State Law Requirements During Academic Year 2021-22				
Requirement	Description	Not Monitored	Total Applicable School Systems	% Not Monitored
State Requirement				
Alternative Graduation Pathways (Act 833 of the 2014 Regular Session)	For students old enough to consider alternative graduation pathways, LDOE should ensure evidence that Act 833 eligibility was considered and the IEP has identified specific Act 833 Transition related criteria that the student must meet.	9	14	64.3%
<p>* Ten consecutive days of suspensions or expulsions would automatically be considered a change of placement. School systems have to consider whether 10 cumulative days results in a pattern that constitutes a change of placement by considering if the child's behavior is substantially similar to other suspensions, the length of each suspension, the total amount of time the child has been removed, and the proximity of the suspensions to one another.</p> <p>Source: Prepared by legislative auditor's staff using LDOE's monitoring files.</p>				

LDOE could use existing special education data, when possible, during its desk and on-site reviews to increase the number of students they review. For example, one of the items listed on LDOE's monitoring protocol used in desk and on-site reviews is whether the student's IEP has been updated at least annually, as required by IDEA. While LDOE reviews this for the students in its sample, LDOE could review data to determine compliance for all students. LDOE could also review data to ensure school systems developed an IEP for all students who were evaluated and determined to need special education services. Finally, LDOE could review discipline and behavior plan data to identify potential students who could benefit from behavior plans, but do not currently have one. Reviewing data during desk and on-site reviews would allow LDOE to monitor more students, discuss issues with school system staff to determine the underlying causes of any issues identified, and work with staff to develop corrective action plans.

Recommendation 7: LDOE should ensure it follows its procedures on selecting student files for review during desk and on-site reviews to ensure it monitors all applicable federal (IDEA) and state law requirements listed in its monitoring protocol

Summary of Management's Response: LDOE partially agrees with this recommendation and stated that student selection is a part of monitoring. However, the methodology used is at the discretion of LDOE. There is no federal or state requirement for selecting student files. When the LLA reviewed samples and completed monitoring protocols, LDOE believes the LLA penalized LDOE when a question on the protocol or checklist was marked "no" or "not applicable" by not considering that perhaps that question did not

apply. For example, a high school transition plan question would not be applicable to a student file review of an elementary-aged student. See Appendix A for LDOE's full response.

LLA Additional Comments: The results in the report were for the school system, meaning LDOE did not review this area for the entire school system. We excluded school systems when not applicable. For example, if a school system was only composed of elementary school aged students, we did not review to ensure LDOE's sample included a high school transition plan, but instead excluded this school.

Recommendation 8: LDOE should use existing special education data, when possible, during its desk and on-site reviews to increase the number of students they review.

Summary of Management's Response: LDOE partially agrees with this recommendation and stated that it relies heavily on special education data collected in its special education reporting system (SER) and physical student records during desk reviews and on-sites. LDOE leverages a continuous improvement monitoring system that relies heavily on data and welcomes any opportunity to improve upon its system. See Appendix A for LDOE's full response.

LLA Additional Comments: LDOE does not use data to review for timely evaluations, ensure that IEPs were for all students who were evaluated and determined to need special education services, and does not review behavioral intervention plan data in conjunction with discipline data to identify potential students who could benefit from behavior plans.

LDOE has not developed policies and procedures or guidance for school systems to follow regarding informal removals, including how to document informal removals. Informal removals, such as routinely calling a parent to pick up a student because of behavior issues, can negatively impact students with disabilities by disrupting their required IDEA supports and services.

According to OSEP,²⁷ informal removal means any action taken by school personnel in response to a student's behavior that excludes the child for part or all of the school day, or even an indefinite period of time. These exclusions are considered informal because the school system removes the student from class or school without invoking IDEA's disciplinary procedures. These procedures may include the school system implementing behavioral intervention services (e.g., behavior intervention plans²⁸ or functional behavioral assessments²⁹). OSEP states informal removals could prevent students from receiving behavioral intervention services required under IDEA. If the student is suspended or expelled for more than 10 days³⁰ in one calendar year and it is determined that their behavior was a result of their disability, federal law and regulations³¹ require school systems to conduct a functional behavioral assessment and develop a behavioral plan. However, informal removals are not recorded as a suspension or expulsion so would not count as one of the 10 days. As a result, students may not be receiving the services they need to be successful in school. OSEP further states that informal removals are subject to IDEA's requirements to the same extent as formal disciplinary removals.

"Informal removals disproportionately affect students who systems have already marginalized and can impact a student's motivation, self-esteem, and self-efficacy."

Source: Oregon Department of Education, November 2023

²⁷ "Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions," OSEP Q&A 22-02, U.S. Department of Education, Office of Special Education and Rehabilitation Services, July 19, 2022.

²⁸ A behavior intervention plan is a component of a student's educational program designed to address behaviors that interfere with the student's learning or that of others and behaviors that are inconsistent with school expectations and to prevent the behavior from recurring.

²⁹ A functional behavioral assessment is used to understand the function and purpose of a student's specific, interfering behavior and factors that contribute to the behavior's occurrence and non-occurrence for the purpose of developing effective positive behavioral interventions, supports, and other strategies to mitigate or eliminate the interfering behavior.

³⁰ Ten consecutive days of suspensions or expulsions would automatically be considered a change of placement. School systems have to consider whether 10 cumulative days results in a pattern that constitutes a change of placement by considering if the child's behavior is substantially similar to other suspensions, the length of each suspension, the total amount of time the child has been removed, and the proximity of the suspensions to one another.

³¹ 20 USCA § 1415 (k)(F) and 34 CFR 300.530 (f)

Parents of students with disabilities reported a high frequency of informal removals. According to our survey, 165 (19.2%) of the 861 parents³² who responded to our survey have been asked to pick up their child because of behavior problems. However, 149 (90.3%) of these 165 parents reported that the child was sent home because of disciplinary issues, but not always suspended.³³ Of these 165 parents, 93 (56.4%) reported that their child is rarely or never suspended after being informally removed. A parent of a student receiving special education services in Louisiana stated:

"I experienced a really painful period of time with one of my two autistic children. It was draining, both mentally and financially. For about two years, I was called every other day to pick up my child from school because school staff could not handle their behavior. The school never suspended my child. The amount of unpaid leave that I had to take was detrimental to my lower-middle class family and I was on the verge of losing my job. During this entire time, my child did not have a behavior plan. Finally, I got the insurance to cover behavioral therapy and the school developed a behavior plan. Now my child stays in school the whole day."

LDOE has not developed policies and procedures or guidance for school systems to follow regarding informal removals, including how to document informal removals. According to OSEP, "When schools rely on informal removals to address the behavioral needs of a child, it is often the case that school personnel lack access to evidence-based strategies that can help prevent or mitigate interfering behaviors." Informal removal is an issue that was addressed by OSEP in July 2022 and some states have taken steps to address the use of informal removals. For example, Illinois, Oklahoma, Oregon, and Michigan have addressed informal removals. Oregon states that school systems should develop comprehensive plans to eliminate informal removals, and requires these plans to be created with input from diverse perspectives. The comprehensive plans should include professional development, supports to staff, and restorative practices. Appendix G provides Oregon's examples of what constitutes an informal removal and Appendix H provides the questions the Oregon Department of Education developed to address informal removals at the school level. For example, one of the questions for principals at schools is, "What data do we regularly review to determine why students are being subjected to informal removals and how often it occurs?" LDOE could use these questions as a guide when monitoring school systems. LDOE could also provide school systems with technical assistance regarding the prohibited practice of informal removals, and annual professional development/training regarding the disciplinary procedure protections for students with disabilities.³⁴

³² There were 861 parents who responded to questions related to informal removals in our survey.

³³ Includes parents that reported often, sometimes, rarely, and never.

³⁴ These recommendations were also made in the 2015 Orleans Consent Judgment.

While OSEP has stated that informal removals should be treated like formal removals, LDOE does not require school systems to document these removals. As a result, LDOE cannot monitor whether informal removals are potentially denying students needed behavioral intervention services to help keep the student in school, as required by IDEA. For example, Illinois, Michigan, and Oregon require school systems to treat informal removals as formal removals which are required to be documented. Oregon also requires school systems to track all removals, including informal removals, in order to evaluate their impact.

Examples of Informal Removals:

- Repeatedly sending a student home during the instructional day based on an administrative decision.
- Long-term use of a shortened day without an IEP team decision or a reintegration plan.
- Preventing a student from attending school unless the parent accompanies them.
- Any situation in which a child must “earn” their way back to school with improved behavior.

Source: Oregon and Oklahoma Department of Educations.

In addition, Oklahoma specifically states that local school systems must not engage in informal removals and must handle all behavior incidents for students with disabilities that comply with IDEA utilizing the formal removal procedures. If LDOE required school systems to track all removals, it could better ensure that school systems are addressing underlying behavioral issues instead of only taking the student out of class or school.

LDOE could use discipline and attendance data to identify school systems that may be informally removing students. For example, using school discipline data³⁵, we identified 20 school systems whose discipline data may indicate underreported discipline or the use of informal removals during academic years 2017-18 through 2021-22.³⁶ For these school systems, they reported suspending students for up to 10 days in one year, but never reported any suspensions for more than 10 days. Analyzing discipline data could help LDOE identify school systems that may be improperly using informal removals. LDOE could also periodically review its discipline data and incorporate a review of school systems attendance records, disciplinary policies, and interview parents and staff that deal with discipline during its desk or on-site reviews.

Recommendation 9: LDOE should develop policies and procedures or guidance for school systems on informal removals. This should include guidance requiring all removals, including informal removals, from the classroom invoke IDEA’s disciplinary procedures, when applicable, and also require school systems to document and track the reasons for all student removals.

³⁵ This discipline data is self-reported by school systems.

³⁶ We analyzed discipline data for academic years 2017-18 through 2021-22, but did not include 2019-20 because students were at home due to the pandemic.

Summary of Management’s Response: LDOE partially agrees with this recommendation and stated that it agrees that exclusionary discipline and informal removals may impact a student’s ability to benefit from high-quality teaching and learning and to improve outcomes. LDOE has shared the recent OSEP discipline guidance, which includes informal removals, with special education leaders, released guidance on positive behavior intervention, and administered a statewide positive behavior intervention and supports (PBIS) model. While IDEA does not define or address informal removals specifically, LDOE does believe that it can add clarity to existing discipline policy for students with disabilities. LDOE is also planning to make available additional statewide training on functional behavior assessment and behavior intervention plans. See Appendix A for LDOE’s full response.

Recommendation 10: LDOE should use data and monitor the use of informal removals as part of its desk and on-site reviews to help ensure students who need behavioral intervention services are receiving them. This could include procedures for using school system discipline data, interviews of parents and staff, and attendance records.

Summary of Management’s Response: LDOE partially agrees with this recommendation and stated that it does not collect data on the use of informal removals and OSEP does not require this collection, nor does IDEA define “informal removal.” See Appendix A for LDOE’s full response.

LLA Additional Comments: OSEP has defined informal removal as any action taken by school personnel in response to a student’s behavior that excludes the child for part or all of the school day, or even an indefinite period of time. These exclusions are considered informal because the school system removes the student from class or school without invoking IDEA’s disciplinary procedures. Although not required by IDEA, we suggested that LDOE could use discipline and attendance data as a tool to help identify school systems that may be informally removing students.

LDOE is not following federal regulations when calculating significant disproportionality relating to discipline. As a result, LDOE may fail to identify school systems who disproportionately discipline minority students receiving special education services.

According to IDEA,³⁷ studies have found that schools with predominantly white students and teachers have placed disproportionately high numbers of their minority students into special education. According to the National Center for Learning Disabilities (NCLD), these inequities are particularly apparent when it comes to rates of discipline and special education enrollment. NCLD specifically states, “Black, Hispanic, and Native students often

receive harsher punishments in school for the same behavior when compared to their white counterparts, and are more likely to receive office referrals, suspensions, and expulsions from school. Black students, for example, are three times more likely than white students to be suspended or expelled. Discipline disparities are even more apparent for students with disabilities. Students of color with disabilities receive severe punishments at very high rates.” LDOE is required³⁸ to provide for the collection and examination of data to determine if significant disproportionality based on race and or ethnicity is occurring.

According to the National Center for Learning Disabilities, due to bias within the education system, students of color can be misidentified as needing special education, and are then placed in more restrictive settings and **experience harsher discipline** because of the intersectionality of race and special education. Being misidentified as needing special education, placed in a restrictive setting, or disciplined more harshly can negatively affect student outcomes.

Source: National Center for Learning Disabilities, [Significant Disproportionality in Special Education: Current Trends and Actions for Impact](#)

The term “**significant disproportionality**” is used to describe the widespread trend of students of certain racial and ethnic groups being identified for (1) special education, (2) placed in more restrictive educational settings, and (3) disciplined at markedly higher rates than their peers. While IDEA requires³⁹ LDOE to determine whether significant disproportionality exists, it provides LDOE some flexibility in the specific calculation. For example, LDOE designates school systems as potentially significantly disproportionate if outcomes show that students from one race/ethnicity are 3.0 times (3x) as likely to be subject to certain disciplinary actions, including suspensions and expulsions, when compared to all other students from all other races/ethnicities in their school system. This comparison is referred to as the risk ratio. Federal regulations require states to set a reasonable risk

³⁷ 20 USCA § 1400 (12)

³⁸ 20 USCA § 1418 (d) and 34 C.F.R. § 300.646 (a)

³⁹ 20 USCA § 1418 (d)

ratio.⁴⁰ LDOE mandates that if a school system's risk ratio exceeds the threshold of 3x three years in a row, it is then identified as significantly disproportionate. As a result, a school system must then set aside 15% of its IDEA funding for coordinated early intervention services, such as providing professional development for teachers.

LDOE is not following federal regulations when calculating significant disproportionality relating to discipline. As a result, LDOE may fail to identify school systems who disproportionately discipline minority students receiving special education services. LDOE's methodology excludes school systems that discipline a small number of non-minority students, but a higher number of minority students receiving special education services rather than using an alternative methodology, as required by federal regulations. When calculating a school systems risk ratio, if the number of non-minority students receiving a disciplinary action is smaller than 10, but the number of minority students receiving the disciplinary action is higher than 10, LDOE excludes the school system from the calculation. As a result, the school system may be disciplining the minority population at that school system at a higher rate than non-minorities, but this will not be identified by LDOE. Federal regulations⁴¹ require LDOE to apply an alternate risk ratio (i.e., the risk ratio of the entire state) when the number of non-minority students who receive disciplinary action does not meet the minimum number of students set by the state (i.e., 10 students). Applying an alternative risk ratio would ensure these school systems are also monitored for significant disproportionality. Appendix I further explains the LDOE methodology for calculating significant disproportionality.

LDOE does not use an alternative methodology when school systems are excluded from its significant disproportionality calculation because the number of non-minority students who received a disciplinary action is smaller than 10. During academic year 2021-22, using LDOE's *current* methodology, we identified only one⁴² out of 184 school systems with a risk ratio that exceeded the 3x threshold for out-of-school suspensions longer than 10 days, indicating potential racial bias. When we calculated the ratio using the *alternative* methodology⁴³ for out-of-school-suspensions longer than 10 days, we found that LDOE's *current* methodology failed to detect an additional 12 school systems with risk ratios that exceeded the 3x threshold, indicating potential racial bias. These 12 school systems have 27,421 students with disabilities, which accounts for almost 30.2% (27,421 out of 90,833⁴⁴) of all special education students in Louisiana. While these school systems may not be significantly disproportionate if we had reviewed three

⁴⁰ 34 CFR § 300.647 (b)(1)(A)

⁴¹ 34 CFR § 300.647 (b)(2)

⁴² This is one of two school systems that LDOE would have monitored for disproportionality using its current methodology; the other school did not exceed the threshold.

⁴³ For the alternative methodology, we used the statewide average ratio of non-black SPED students who received the discipline to the ratio of non-black SPED students who did not receive the discipline.

⁴⁴ This total number of students with disabilities is different than the 89,681 mentioned previously because this number is based on the October 1, 2021 student count.

years of data, we could not evaluate three years because students were at home during the pandemic, which would have produced atypical results.

Exhibit 10 shows, for different discipline types, the number of school systems monitored for significant disproportionality using LDOE's current methodology versus the number of school systems that would have been monitored using an alternative methodology out of 184 school systems, as required by federal regulations⁴⁵.

Exhibit 10						
Significant Disproportionality Monitoring						
Current versus Alternative Calculation						
184 School Systems						
Academic Year 2021-22						
Discipline Type	LDOE's Current Methodology		Alternative Methodology		Differences between Current and Alternative Methodology	
	School Systems Monitored	School Systems Exceeding 1-Year Risk Ratio Threshold	School Systems Monitored	School Systems Exceeding 1-Year Risk Ratio Threshold	School Systems Monitored	School Systems Exceeding 1-Year Risk Ratio Threshold
In School Suspensions of Less than or Equal to 10 Days	34	7	52	9	18	2
Out of School Suspensions of Less than or Equal to 10 Days	40	7	76	24	36	17
In School Suspensions of More than 10 Days	1	0	11	10	10	10
Out of School Suspensions of More than 10 Days	2	1	14	9	12	8
Any Suspension	51	8	93	18	42	10
Source: Prepared by legislative auditor's staff using data from LDOE.						

As shown in Exhibit 10,⁴⁶ using the *alternative* methodology, we identified 14 school systems that LDOE would have monitored for out-of-school suspensions

⁴⁵ 34 CFR § 300.647 (b)

⁴⁶ This analysis uses discipline data that is self-reported by school systems.

longer than 10 days for exceeding the 3x threshold. In contrast, using LDOE's *current* calculation, we only identified two school systems that LDOE would have monitored. As a result, using an alternative methodology, LDOE would have monitored an additional 12 school systems for significant disproportionality, with eight having risk ratios that exceeded the 3x threshold.

LDOE agreed that it should use an alternative risk ratio. For example, in academic year 2021-22, one parish school system suspended 18 Black special education students out of a total of 536 for more than 10 days. They suspended six of the 424 non-Black special education students for more than 10 days. Because the number of non-Black students suspended was less than 10, a risk ratio would not be calculated under the current methodology. When the alternative method is used, the risk ratio shows that the number of Black special education students in this system is 10.4 times higher than the state average rate for non-Black special education students. Without using the required alternative methodology, LDOE would not know that this school system may be disciplining minorities at a higher rate than non-minorities for LDOE to include in its three-year significant disproportionality calculation.

Recommendation 11: Per federal regulations, LDOE should implement an alternative risk ratio for calculating significant disproportionality when the student population is not large enough to use its typical risk ratio.

Summary of Management's Response: LDOE partially agrees with this recommendation and stated that it has already corrected this. See Appendix A for LDOE's full response.

APPENDIX A: MANAGEMENT'S RESPONSE



LOUISIANA DEPARTMENT OF EDUCATION

Michael J. Waguespack, CPA
1600 North 3rd St.
P.O. Box 94397
Baton Rouge, La. 70804-9397

Dear Mr. Waguespack,

Please accept this as the Louisiana Department of Education's (LDOE) response to the Louisiana Legislative Auditor's (LLA) draft audit of LDOE's Risk-Based Monitoring during academic years 2015-16 through 2021-22.

I would like to start by thanking you and your team's steadfast commitment to increasing governmental transparency and upholding the highest ethical standards. Your team conducted itself with immense professionalism, integrity, and dedication throughout the entirety of this process. We have enjoyed working with you and your team in the development of ways to improve Risk-Based Monitoring for students with disabilities and provide greater access and support for families.

LDOE's positions on LLA's recommendations are as follows:

Recommendation 1: *LDOE should ensure that all school systems receive at least a desk review or on-site visit by LDOE to meet the time period.*

LDOE concurs. To date, LDOE has provided an on-site and/or desk review to 100% of school systems in the LLA's school system sample. Furthermore, from 2015-2021, no school system went without monitoring support. All school systems in LLA's sample received the Annual Performance Report (APR) monitoring and fiscal monitoring. Those who did not participate in a desk review or on-site from 2015 to 2021 were required to complete a comprehensive self-assessment monitoring as part of a supervised process governed by LDOE monitoring staff. This meets the requirements as a reasonably designed system of monitoring.

LDOE has also worked alongside the Office of Special Education Programs (OSEP) since the recent release of updated general supervision guidance. While OSEP does now require states to monitor LEAs at least once in a six year time period, OSEP does not indicate that states must conduct desk reviews or on-sites. OSEP gives states the autonomy at this point to design a reasonable system of monitoring. LDOE now aims to provide a desk review or on-site to all school systems once every six years.

During the COVID-19 pandemic years, LDOE was unable to conduct desk reviews and/or on-sites due to school closures. As a result, many desk reviews and/or on-sites were postponed because schools were closed. However, as noted above, to date, LDOE has provided an on-site and/or desk review to 100% of LLA's school system sample.



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Recommendation 2: *LDOE should increase the percentage of on-site reviews it conducts.*

LDOE concurs. In the FY 2025 budget, LDOE has officially requested 6 additional full-time staff dedicated exclusively to IDEA monitoring. With increased capacity to conduct more on-site monitoring, LDOE's presence in schools regarding IDEA on-site monitoring will increase.

Recommendation 3: *LDOE should incorporate parent, teacher, and other staff feedback into its desk-review process and ensure that during both on-site and desk reviews all relevant teachers and other relevant staff have an opportunity to participate.*

LDOE partially concurs. LDOE's desk review process does not preclude any LDOE monitoring staff member from engaging with school system staff or parents. Should an LDOE monitor require additional information to conclude the results of a desk review, LDOE may engage with school system personnel and/or parents/students by means of a teleconference or random school site visit. The purpose of a desk review is to audit files, processes, and procedures outside of the more restrictive on-site. Desk reviews provide valuable insight for school systems having earned a risk ranking in the moderate category. Typically, these school systems are doing well in the majority of areas evaluated during monitoring selection, but have been flagged for a more targeted issue, which is addressed during the desk review.

LDOE has a universal method of incorporating parental feedback into our processes, which alleviates the need for a one-off process. LDOE has a standard process for soliciting the feedback of thousands of parents through an official, annual parent survey required by OSEP. OSEP requires states to report annually on parental involvement as a statewide initiative that covers the monitoring of IDEA programs. Through this required work, referred to as Indicator 8 Parental Involvement, LDOE engages parents statewide through a parental involvement survey and utilizes results to inform the direction of the implementation of IDEA programs and services. This federally required work measures the percentage of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (20 U.S.C. 1416(a)(3)(A)). Results of this exclusive parental involvement work are reported every February to OSEP.

Within on-site reviews, LDOE staff hold parent meetings to gain insight and input from parents during that process and to guide monitoring activities. LDOE worked with LLA to ensure they were able to attend one of those meetings. For school systems that rank high-risk during monitoring selection, an on-site is the preferred type of monitoring by LDOE. These visits typically focus on targeted issues as identified during the selection process or may be a random fidelity check. In the event that other critical issues or triggers are identified, LDOE will direct the team to monitor those issues for a determination of compliance. LDOE reserves the right to direct the team to review any and all regulatory issues that are relevant to special education programming and services. The on-site review is our most intrusive category reserved for the school systems with the greatest support needs.

Data for the following regulatory issues may be analyzed, reviewed, and utilized during the on-site process:

- child identification;



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- individual evaluation;
- IEP development;
- provision of a free, appropriate, public education;
- participation in statewide assessment;
- transition services;
- placement in the least restrictive environment;
- professional development and personnel standards;
- program comparability;
- facility accessibility and comparability;
- procedural safeguards; and
- extended school year programming; and/or discipline procedures.

During the on-site review and after the parent town hall meeting, LDOE conducts school-level interviews, classroom visits, student file reviews, reviews of discipline records, and other forms of documentation. The IEP and evaluation serve as the core of these reviews.

Additionally, LDOE's monitoring procedures are supported by Bulletin 1922, The State Compliance Monitoring Procedures. In this policy, there is also a focus on parental engagement. During the on-site review, the monitoring team holds an evening town hall meeting to provide a forum for parents to engage with team members and other parents. Facilitators are available to answer questions if parents should want to discuss a matter privately outside the group setting. Information contained during the town hall meeting is incorporated into the particular schools files LDOE monitors select for review. The next day, LDOE team members make site visits, observations, review records, and interview personnel. The team leader meets with the special education director to review administrative issues. Additional data/information may be requested if further analysis is required to determine the compliance status for specific regulatory issues.

Regarding the notion of parents involved in administrative desk audits, LDOE does not see the need to add an additional layer to the already existing parental engagement processes. Under our current procedures, at any time that information collected through a desk audit reveals concern, LDOE may engage with parents while ensuring the appropriate precautions are taken to ensure the privacy of student-specific information.

Recommendation 4: *LDOE should consider giving school systems less time to prepare documentation for desk reviews.*

LDOE partially concurs. LDOE will consider reducing the time school systems have to prepare documentation for a desk review. However, due to student privacy, LDOE must also consider the time school systems need to gather documentation and upload that documentation to a secure file transfer portal (FTP) in addition to all other daily workstreams required to administer local special education programs.



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Recommendation 5: *LDOE should work with the Louisiana legislature to dedicate enough resources to ensure it conducts sufficient monitoring of school systems outside of Orleans Parish and dedicate additional resources to directly monitor SPED services.*

LDOE concurs. LDOE has officially requested 6 additional full-time staff dedicated exclusively to IDEA monitoring in the FY 2025 budget and LDOE appreciates LLA’s support in that request.

Recommendation 6: *LDOE should ensure all staff being paid by any IDEA funds either administer IDEA requirements, or coordinate activities and provide technical assistance to other programs that provide services to students with disabilities, as required by federal law.*

LDOE partially concurs. LDOE believes LLA’s survey used in the report was unreliable as it asked LDOE employees to respond about work from 2 fiscal years ago. Currently, LDOE reviews payroll coding regularly to ensure that the work being performed aligns with funding. To strengthen this internal control, the system for ensuring this has been enhanced with new forms, timing and procedures so that more detailed descriptions of work performed are provided. These enhancements assist with the most accurate payroll coding across all funding sources.

Recommendation 7: *LDOE should ensure it follows its procedures on selecting student files for review during desk and on-site review to ensure it monitors all applicable federal (IDEA) and state law requirements listed in its monitoring protocol.*

LDOE partially concurs. LDOE provided evidence of a Monitoring Procedures Guide during the audit documentation review cycle. The Monitoring Procedures Guide contains instructions and guidance to the monitoring staff on methods for selecting student files in addition to other important monitoring procedures. Student selection is a part of monitoring. However, the methodology used is at the discretion of LDOE. There is no federal or state requirement for selecting student files. File selection may also be determined based on a number of factors. The number of files selected may be adjusted to more or less at the discretion of the monitoring team lead. Regarding the monitoring of all applicable federal and state law requirements listed in the monitoring protocol, LDOE decisively monitors all relevant requirements. LDOE has established comprehensive monitoring protocols inclusive of the major IDEA requirements.

When the LLA reviewed samples and completed monitoring protocols, LDOE believes the LLA penalized LDOE when a question on the protocol or checklist was marked “no” or “not applicable” by not considering that perhaps that question did not apply. For example, a high school transition plan question would not be applicable to a student file review of an elementary-aged student. LDOE agrees that with increased capacity, an expanded subset of student files can be reviewed during on-sites and desk reviews.



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Recommendation 8: *LDOE should use existing special education data, when possible, during its desk and on-site reviews to increase the number of students they review.*

LDOE partially concurs. LDOE relies heavily on special education data collected in its special education reporting system (SER) and physical student records during desk reviews and on-sites. LDOE implements an integrated monitoring system that consists of 3 clear layers of monitoring support. Each of these layers is data-driven. A non-exhaustive list of how LDOE currently leverages data into each level of monitoring, desk reviews, and on-sites is as follows:

- Risk Indicators: the risk indicators used to rank school systems for monitoring selection are pulled from our state reporting and accountability data. (ELA proficiency, Math proficiency, Graduation rates, LEA Determinations, and Dropout).
- SER: IEP cross-checks and file selections for desk reviews and on-site monitoring rely on running reports in SER using student numbers.
- School-level data through the state accountability system is referenced to identify schools with concerns with the students with disabilities subgroup.
- APR desk audits require running data reports in SER to flag school systems with issues around disproportionate representation, discipline removals, early childhood transition, and high school transition.
- Any verification of information may be verified through a state data system.
- Student files are selected using SER.

LDOE leverages a continuous improvement monitoring system that relies heavily on data and welcomes any opportunity to improve upon its system.

Recommendation 9: *LDOE should develop policies and procedures or guidance for school systems on informal removals. This should include guidance requiring all removals, including informal removals, from the classroom invoke IDEA's disciplinary procedures, when applicable, and also require school systems to document and track the reasons for all student removals.*

LDOE partially concurs. LDOE agrees that exclusionary discipline and informal removals may impact a student's ability to benefit from high-quality teaching and learning and to improve outcomes. LDOE has shared the recent OSEP discipline guidance, which includes informal removals, with special education leaders, released guidance on positive behavior intervention, and administered a statewide positive behavior intervention and supports (PBIS) model. While IDEA does not define or address informal removals specifically, LDOE does believe that it can add clarity to existing discipline policy for students with disabilities. Current policy, Bulletin 1706, does indicate that all "removals" be considered to determine a change in placement due to discipline; any instance in which a student is removed from their educational placement for disciplinary purposes is a removal. LDOE will work with SEAP and stakeholders to consider policy clarification and guidance. LDOE is also planning to make available additional statewide training on functional behavior assessment and behavior intervention plans.



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Recommendation 10: *LDOE should use data and monitor the use of informal removals as part of its desk and on-site reviews to help ensure students who need behavioral intervention services are receiving them. This could include procedures for using school system discipline data, interviews of parents and staff, and attendance records.*

LDOE partially concurs. LDOE agrees that exclusionary discipline and informal removals may impact a student’s ability to benefit from high-quality teaching and learning and to improve outcomes. LDOE does not collect data on the use of informal removals and OSEP does not require this collection, nor does IDEA define “informal removal.” The attached Appendix G is not Oregon policy and has “general” examples of informal removals that would prove difficult to collect data on and track, such as “excluding a child from an assembly” and “moving a child to a separate learning space.” Additionally, Appendix H is a school-level guiding question document. LDOE has released OSEP guidance and is willing to enhance current guidance for school systems on this issue.

As a standard procedure during monitoring, LDOE sends a checklist of relevant documentation that a school system receives with each monitoring notification. On that checklist and as part of the documentation, LDOE requires behavior intervention plans, functional behavioral assessments, progress monitoring data, and documentation relevant to discipline removals to be uploaded to the FTP for a desk review and included in the student file at the school system for the monitoring staff to review.

With regard to discipline, students with disabilities may be disciplined like general education students. However, when LDOE flags students who have been removed for more than 10 days, LDOE is required to ensure that services are provided. LDOE does this by reviewing those files and supporting documentation through monitoring. The monitoring protocols include a discipline section which also includes a manifestation of determination review. Attendance data, tracking, goal setting, progress monitoring of behavior interventions, IEP behavior goals, and evidence of services all occur as part of a discipline file review, if relevant.

Additionally, LDOE maintains dispute resolution processes that provide for student-specific inquiries into alleged noncompliance. Undocumented disciplinary removals are at issue in a substantial portion of parental requests for dispute resolution services. The investigation of undocumented disciplinary removals relies on data submitted by the public agency (e.g. discipline and attendance records, behavior intervention plans, etc.) as well as information provided by the parents (e.g. school-to-parent communications, medical documents, etc.).

Recommendation 11: *Per federal regulations, LDOE should implement an alternative risk ratio for calculating significant disproportionality when the student population is not large enough to use its typical risk ratio.*

LDOE partially concurs. LDOE agrees that alternate risk ratios should be calculated when a school system has a comparison group that does not meet the minimum cell size, and LDOE has already corrected this. The information provided by the auditors suggests that their analysis would have resulted in an additional 12 systems being monitored for significant disproportionality, which is incorrect. It would only be accurate if the same districts were disproportionate for 2 additional consecutive years, within the same



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discipline category analysis (in-school suspension greater than 10 days, in-school suspension less than or equal to 10 days, out-of-school suspension greater than 10 days, out-of-school suspension less than or equal to 10, or total discipline) and same ethnicity. Additionally, their analysis does not indicate the number of unique systems across all indicators. In fact, many or all of those systems may have indeed been identified as discrepant for suspension and expulsion rates, which is an annual determination required by OSEP.

The state average for that group may then be utilized for comparison, and LDOE staff would determine if the system would then be identified as significantly disproportionate across three consecutive years. OSEP guidance admits that running risk ratios on small numbers can be volatile and may not always be indicative of significant disproportionality and allows for flexibility if school systems are showing reasonable progress in lowering their risk ratios in prior years.

Thank you again for your thoroughness and shared commitment to transparency.

Sincerely,

A handwritten signature in blue ink that reads "Meredith J. Jordan".

Meredith Jordan

Executive Director of Diverse Learners

APPENDIX B: SCOPE AND METHODOLOGY

This report provides the results of our performance audit of the Louisiana Department of Education's (LDOE) Risk-Based Monitoring of Special Education Services. We conducted this performance audit under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. This audit primarily covered academic years 2015-16 through 2021-22. Our audit objective was:

To evaluate LDOE's risk-based monitoring of special education services provided to students with disabilities.

We conducted this performance audit in accordance with generally-accepted *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

We obtained an understanding of internal control that is significant to the audit objective and assessed the design and implementation of such internal control to the extent necessary to address our audit objective. We also obtained an understanding of legal provisions that are significant within the context of the audit objective, and we assessed the risk that illegal acts, including fraud, and violations of applicable contract, grant agreement, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting instances of noncompliance significant to those provisions.

To answer our objective, we performed the following audit steps:

- Reviewed federal laws and regulations regarding special education, including but not limited to, LDOE's risk-based monitoring of required special education services, staffing, informal removals, discipline provisions, and disproportionality.
- Reviewed Louisiana state laws and regulations regarding special education, including but not limited to, LDOE's risk-based monitoring of required special education services, informal removals, discipline provisions, and disproportionality.
- Researched the Office of Special Education Programs for guidance on monitoring special education services, informal removals, discipline provisions, and disproportionality.

- Researched the National Center for Learning Disabilities for guidance on informal removals, discipline provisions, and disproportionality.
- Interviewed LDOE staff to gain an understanding of LDOE’s monitoring processes, including staffing changes and use of IDEA funds, the process to calculate disproportionality and if informal removals have been addressed.
- Observed a LDOE on-site monitoring review at a school system.
- Interviewed various stakeholders, including parents, advocates of students with disabilities, parent training information centers, and select school systems to understand their experiences regarding special education services provided in Louisiana public schools and LDOE’s monitoring of these services.
- Surveyed parents and guardians of students receiving special education services and special education directors from local school systems to obtain their input on LDOE’s monitoring processes. The numbers may vary throughout the report as some respondents started, but did not complete the survey.
 - We surveyed 145 special education directors and received 111 (76.6%) responses from these directors of public-school systems across the state.
 - We asked these directors to forward the survey to parents of students with disabilities in their school system and we received 954 parent responses. Because special education directors sent this survey out, the response rate is unavailable.
- Obtained a copy of LDOE’s database for the Enhanced Special Education Reporting (eSER) System to identify the number of students receiving special education in Louisiana and the exceptionalities of each student. We used this information to prepare the student counts of the number of students receiving special education services in Louisiana. We performed reliability testing of the student data from eSER and found the data to be sufficiently reliable for the purposes of this audit.
- Using LDOE’s website, and the source documents for on-site and desk reviews, we analyzed these reviews conducted by LDOE from academic years 2015-16 through 2021-22.
- Received and analyzed IDEA staffing information for fiscal years 2011-2022 to determine staffing changes related to special education. We performed reliability testing of the staffing data and found the data to be sufficiently reliable for the purposes of this audit; however, during the course of our audit work, we identified employees who may have been incorrectly paid with IDEA funds, which is noted in the report.

- Received access to eSER to obtain and analyze all disciplinary actions self-reported to LDOE from school systems from academic years 2017-18 through 2021-22 for our review on informal removals and disproportionality.
- Because LDOE did not always maintain documentation of risk ratios used for significant disproportionality, we used LDOE's current methodology to calculate risk ratios and compared the results to our calculations of significant disproportionality using the alternative risk ratio. We used student count data provided by LDOE and disciplinary action data reported by school systems and pulled from eSER.
- Provided LDOE with our results to review for accuracy and reasonableness.

APPENDIX C: IDEA MONITORING OVERSIGHT

Louisiana's State Improvement System | IDEA Monitoring Oversight

LEVEL 1		LEVEL 2		LEVEL 3	
State Performance Plan Annual Performance Report Monitoring		IDEA Part B Grant, Allowable Costs		Risk-based Monitoring	
↓		↓		↓	
Description of the Activity		Description of the Activity		Description of the Activity	
<p>IDEA requires each state to evaluate its efforts to implement the requirements of IDEA, Part B. APR monitoring requires the LDOE to:</p> <ul style="list-style-type: none"> Conduct a review of school system data Provide an explanation of any slippage Conduct outreach to school systems Manage plans of correction, when non-compliance is identified Report the results annually to the Office of Special Education Programs (OSEP) via the State Performance Plan/Annual Performance Report (SPP/APR) Use results to inform planning decisions 		<p>SuperApp Reviews</p> <ol style="list-style-type: none"> School systems submits a grant to LDOE, annually Conduct a review of grant requirements Conduct a review of the IDEA Part B & IDEA Part C budgets Conduct a review of any funds reserved to address significant disproportionality Provide written feedback to school systems prior to approval <p>Reconciliation of Approved Budgets Against Reimbursement Requests</p> <ol style="list-style-type: none"> Budget office conducts the IDEA fiscal budget review Sample of budget expenditures reviewed against reimbursement requests Feedback is provided, or plan of correction may be leveraged Maintenance of Effort - ensuring school systems' level of support for students with disabilities from their state and local funds is maintained 		<p>LDOE's system of monitoring tests the effectiveness of the provision of services to students with disabilities and flags areas of risk. It is a continuous improvement system of monitoring that annually ranks school systems into the most appropriate category of monitoring. At the core of this robust and differentiated selection process, LDOE compares the two most recent years of school system data, in each area of risk, for the students with disabilities subgroup. Then, a risk ranking is assigned utilizing a quartile methodology. The monitoring experience is aligned with the needs of the school system.</p>	
↓		↓		↓	
Snapshot of Indicators Monitored		Snapshot of Part B, Fiscal Monitoring and Entitlement Grants		Snapshot of Risk Indicators (Students with Disabilities Subgroup)	
<p>Graduation, Dropout, Participation in Statewide Assessment, Suspension/Expulsion, Educational Environments, Preschool Outcomes, Parental Involvement, Disproportionate Representation in race/ethnicity, Disproportionate Representation in disability categories, Child Find, Early Childhood Transition, Secondary Transition, Post School Outcomes, Resolution Sessions, Mediation, State Systemic Improvement Plan</p> <p>Schools systems receive an annual LEA Determination</p> <ul style="list-style-type: none"> Meets Requirements Needs Assistance Needs intervention Needs Substantial Intervention 		<p>Verification of the following:</p> <ul style="list-style-type: none"> Signed assurances for services and compliance Allowable (excess costs) budgeted expenditures Special education services to non-public school students Set-aside funds to provide coordinated early intervening services when (1) a school system is flagged as significantly disproportionate and (2) a school system volunteers a portion of its IDEA allocation to support at-risk students Reconciliation of approved expenditures against actual reimbursement requests Services for students with exceptionalities in the non-public school setting Maintenance of effort 		<p>Statewide Assessment Proficiency English Language Arts, Statewide Assessment Proficiency Mathematics, Graduation Rates, Dropout Rates, LEA Determination, audit findings, and (new) consideration of any formal complaint filed by a parent utilizing 1 or more of LDOE's dispute resolution procedures. Any school system may be selected to participate in targeted or random monitoring. These may be desk audits, on-sites, and/or mandatory self-monitoring and submitting results for verification to the LDOE.</p>	
All School Systems Monitored?	Corrective Action Plans Required?	All School Systems Monitored?	Corrective Action Plans Required?	All School Systems Monitored?	Corrective Action Plans Required?
↓	↓	↓	↓	↓	↓
YES, annually.	YES, for indicators where the target was unmet.	YES, annually, all IDEA, Part B grants are monitored. Fiscal Monitoring – annually, random sampling of approved expenditures	NO, however, for the Part B Grant, LDOE provides written feedback to school systems and corrections are necessary prior to final approval of the SuperApp. YES – Fiscal monitoring YES – Maintenance of Effort	NO, however; all school systems are evaluated for monitoring. Each school system is applied to the risk ranking and decision-making process. The results determine the risk ranking and most appropriate monitoring experience: low, moderate, and high.	YES, if non-compliance is identified.

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Source: Provided by LDOE monitoring staff.

APPENDIX D: IDEA MONITORING PROTOCOL



IDEA MONITORING PROTOCOL

School System Name:	Date of Review:	PII:
Student's Name:	Date of Birth:	Grade:
Exceptionality	Individual Education Plan (IEP) Date:	
Reviewer:	Multidisciplinary Evaluation (MDE) Date:	

MULTIDISCIPLINARY EVALUATION

Initial Evaluation <i>Students who were recently evaluated for initial special education services. If not recently evaluated, indicate N/A.</i>	C	NC	N/A	Comments
Parental consent was obtained to conduct an initial evaluation. §300.300(a)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
A variety of assessment tools and strategies (not the use of a single measure or assessment as the sole criterion) were used to gather relevant functional, developmental and academic information about the child, including information provided by the parent. §300.304(b)(1) and §300.304(2)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The initial evaluation was conducted within 60 days of parental consent. §300.301 (c)(1)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	
Re-Evaluation	C	NC	N/A	Comments
Informed parental consent was obtained prior to conducting a reevaluation. §300.300(c)(1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Existing data (evaluation data and info provided by parent; current classroom based, local or state assessment data; classroom observations and related service provider observations) from a variety of sources (teacher data, parent data, and related services data) was used to determine continued eligibility was reviewed to determine continued eligibility. §300.305 and §300.306(c)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The reevaluation was completed by its triennial anniversary date. §300.303 (b)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Act 833 Student Review	C	NC	N/A	Comments
Is there evidence that Act 833 eligibility was considered?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Has the IEP identified the specific Act 833 Transition related criteria that the student must meet?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

Individualized Education Program (IEP)	C	NC	N/A	Comments
The parents were invited to the IEP meeting. §300.322(a)	○	○	○	
If neither parent was able to attend the IEP team meeting, there is documentation of attempts to ensure parental participation. §300.501(b)	○	○	○	
The appropriate team members were present at the IEP team meeting (signature[s] provided at IEP Team meeting). §300.321(a)-(b)	○	○	○	
If the appropriate team members were not present at the IEP meeting (signature provided at IEP meeting), an excusal form is available for the team member(s). §300.321(a)(7) (e)(1-2)(i-ii)	○	○	○	
The concerns of the parents for enhancing the education of their child were considered in the developing of the IEP. §300.324(a)(ii)	○	○	○	
The IEP for a school-age student includes a statement of present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general education curriculum. §300.320(a)(1)(i)(2)(i)	○	○	○	
The IEP team considered: <ul style="list-style-type: none"> • the strengths of the student; • the academic, developmental, and functional needs of the student; • the results of the initial evaluation or most recent evaluation; and • the results of the student's performance on any state-wide or district-wide assessment. §300.324(a)(1) 	○	○	○	
The IEP team considered, in the case of a student whose behavior impedes his/her learning, the use of positive behavioral interventions, supports, and/or other strategies to address the behavior. §300.324(a)(2)(i)	○	○	○	
The IEP includes measurable annual goals based on content standards for the student's enrolled grade, including academic and functional goals. §300.320(a)(2) and 300.160(5a)(b 2ii) (c-9)	○	○	○	
Benchmarks or short-term objectives should be included for students with disabilities who take alternate assessments aligned to alternate achievement standards. §300.320(a)(ii)	○	○	○	
The IEP contains program modifications or classroom accommodations. §300.320(a)(4)	○	○	○	
The IEP contains appropriate accommodations necessary to measure academic achievement and functional performance on state or district-wide assessments. §300.320(a)(6)(i)	○	○	○	
If the IEP team determined that the student will not participate in the regular state or district-wide assessment, the IEP contains a statement of why the assessment is not appropriate, why the particular alternate assessment is appropriate, and shows notification to the parent of the implications of nonparticipation. §300.320(a)(6)(ii)	○	○	○	

Individualized Education Program (IEP)	C	NC	N/A	Comments
The IEP contains an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class and the school system ensured that to the maximum extent possible the student with disabilities was educated with nondisabled students. §300.320(a)(5)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The IEP contains a statement of supports for school personnel. §300.320(a)(4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The IEP contains special education services/specially designed instruction, including location, as well as initiation, duration, and frequency. §300.320(a)(7)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The IEP contains related services. §300.320(a)(4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The IEP contains supplementary aids and services. §300.320(a)(4)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The student's progress toward meeting the annual goals was measured and the report of progress was provided as often as stated on the IEP. §300.320(a)(3)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The IEP had been reviewed at least annually and revised to address any/all of the following: <ul style="list-style-type: none"> • any lack of expected progress toward annual goals and in the general curriculum; • results of any re-evaluation conducted; • information about the child provided to, or by, the parents; and • the child's anticipated needs or other matters. §300.324(b)(1), (6)(ii)(A-E) 	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The IEP contains individual performance criteria per Act 833 (2014) with goals and objectives that are aligned with grade level standards and linked to specific courses (high school students) or content areas (K-8).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Extended school year (ESY) services are considered annually. §300.106 (a)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The IEP includes identified assistive technology to enable the child to be involved in and make progress in the general education curriculum. §300.324(a)(2)(v)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Disciplinary Procedures	C	NC	N/A	Comments
Within ten (10) days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, the school system conducted a manifestation determination. §300.530(e)(1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The school system notified the parent on the same day as the date of the removal decision of any removal that constituted a change of placement and provided the parent with a copy of the notice of the procedural safeguards. §300.530(h)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
The IEP team considered relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parent, to determine whether the behavior was a manifestation of the student's disability. §300.530(e)(1)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

Disciplinary Procedures	C	NC	N/A	Comments
If the IEP team determined that the behavior was not a manifestation of the student's disability and the suspension/expulsion was applied resulting in a change in placement, the student continued to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. §300.530(d)(1)(i)	○	○	○	
If the IEP team determined that the behavior was a manifestation of the student's disability, the student was returned to the current placement, unless the parent and the school system agree to a change in placement as part of the Behavioral Intervention Plan (BIP) or unless the behavior is related to weapons, drugs, or serious bodily injury. §300.530(f) and (g)	○	○	○	
If the student did not have a Functional Behavioral Assessment (FBA) developed and a BIP implemented prior to the removal, and the behavior was determined by the IEP team to be a manifestation of the disability, the IEP team completed the FBA and developed a BIP as soon as possible. §300.530(d) and (f)(1)(i-ii)	○	○	○	
If the student had a BIP, the IEP team reviewed the plan as part of the manifestation determination process and revised it as needed. §300.530(f)(1)(ii)	○	○	○	
If the student was suspended from school for more than 10 days, the school system provided services beginning by the 11th day of suspension. §300.530 (b)(2)	○	○	○	
Transition Services	C	NC	N/A	Comments
There are age appropriate measurable post-secondary goals that cover training/ education, employment, and as needed independent living. §300.320 and §300.43(1)(2)(b)	○	○	○	
The post-secondary goals were reviewed or updated annually. §300.324	○	○	○	
The transition post-secondary goals are based on age appropriate transition assessment. §300.320 and §300.324	○	○	○	
The annual IEP goals are related to the students transition service needs. §300.320(7)(b)(1-2)	○	○	○	
There are transition services in the IEP that will reasonably enable the student to meet his or her goals. §300.320	○	○	○	
There is evidence that the student was invited to the IEP. §300.321 and §300.322	○	○	○	
There was consent obtained from the parent or student who has reached the age of majority prior to inviting adult agencies to the meeting. §300.321	○	○	○	
There is evidence that agency representatives were invited to the IEP meeting. §300.321	○	○	○	
The transition services include courses of study that will reasonably enable the student to meet his or her post-secondary goals. §300.320	○	○	○	
NOTES				

Source: Provided by LDOE monitoring staff.

APPENDIX E: SUMMARY OF LDOE SYSTEMIC FINDINGS

Number Systemic Violations by Type For the 12 Desk and On-site Monitoring Reviews with Systemic Violations Identified Academic Years 2015-16 through 2021-22			
Finding	Description	# *	%
IEP - Present Levels of Academic Achievement	Failure to include in the student's IEP a statement of the child's present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general education curriculum.	7	19.4%
Evaluations/ Re-evaluations	Failure to obtain informed parental consent prior to conducting any reevaluation of a child with a disability. Evaluations did not include a thorough review of student records, evaluations, parent information, assessments, and observations by teachers and related service provide Failure of the team to identify additional data needed to determine the child's educational needs, including special education or related service. Evaluations were not sufficiently comprehensive to identify all educational needs and to make an appropriate eligibility decision.	7	19.4%
IEP - Measurable Goals	Failure to include in the student's IEP a statement of measurable annual goals, including academic and functional goals designed to 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.	5	14.0%
Free Appropriate Public Education (FAPE)	Failure to provide FAPE. FAPE means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the LDOE, including the requirements of IDEA.	4	11.1%
Parent Participation in IEP team decisions; IEP Team Members	Failure to ensure parents are afforded an opportunity to participate in IEP team decisions, failure to invite required IEP Team members, or failure to have parents sign a waiver of required team members.	4	11.1%
Development, Review, and Revision of IEP	Failure to develop an IEP that considers the strengths of the child, the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, or the academic, developmental, functional needs to the child or other special factors such as behavior that impedes the child's learning.	3	8.3%

Disciplinary Procedures	Failure to conduct a meeting to determine if behavior is a result of the child's disability after 10 consecutive suspensions or expulsion, or failure to conduct a Functional Behavioral Assessment or develop a new/update an existing Behavioral Intervention Plan if it is determined that behavior is a result of the child's disability.	3	8.3%
IEP - Statement of supports for school personnel	Failure to include in the student's IEP a statement of the supports that the child will receive from school personnel	2	5.6%
Annual IEP Review	Failure to review the child's IEP annually to determine whether the annual goals for the child are being achieved.	1	2.8%
Total		36	100%
<p>*The number of violations identified differs from the number of desk and on-site reviews that contain systemic findings, because LDOE identified multiple violations per review. Source: Prepared by the legislative auditor's staff using monitoring reports pulled from LDOE's website and federal regulations.</p>			

APPENDIX F: RISK BASED MONITORING BY TYPE AND SCHOOL SYSTEM

Risk Based Monitoring By Type and School System Outside Orleans Parish Academic Years 2015-16 through 2021-22							
School System Name	School System Type	No. of On-site Reviews	No. of Desk-Reviews	No. of Self-Assessments	Highest Monitoring Type	No. of Schools	No. of Students*
Acadia Parish	District		1	3	Desk-Review	38	1,063
Acadiana Renaissance Charter Academy	Charter			2	Self-Assessment	1	139
Advantage Charter Academy	Charter		1	1	Desk-Review	1	51
Allen Parish	District			2	Self-Assessment	12	452
Ascension Parish	District			3	Self-Assessment	39	2,603
Assumption Parish	District			3	Self-Assessment	10	433
Avoyelles Parish	District			6	Self-Assessment	24	609
Avoyelles Public Charter School	Charter		1	4	Desk-Review	1	53
Beauregard Parish	District			4	Self-Assessment	13	899
Belle Chasse Academy	Charter		1	2	Desk-Review	1	90
Bienville Parish	District			3	Self-Assessment	8	286
Bossier Parish	District			5	Self-Assessment	36	3,235
Caddo Parish	District		1	4	Desk-Review	78	4,189
Calcasieu Parish	District			3	Self-Assessment	69	4,664
Caldwell Parish	District			3	Self-Assessment	8	283
Cameron Parish	District			4	Self-Assessment	5	165
Catahoula Parish	District		1	4	Desk-Review	5	144
Central Community School District	District			2	Self-Assessment	8	524
City of Baker School District	District		1	2	Desk-Review	4	88
City of Bogalusa School District	District		2	4	Desk-Review	8	334
City of Monroe School District	District	1		3	On-site review	25	1,248
Claiborne Parish	District		1	4	Desk-Review	10	330
Concordia Parish	District			4	Self-Assessment	10	348
Dalton Charter School	Charter		1	1	Desk-Review	1	30
D'Arbonne Woods Charter School	Charter		1	2	Desk-Review	1	108

Risk Based Monitoring By Type and School System Outside Orleans Parish Academic Years 2015-16 through 2021-22							
School System Name	School System Type	No. of On-site Reviews	No. of Desk-Reviews	No. of Self-Assessments	Highest Monitoring Type	No. of Schools	No. of Students*
Delhi Charter School	Charter		3		Desk-Review	1	52
Delta Charter School MST	Charter		1	1	Desk-Review	1	53
DeSoto Parish	District			4	Self-Assessment	10	513
East Baton Rouge Parish	District		1	2	Desk-Review	115	4,277
East Carroll Parish	District			5	Self-Assessment	4	96
East Feliciana Parish	District		3	2	Desk-Review	9	212
Evangeline Parish	District			5	Self-Assessment	13	934
Franklin Parish	District			2	Self-Assessment	9	430
Grant Parish	District			3	Self-Assessment	9	541
Iberia Parish	District			4	Self-Assessment	30	1,566
Iberville Charter Academy	Charter				No Monitoring	1	53
Iberville Parish	District		1	4	Desk-Review	10	449
Impact Charter School	Charter			2	Self-Assessment	1	19
Jackson Parish	District			3	Self-Assessment	5	244
JCFA-East	Charter		2		Desk-Review	1	26
Jefferson Davis Parish	District			3	Self-Assessment	14	823
Jefferson Parish	District			4	Desk-Review	122	6,214
JS Clark Leadership Academy	Charter			1	Self-Assessment	1	21
Kenilworth Science and Technology Charter School	Charter		1		Desk-Review	1	45
Lafayette Parish	District	1		2	On-site review	67	2,792
Lafayette Renaissance Charter Academy	Charter			3	Self-Assessment	1	84
Lafourche Parish	District		2	1	Desk-Review	39	1,390
Lake Charles Charter Academy	Charter			3	Self-Assessment	1	102
Lake Charles College Prep	Charter			1	Self-Assessment	1	67
Lanier Charter School	Charter		1	3	Desk-Review	1	18
LaSalle Parish	District		1	2	Desk-Review	9	292
Lincoln Parish	District		2	1	Desk-Review	19	951
Livingston Parish	District			3	Self-Assessment	50	3,581

Risk Based Monitoring By Type and School System Outside Orleans Parish Academic Years 2015-16 through 2021-22							
School System Name	School System Type	No. of On-site Reviews	No. of Desk-Reviews	No. of Self-Assessments	Highest Monitoring Type	No. of Schools	No. of Students*
Louisiana Key Academy	Charter		1	2	Desk-Review	1	233
Louisiana Special Education Center	District	1	1	1	On-site review	1	0
Louisiana Virtual Charter Academy	Charter		1	4	Desk-Review	1	256
Madison Parish	District	1	2	2	On-site review	7	165
Madison Preparatory Academy	Charter		1		Desk-Review	1	27
Morehouse Parish	District		2	2	Desk-Review	8	511
Natchitoches Parish	District	1		3	On-site review	15	555
New Orleans Center for Creative Arts	District			1	Self-Assessment	1	5
New Vision Learning Academy	Charter			5	Self-Assessment	1	13
Northeast Claiborne Charter	Charter		3	1	Desk-Review	1	19
Ouachita Parish	District		1	4	Desk-Review	41	2,415
Plaquemines Parish	District			4	Self-Assessment	11	516
Pointe Coupee Parish	District		1	4	Desk-Review	12	435
Rapides Parish	District		1	2	Desk-Review	52	2,988
Recovery School District-LDE	District		3		Desk-Review	1	64
Red River Parish	District		2	2	Desk-Review	6	180
Richland Parish	District		2	2	Desk-Review	12	377
Sabine Parish	District			2	Self-Assessment	10	477
Southwest Louisiana Charter Academy	Charter	1		3	On-site review	1	82
Special School District	District		3	2	Desk-Review	1	74
St. Bernard Parish	District		1	3	Desk-Review	15	922
St. Charles Parish	District		1	4	Desk-Review	18	1,106
St. Helena Parish	District	2	1	1	On-site review	4	188
St. James Parish	District		2	2	Desk-Review	8	514
St. John the Baptist Parish	District	1	1	4	On-site review	15	670
St. Landry Parish	District		1	3	Desk-Review	51	1,713
St. Martin Parish	District			4	Self-Assessment	19	799

Risk Based Monitoring By Type and School System Outside Orleans Parish Academic Years 2015-16 through 2021-22							
School System Name	School System Type	No. of On-site Reviews	No. of Desk-Reviews	No. of Self-Assessments	Highest Monitoring Type	No. of Schools	No. of Students*
St. Mary Parish	District			4	Self-Assessment	32	1,262
St. Tammany Parish	District			3	Self-Assessment	68	6,572
Tangipahoa Parish	District		1	3	Desk-Review	48	2,561
Tensas Parish	District		3	1	Desk-Review	2	71
Terrebonne Parish	District		1	4	Desk-Review	41	1,797
The MAX Charter School	Charter			3	Self-Assessment	1	23
Thrive Academy	District				No Monitoring	1	2
Union Parish	District			4	Self-Assessment	4	226
University View Academy, Inc. (FRM LA Connections)	Charter		1	1	Desk-Review	1	460
V. B. Glencoe Charter School	Charter			1	Self-Assessment	1	35
Vermilion Parish	District		1	2	Desk-Review	23	1,183
Vernon Parish	District			4	Self-Assessment	19	1,032
Washington Parish	District		1	3	Desk-Review	11	907
Webster Parish	District		1	4	Desk-Review	15	786
West Baton Rouge Parish	District		1	3	Desk-Review	11	481
West Carroll Parish	District	1		2	On-site review	5	262
West Feliciana Parish	District			2	Self-Assessment	6	331
Willow Charter Academy	Charter		1	2	Desk-Review	1	72
Winn Parish	District			4	Self-Assessment	6	291
Zachary Community School District	District			5	Self-Assessment	8	556

*Number of students receiving special education services as of the October 1, 2022 student count.
Source: Prepared by legislative auditor's staff using information provided by LDOE's monitoring staff.

APPENDIX G: OREGON'S EXAMPLES OF WHAT CONSTITUTES AN INFORMAL REMOVAL



Examples and Non-Examples of Informal Removals

Generally an Informal Removal
The occurrence of any of these practices is likely indicative of an IEP team's need to review and revise the IEP in order to ensure it includes services and supports that enable the provision of FAPE.
Requiring that a parent attend school with a child or not allowing a child to attend school if the parent does not attend.
Moving a child to a separate learning space, sometimes referred to as a personal learning environment (PLE), in which the child spends part or all of their day receiving instruction separated from peers.
Phone calls home during the school day that result in a parent pick-up. When the teacher relays information that is concerning for the parent, the parent chooses to come pick their child up, noting "we will try again tomorrow". The parent picks the student up frequently after these calls, even if the district did not ask them to.
Requiring a particular teacher or instructional assistant to be present at school for a child to attend.
A student is being perceived as disruptive in class. The teacher tells the student to report back to their classroom for detention (e.g., at lunch or recess) in order to not receive a referral.
Any situation in which a child must "earn" their way back to school with improved behavior.
Excluding a child from a school assembly, field trip or activity in which other similarly-situated students have an opportunity to participate.
Lack of access to appropriately qualified and trained adult staff to support a child's access to a full school day.

Not Generally an Informal Removal
IEP teams should carefully monitor any patterns that emerge in the use of these practices to determine whether they impact the provision of FAPE and the IEP needs revision.
Bathroom Breaks: Students might need to leave class to use the restroom.
Going to the Nurse or Counselor: They may have to visit the school nurse if they're feeling unwell, or they may have an appointment with a school counselor.
Library Visit: Teachers might send students to the library to gather resources for a project or to conduct research.
Changing Classes: Students move between different classrooms throughout the day for different subjects, sometimes during instructional time.
Extracurricular Activities: Students might need to leave class for band, choir, drama, athletics, or other extracurricular activities that might occur during school hours.
School Events or Assemblies: Special school events, field trips, or assemblies might take students out of the classroom during regular class hours.
Lab or Practical Sessions: In case of certain subjects, students might need to move to specialized rooms, like science labs or computer rooms, for practical sessions.
Collaborative Learning Groups: Teachers may assign group work that requires students to collaborate in different parts of the school, like a quiet hallway or common area.
Classroom Break Space: Although no longer in their assigned seat, the student still has access to instruction and opportunities to respond and engage with the learning process.
Restorative Circles: Restorative circles are mediated discussions used to repair harm and build community. Students and staff sit in a circle to share how they were impacted by an incident and come to an agreement on how to repair harm. Although students may leave their typical classroom environment for the circle, they maintain access to instruction and the learning process.

Source: <https://www.oregon.gov/ode/students-and-family/SpecialEducation/publications/Documents/informalremovals/examplesnonexamples.pdf>

APPENDIX H: QUESTIONS THE OREGON DEPARTMENT OF EDUCATION DEVELOPED TO ADDRESS INFORMAL REMOVALS AT THE SCHOOL LEVEL



Phased Guiding Questions For Principals to Address Informal Removals

Phase 1: Groundwork

In this phase, guided by the principal, the school leadership team undertakes a data-driven analysis of the school's use of informal removals. They assess patterns and frequencies, scrutinizing who is affected most and why. This stage sets the foundation by fostering a deep understanding of the current situation, focusing on factors such as demographics and decision-making processes. A wide range of perspectives should be sought to ensure a comprehensive overview.

- What do our student data indicate about instances and patterns of informal removal use in our school? Is there data on how often informal removals are used in place of more formal disciplinary actions like suspension? If so, what does this data indicate?
- What data do we regularly review to determine why students are being subjected to informal removals and how often it occurs? How frequently do we review informal removal data, and who is responsible for reviewing it?
- What discrepancies, if any, exist in the rates of informal removals among different demographics within the school (grade level, disability category, race, ethnicity, gender, special education status, etc.)?
- Can you describe the process by which informal removals happen in your school? Who makes a decision to informally remove a child? How, when, and why?
- How did you come to your understanding of the responses to these questions? Whose perspectives and voices informed your understanding, and how did you ensure a diverse range of voices were included?

Source: <https://www.oregon.gov/ode/students-and-family/SpecialEducation/publications/Documents/informalremovals/phasedguidingquestions.pdf>

APPENDIX I: LDOE'S METHODOLOGY FOR CALCULATING SIGNIFICANT DISPROPORTIONALITY

LDOE's Example of

CALCULATING SIGNIFICANT DISPROPORTIONALITY: DISCIPLINE CASE STUDY

Louisiana collects and examines data to determine if significant disproportionality exists in the discipline of students with disabilities, by race/ethnicity.

In Pelican School System, we'll use this example to show how Louisiana calculates a risk ratio for discipline: out of school suspensions and expulsions (greater than 10 days) of Black or African American students with disabilities.

1 DETERMINE

Determine whether we will calculate a risk ratio for the out of school suspensions or expulsions totaling more than 10 days, of Black or African American students with disabilities.

YES

- Does Pelican School System have enough students to calculate a risk ratio?

Yes, there are **at least 10 Black or African American students with disabilities receiving the discipline action** and there are **at least 10 non-Black or African American students with disabilities receiving the discipline action**.

- Does Pelican School System have three consecutive years of data?

2 CALCULATE

Calculate the risk ratio.



$\frac{50}{100} = .5$

- There are **50 Black or African American students** with disabilities suspended or expelled out of school (greater than 10 days) out of a total of **100 Black or African American students** with disabilities in the school system.
- The likelihood that a **Black or African American student** with a disability will receive this disciplinary action is **50/100 or .5**.

$\frac{100}{1,000} = .1$

- There are **100 non-Black or African American students** with disabilities suspended or expelled out of school (greater than 10 days) out of a total of **1,000 non-Black or African American students** with disabilities in the school system.
- The likelihood that a **non-Black or African American student** with a disability will receive this disciplinary action is **100/1,000 or .1**.

$\frac{.5}{.1} = 5$

- In this school system, **Black or African American students** with disabilities are **5.0 times** more likely to be suspended or expelled out of school (greater than 10 days) compared to students with disabilities from all other races/ethnicities.
- This school system would have a risk ratio of **5.0**.

3 COMPARE RESULTS

Compare the result to Louisiana's risk ratio threshold of **3.0**.

If the risk ratio calculation meets or exceeds the threshold for three consecutive years, the school system is significantly disproportionate.

$5.0 \geq 3.0 =$ significantly disproportionate

In Pelican School System, Black or African American students with disabilities are **5.0** (five) times more likely to be suspended or expelled out of school for more than 10 days when compared to students with disabilities from all other races/ethnicities. This exceeds the established risk ratio threshold of **3.0**. If this happens three years in a row, Pelican School System is significantly disproportionate.

Source: <https://www.louisianabelieves.com/docs/default-source/>