



# **Corrective Action Plan Follow-up Review: Special Education Students Participation in Bilingual/English as a Second Language Programs Audit**

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## **Final Follow-up Report** **Audit Plan Code: 20-20**

Management implemented 11 corrective action plan (CAP) activities to address the findings, observations, and recommendations in the original audit report. As such, this report represents the close-out of the CAP.



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## Abbreviations

ARD	Admission, Review, and Dismissal Committee
CAP	Corrective Action Plan
CUM	Student Cumulative Education Record
ELL	English Language Learner
ESL	English as a Second Language
EPISD	El Paso Independent School District
ICQ	Internal Control Questionnaire
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
LPAC	Language Proficiency Assessment Committee
SPED	Special Education
TAC	Texas Administrative Code
TEA	Texas Education Agency
TEAMS	Total Education Administrative Management System (Prologic Technology Systems), school management system utilized by the District
TEC	Texas Ethics Commission



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## Background

As part of the reporting and audit process, the Institute of Internal Auditors' (IIA) International Standards for the Professional Practice of Internal Auditing, Performance Standard 2500 - Monitoring Progress, require we "...establish and maintain a system to monitor the disposition of results communicated to management." Internal Audit has established the Corrective Action Plan (CAP) process to meet this requirement. The process includes monitoring and reporting whether management has implemented corrective actions to address audit findings, observations, and recommendations.

Internal Audit issued the Special Education Students Participation in Bilingual/English as a Second Language Programs Audit Report to District management and administration on March 15, 2019. We performed the audit as part of the Board approved 2018-2019 Internal Audit Plan. The objective of the audit was to determine compliance with state and federal requirements for students with disabilities identified as English Language Learners (ELL) for whom a parent or guardian has denied placement in the Bilingual/ESL program. The audit scope included students with disabilities identified as ELL for whom the parent or guardian denied Bilingual/ESL program services during the 2017-2018 school year.

The original audit report included four (4) findings, one (1) observation, and six (6) recommendations. For reference, a summary of original audit report findings is provided on **Exhibit A**. District management and administration agreed with our recommendations and developed a corrective action plan (CAP) with 11 activities.

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## Objective and Scope

The objective and scope of this follow-up review were to determine whether management implemented the 11 CAP activities or took other actions to address the four (4) findings, one (1) observation, and six (6) recommendations outlined in the Special Education Students Participation in Bilingual/English as a Second Language Programs Audit Report.

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## Methodology

To achieve our follow-up review objective, we:

- Held meetings and communicated with persons responsible for carrying out the CAP activities.
- Reviewed supporting documentation maintained by management as evidence of completion of the CAP activities provided to Internal Audit.

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## Inherent Limitations

This was a limited scope follow-up review covering only the actions taken by administration to address the original audit findings and recommendations stated in the Objective and Scope section of this report. No representations of assurance are made to other areas or periods not covered by this follow-up review.

## Summary of Results

CAP Activities	Implemented	Overall CAP Status
11	11	Closed

Management implemented a corrective action plan with 11 activities to address the four (4) findings, one (1) observation, and six (6) recommendations in the original audit report. This report represents the close-out of the corrective action plan.

## Original Recommendations and Status of CAP Activities

The original recommendations, the person(s) responsible, and the status of the CAP activities are outlined below:

1

**Original Recommendation:** We recommend the District identify an employee with sufficient authority to oversee the implementation of all aspects of the District's Bilingual/ESL program. This employee's duties, should include at a minimum, ensuring there are written procedures addressing:

- I. roles and responsibilities for those involved in providing SPED and Bilingual/ESL programs,
- II. consequences for not complying with procedures,
- III. parental communication,
- IV. monitoring parental denials of Bilingual/ESL program services, and
- V. the process for communicating the aforementioned procedures to all stakeholders.

**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity 11 as follows:

**Activity 11:** "Identify authoritative team who will lead the implementation of all aspects of the district's EL program for SPED students. Teams duties include ensuring that there are written procedures addressing:

- 1) Roles and responsibilities
- 2) Consequences for non-compliance
- 3) Monitoring home language survey timelines
- 4) SPED/EL students placed within state required timeline
- 5) Parental communication
- 6) Monitoring SPED/EL parent denials
- 7) Process for communicating procedures to stakeholders"

**Person Responsible:** Associate Superintendent of Special Education & Special Services; Interim Chief Connecting Languages & Dual Language; and Executive Director of Curriculum & Instruction

**Status:** Implemented

2

**Original Recommendation:** We recommend the District implement internal controls to ensure it promotes a culture of meaningful communication with parents of SPED/ELL students. The District should develop procedures to ensure parents understand information regarding their children's education. These procedures should include steps the District will take to ensure meaningful communication with parents occurs and is documented.



To ensure that any decision to deny Bilingual/ESL program services by a parent is an informed decision, we recommend the District develop a process that requires the parent of any SPED/ELL student be provided written notice that clearly explains what the child is entitled to receive in both SPED and Bilingual/ESL programs.

In addition, we recommend campuses are required to maintain evidence that a conference took place with parents prior to signing a *Parent Refusal of Bilingual/ESL Program Services* form.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activities one (1) and three (3) as follows:

**Activity 1:** "Update/refine ARD forms to include internal controls to ensure that the parents of EL/SPED students are provided notice of the benefits of the EL program and that the provision of notice is documented."

**Persons Responsible:** Associate Superintendent of Special Education & Special Services and Executive Director of Curriculum & Instruction

**Status:** Implemented

**Activity 3:** "Develop/refine written processes and procedures to promote a culture of meaningful communication to parents of the benefits to the program to include a FAQ."

**Persons Responsible:** Associate Superintendent of Special Education & Special Services; Interim Chief Connecting Languages & Dual Language; and Executive Director of Curriculum & Instruction

**Status:** Implemented

### 3

**Original Recommendation:** We recommend a process be implemented to monitor and follow up on parent denials of Bilingual/ESL program services for SPED/ELL students to ensure parents made an informed decision.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activities two (2) and nine (9) as follows:

**Activity 2:** "Develop/refine written processes for ensuring EL/SPED students are provided opportunity to receive a program (Bilingual or ESL) for language and that the opportunity is documented."

**Persons Responsible:** Associate Superintendent of Special Education & Special Services; Interim Chief Connecting Languages & Dual Language; and Executive Director of Curriculum & Instruction

**Activity 9:** "Develop, implement, and monitor a written process to follow up with parent denials of services for SPED/EL to ensure that the denial of benefits was an informed decision."

**Persons Responsible:** Director Curriculum & Instruction - Special Programs; Director Connecting Languages; and Director Special Education & Special Services

**Status:** Activity 2 Implemented  
Activity 9 Implemented

### 4

**Original Recommendation:** We recommend written procedures are created to ensure there is collaboration between LPAC and ARD committees when determining programs for SPED/ELL

students. At a minimum, procedures should include controls that ensure an LPAC representative is present at the student's ARD. In addition, require standardized documentation that serves as evidence the parental denial of Bilingual/ESL program services was discussed during the ARD.

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**Management and Leadership Response:** Management agreed to review and revise as needed its process, agreed with the recommendation, and incorporated into the CAP as activities two (2) and five (5). In addition, management and leadership added activity four (4) as follows:

**Activity 2:** Details, persons responsible, and status outlined under Recommendation 3.

**Activity 5:** "Develop/ refine written processes and procedures for ARD/LPAC collaboration and documentation to include:

- a) Ensure LPAC representation at all SPED/EL ARDs
- b) Ensure ARD/LPAC committee reviews, and discusses language needs for SPED/EL students with parent denials."

**Persons Responsible:** Associate Superintendent of Special Education & Special Services; Interim Chief Connecting Languages & Dual Language; and Executive Director of Curriculum & Instruction

**Activity 4:** "Develop/ refine written processes and procedures for accurate PEIMS Coding and documentation related to SPED/LEP Parent Denials."

**Persons Responsible:** Associate Superintendent of Special Education & Special Services and Executive Director of Curriculum & Instruction

**Status:** Activity 4 Implemented  
Activity 5 Implemented

5

**Original Recommendation:** We recommend the District provide training to all levels of stakeholders participating in the ARD/LPAC processes (at the District and campus level) on written procedures listed in the above recommendations as soon as these written procedures have been approved. This training should be conducted annually thereafter and be mandatory so all stakeholders understand the complete process, as it is cross-functional between departments and campuses

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activities six (6) through eight (8) as follows:

**Activity 6:** "Annual training for campus administration and EL Facilitators (AP/Prin) on: a) Processes to ensure EL/SPED students are provided opportunity to receive services for language; b) Establishing a culture of meaningful communication of program benefits; c) Accurate PEIMS Coding and documentation related to SPED/LEP Parent Denials; d) Procedures for ARD/LPAC collaboration."

**Persons Responsible:** Director Special Education & Special Services; Director Curriculum & Instruction - Special Programs; Director Connecting Languages; and Coordinator, EL Compliance

**Activity 7:** "Annual training for Diagnosticians and SLPs on: a) Processes to ensure EL/SPED students are provided opportunity to receive services for language; b) Establishing a culture of meaningful communication of program benefits; c) Accurate PEIMS Coding and documentation related to SPED/LEP Parent Denials; d) Procedures for ARD/LPAC collaboration."

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**Persons Responsible:** Director Special Education & Special Services and Director Connecting Languages

**Activity 8:** “Annual training for LPAC on: a) Processes to ensure EL/SPED students are provided opportunity to receive services for language; b) Establishing a culture of meaningful communication of program benefits; c) Accurate PEIMS Coding and documentation related to SPED/LEP Parent Denials; d) Procedures for ARD/LPAC collaboration.”

**Persons Responsible:** Director Curriculum & Instruction - Special Programs and Director Connecting Languages

**Status:** Activity 6 Implemented  
Activity 7 Implemented  
Activity 8 Implemented

6

**Original Recommendation:** The District should perform a needs assessment to determine if there are sufficient certified staff to provide Bilingual/ESL program services for SPED\ELL students as required by law. Based on the results of the needs assessment, the District should create a plan to ensure there are sufficient qualified teachers to address needs of the SPED\ELL students in the District.

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**Management and Leadership Response:** Management did not agree with the recommendation to conduct a needs assessment and instead created CAP activity 10 as follows:

**Activity 10:** “Develop a plan for additional teacher training for ESL certification.”

**Persons Responsible:** Associate Superintendent of Special Education & Special Services; Interim Chief Connecting Languages & Dual Language; Executive Director of Curriculum; and Executive Director Talent Acquisition & Personnel Administration in Human Resources

**Status:** Implemented

## Exhibit A – Summary of Original Audit Results

Finding	Summary Finding
1	<p>We identified red flags that give the appearance the District may not be consistently providing Bilingual/ESL program services to SPED/ELL students and instead focuses on providing disability related services.</p> <p>1.1 We interviewed central office staff with varying levels of responsibility and authority related to programs for SPED/ELL students. During the interviews, staff acknowledged they were either (i) aware of the practice of not providing all students both the Bilingual/ESL and special education program services or (ii) were not surprised the practice was occurring.</p> <p>In addition, some staff believed parents were not provided the option to request both programs and were asked to sign a <i>Parent Refusal of Bilingual/ESL Program Services</i> form for their children.</p> <p>1.2 Internal Audit contacted (via telephone) the parents of the 47 students in our sample. We were able to speak to 28 parents. Three (3) of the 28 parents interviewed stated that they were told the campus could not provide the Bilingual/ESL program or the child could not receive both programs and parent chose SPED. Four (4) of the 28 parents stated that campus staff recommended English only classes.</p> <p>1.3 We sent internal control questionnaires (ICQs) to the 11 campus principals in the sample, of which 55% (6) of the responses indicate the District has a culture of not providing Bilingual/ESL program to all SPED/ELL students.</p> <p>In the ICQ, 64% (7) of principals expressed there were insufficient qualified teachers to address SPED/ELL students' needs. According to data provided by Information Technology as of June 28, 2018, only three (3) of the 11 campuses in our sample had dual certified bilingual/ESL/SPED teachers (six teachers in total).</p> <p>1.4 In the ICQs, 55% (6 of 11) of the respondents expressed there is a need for clear, concise SPED/ELL procedures and training. A draft version of the "LPAC Handbook of Operating Procedures" was posted on myepisid through June 2018. Data owners acknowledged the handbook was not used during training and was not finalized prior to July 2018.</p>
2	<p>There was insufficient evidence to prove that schools in our sample ensured there was meaningful communication with parents of SPED/ELL students of the benefits of the Bilingual/ESL program at the time parents signed the <i>Parent Refusal of Bilingual/ESL Program Services</i> form. According to the Texas Administration Code TAC §29.056(4)(d), Enrollment of Students in Program and Title III, Sec. 3302 Parental Notification, school districts have an obligation to ensure parents understand information regarding their children's education. Districts must notify parents about information on the language program and the benefits of the program.</p> <p>There is a risk parents may not know their parental rights and, as such, may not be making well informed decisions regarding the Bilingual/ESL program services their children are eligible to receive.</p> <p>2.1 Internal Audit staff contacted via telephone the parents of the 47 students in our sample and were able to speak to 28 of the parents. The parents were asked questions regarding the Bilingual/ESL program. Below is a summary of the parents' responses:</p>



Finding	Summary Finding
	<ul style="list-style-type: none"> <li>• 7 of 28 (25%) of parents felt benefits of the program were not fully explained to them.</li> <li>• 4 of 28 (14%) of parents stated they did not sign a <i>Parent Refusal of Bilingual/ESL Program Services</i> form. Another 10 of 28 (38%) did not remember, or were unsure whether they signed a <i>Parent Refusal of Bilingual/ESL Program Services</i> form.</li> <li>• 13 of 28 (46%) of parents did not understand or know the services their child was receiving.</li> </ul> <p>2.2 Internal audit reviewed 47 students' documentation for evidence the benefits of the Bilingual/ESL program were explained to parents. In 98% (46 of 47) of instances, documentation did not include language to explain the benefits. The <i>Parent Refusal of Bilingual/ESL Program Services</i> form did not have language or evidence attached that a conference was held with parents to fully explain benefits as required.</p> <p>The benefits are provided with the Districts "2<sup>nd</sup> grade through 12<sup>th</sup> grade Parental Notification Identification and Placement Bilingual/ESL Program" form to obtain parental <u>approval</u> of ELL service. <i>This form states, "Parent Refusal should be stapled if parent(s) refuses program services."</i> We did not find any approval forms with benefits attached to the <i>Parent Refusal of Bilingual/ESL Program Services</i> form.</p> <p>According to administration, the <i>Parent Refusal of Bilingual/ESL Program Services</i> form was revised in August 2018, and training was held from September 2018 thru February 2019, and use of the revised form began in Fall 2019.</p>
3	<p>We identified errors and inconsistencies in the documentation related to parent denials to place a student in a Bilingual/English as a Second Language program as follows:</p> <p>3.1 In 5 of 47 (11%) instances, the date on the <i>Parent Refusal of Bilingual/ESL Program Services</i> form did not match the date captured in TEAMS. Inaccurate dates may impact funding loss or inappropriate gain.</p> <p>3.2 In 5 of 47 (11%) instances, the <i>Parent Refusal of Bilingual/ESL Program Services</i> form was not completely filled out. For example, missing campus administrator signature and dates.</p> <p>3.3 In 3 of 47 (6%) instances the LPAC documentation did not support that the parent denied language services.</p>
4	<p>We found that out of the 47 students' SPED documentation tested, 21 (45%) did not have evidence that the parental denial of program services were reviewed or discussed during ARD. In addition, an LPAC representative was not present (no signature) in 6 (13%) of the ARDs for the students' documentation tested.</p> <p>Central office staff interviewed stated there was a need for improvement in the collaboration and coordination of the ARD committee and LPAC to determine appropriate language program and individualized education program (IEP).</p>

Observation	Summary Observation
1	<p>We found a student with a home language survey dated August 4, 2015, but the student was not tested for language assessment until October 26, 2017. It is critical the District identify ELL students in need of Bilingual/ESL program services in a timely manner, which is 20 days for Texas schools. There is a risk the student did not receive necessary Bilingual/ESL program services as needed, which can impact their academic achievement.</p>



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