Audit of Student Discipline Data

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Audit Plan Code: 18-14

The District's student disciplinary data reported to the Texas Education Agency for the 2016-2017 school year was incomplete.

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Abbreviations

ARD	Admission, Review, and Dismissal Committee
ARG	Administrators' Reference Guide
CAP	Corrective Action Plan
DAEP	Disciplinary Alternative Education Program
EPISD	El Paso Independent School District
IIA	Institute of Internal Auditors
ISS	In-School Suspension
JJAEP	Juvenile Justice Alternative Education Program
OSS	Out-of-School Suspension
PBIS	Positive Behavioral Intervention and Support
PEIMS	Public Education Information Management System
Referral/SDAF	Discipline Referral Form/Student Discipline Action Form
SPS	Student and Parent Services
TEA	Texas Education Agency
TEAMS	Total Education Administrative Management System (Prologic Technology Systems), school management system utilized by the District.
TEC	Texas Education Code
TEDS	Texas Education Data Standards
TSDS	Texas Student Data System

We have completed the Student Discipline Audit. The objective of the audit was to determine the completeness and accuracy of the student discipline data reported to the Texas Education Agency (TEA) as required by Texas Education Code (TEC) Chapter 37. The scope of the audit included student disciplinary records that meet the TEA reporting criteria for the 2016-2017 school year.

The Executive Summary provides, on a summarized basis, the findings discussed throughout the body of the detailed Internal Audit Report that follows. The Internal Audit Report includes background information and detailed findings, recommendations, and exhibits.

Summary of Results

1. The student discipline data the District reported for the 2016-2017 summer Public Education Information Management System (PEIMS) submission was incomplete. This was due to discipline offense and action codes in the Total Education Administrative Management System (TEAMS) maintenance tables missing the required field "State Code." Consequently, the Discipline incidents with a missing "State Code" were not generated and thus not uploaded to the PEIMS file and were not reported to the TEA. This condition exists district-wide as this is a system maintenance table error. There is a risk the student discipline data submitted to the TEA for prior school years was also incomplete.

2. We identified incomplete and inaccurate student disciplinary documentation to adequately support discipline codes. In addition, there are instances when the information on the original Discipline Referral Form/Student Discipline Action Form (referral/SDAF) on file and data in TEAMS did not match.

3. We identified deletes of discipline incident data record entries during our data analysis of the TEAMS discipline data audit log. Note we did not observe that a complete discipline incident was deleted in TEAMS, which would require deletion of all related incident data records entered.

4. The student discipline Self-Audit Procedures used by the campuses and Student and Parent Services (SPS) do not provide reasonable assurance discipline records are accurate, complete, and that monitoring of corrections of student discipline incidents is taking place. In addition, we identified six (6) instances of SPS making inappropriate correction recommendations to campuses.

Management's Corrective Action Plan

District management and leadership submitted a Corrective Action Plan (CAP) outlining the activities to be implemented. Seven of the total seven (7) recommendations made by Internal Audit were incorporated into the CAP. The CAP appears to be sufficient to address the findings outlined in this report. Internal Audit will conduct follow-up reviews to validate CAP activities have been implemented.

Conclusion

Our audit found student discipline data the District reported for the 2016-2017 summer PEIMS submission was incomplete. In addition, we cannot provide reasonable assurance the data submitted through PEIMS was accurate due to

inaccurate and incomplete disciplinary documentation and inconsistencies in the information in TEAMS versus the referral/SDAF identified during our audit.

Under TEC 37.008 (m-1) *Disciplinary Alternative Education Programs,* "failure to report **all** disciplinary removals as required by the state and federal law may result in a review by the commissioner of education and notice to the local school board of any problems noted in the district's data or a violation of a law or other rule."

As such, it is imperative District management and leadership develop internal controls that will provide reasonable assurance regarding the completeness and accuracy of student discipline data reported to the TEA. The data owners and stakeholders should attend the appropriate TEA training to attain proficiency in discipline compliance requirements, to include discipline PEIMS data standards.

Background

The collection of Public Education Information Management System (PEIMS) data is required of all school districts by *Texas Education Code (TEC) 42.006.* The Texas Education Data Standards (TEDS) outline the requirements to school districts regarding the four (4) PEIMS data submissions to the Texas Education Agency (TEA). Each PEIMS submission is comprised of specific data record groups.

The third PEIMS submission includes student disciplinary action records mandated for collection by *TEC 37.020, Reports Relating to Expulsions and Disciplinary Alternative Education Program Placements*. A PEIMS student disciplinary record must be reported for each disciplinary action that results in a removal of a student from any part of their regular academic program. A single incident could have multiple disciplinary action records depending on the number of Disciplinary Action Codes (disciplinary recommendations) taken in response to the incident. Every disciplinary action that results in the removal of a student from any part of their regular academic program will be in one of the following general categories:

1. In-School Suspension (ISS),
2. Out-of-School Suspension (OSS),
3. Expulsion,
4. Juvenile Justice Alternative Education Program (JJAEP), or
5. Disciplinary Alternative Education Program (DAEP).

The TEDS defines PEIMS Disciplinary Action Reason Codes (offense) and corresponding Disciplinary Action Codes (disciplinary recommendation). In addition, TEDS defines the Disciplinary Action Code (disciplinary recommendation) in the following categories for offenses that require mandatory removals:

1. Mandatory DAEP,
2. Mandatory Expulsion,
3. Discretion any DAEP Placement, and
4. Discretionary Expulsion Placement

Each of the Disciplinary Action Reason Codes (offense) and Disciplinary Action Codes (disciplinary recommendation) has corresponding compliance requirements, which are defined in *TEDS Appendix E*; for example, age restrictions, DAEP conferences, expulsion hearings, placement reviews, special education considerations, offense code definitions, and guidance for determining disciplinary recommendations. The *TEDS Section 2.4-Student Category Data Submission Requirements, Post-Addendum Version 2017.A.2.1* also provides state codes required to report discipline incidents when an offense falls under a mandatory DAEP or mandatory expulsion, but the mandatory disciplinary action is not taken because the District considered the provisions outlined in TEC 37.001(a)(4) *Student Code of Conduct.*

At the campus level, the designated campus administrator is responsible for:

1. Recommending the appropriate Disciplinary Action Reason Codes (offense) and Disciplinary Action Codes (disciplinary recommendations),
2. Entering the information into the Total Education Administrative Management System (TEAMS), and
3. Printing the original Discipline Referral Form/Student Discipline Action Form (referral/SDAF), which should be used to annotate any changes and make

notations. All information on the discipline referral/SDAF should be updated in TEAMS. The original paper discipline referral/SDAF and TEAMS should match each other.

School districts are responsible for submitting current, complete, and accurate data required for each PEIMS collection. The *2016-2017 TEDS, Section 2.4 Student Category Data Submission Requirements*, under TEC 37.008(m-1) states, *"…failure to report all disciplinary removals as required by state and federal law may result in a review by the commissioner of education and notice to the local school board of any problems noted in the district's data, or a violation of a law or other rule. This review may also result in a notification to the county attorney, district attorney, criminal district attorney, as appropriate, and the attorney general. This provision can apply to missing, inaccurate, and/or falsified information/data."*

The Student Discipline Audit was approved by the Board of Trustees as part of the 2017-2018 Internal Audit Plan.

Objective and Scope

The objective of the audit was to determine the completeness and accuracy of the student discipline data reported to the Texas Education Agency (TEA) as required by Texas Education Code (TEC) Chapter 37. The scope of the audit included student disciplinary records that meet the TEA reporting requirements for the 2016-2017 school year.

Methodology

To achieve our audit objective, we:
1. Researched relevant federal/state laws, regulations, Board policies, and department(s) manual/guidelines.

2. Used pre-audit self-assessment, internal control questionnaires, and performed walkthroughs to obtain an understanding of the Student and Parent Services (SPS) student discipline process, administrative functions, operations, processes, and internal controls in place.

3. Performed a risk assessment of the student discipline process and internal controls in place.

4. Data analysis and audit testing consisted of obtaining student discipline data and records for the scope period and performed data analysis for completeness and accuracy. Selected a representative sample based on our sampling procedures for 15 campuses.
   a. Used the TEAMS discipline and attendance audit logs, PEIMS discipline data submission file, and OnDataSuite(OnPoint) student discipline data to perform data analysis of discipline action codes that result in a removal of a student from any part of their regular academic program and are required to be reported to the TEA.

   b. The TEDS Appendix E and the *TEDS Section 2.4-Student Category Data Submission Requirements, Post-Addendum Version 2017.A.2.* was referenced to determine PEIMS information related to disciple data reporting compliance criteria.

   c. ProLogic, developer of TEAMS, was consulted regarding the TEAMS discipline maintenance tables and related "State Code" field.

   d. Tested discipline incident documentation for accuracy and completeness for a total of 75 discipline incidents.

5. Scanned through 100% of the *SPS Self-Audit Procedures, Discipline Audit Results Summaries for 2016-2017*, to determine if the results were communicated to campuses and whether corrections were made by campuses and monitored to completion by SPS.

6. Reviewed the teacher survey regarding discipline conducted by SPS and summarized the findings of the survey to evaluate survey results.
   a. We noted that a high percentage of teachers agreed to the question, "Teachers are discouraged from writing referrals for office managed behaviors."

   b. We followed up with the data owner implementing Positive Behavioral Intervention and Support (PBIS) to determine if PBIS was contributing to the high percentage of the "agree" to the aforementioned survey question and to determine if internal controls are in place to address teacher concerns and monitor outcomes.

Inherent Limitations

Because of the inherent limitations in a system of internal controls, there is a risk that errors or irregularities occurred and were not detected. Due professional care requires the internal auditor to conduct examinations and verifications to a reasonable extent.

Accordingly, an auditor is able to obtain reasonable, but not absolute, assurance that procedures and internal controls are followed and adhered to in accordance with the federal, state, local policies, and guidelines.

Acknowledgement

We would like to acknowledge and thank the staff in Student and Parent Services, PEIMS Support Services, and Technology Services for their cooperation and assistance during the audit.

Results

The student discipline data the District reported for the 2016-2017 summer PEIMS submission was incomplete. In addition, we identified instances of inadequate supporting documentation for discipline reason and action codes on discipline referral/SDAF documentation that did not match data in TEAMS.

Finding 1

The student discipline data the District reported for the 2016-2017 summer PEIMS submission to the Texas Education Agency (TEA) was incomplete. Internal Audit identified discipline offense and action codes in the Total Education Administrative Management System (TEAMS) maintenance tables that do not have the required field "State Code" populated. Consequently, the discipline incidents with a non-populated "State Code" were not generated and uploaded to the PEIMS file and thus not reported to the TEA. As such, the District did not comply with all of the reporting requirements of TEC 37 for school year 2016-2017.

The cause of this finding can also be attributed to the lack of internal controls to provide reasonable assurance the PEIMS student discipline records submitted to the TEA are complete.

The state requires discipline incidents that result or could result in a student's removal from their regular academic program be reported. Under TEC 37.008 (m-1) Disciplinary Alternative Education Programs, "failure to report <u>all</u> disciplinary

removals as required by the state and federal law may result in a review by the commissioner of education and notice to the local school board of any problems noted in the district's data or a violation of a law or other rule."

Below are the results of the data analysis and testing of the sample 15 campuses:

1. There are 105 discipline <u>incidents</u> with action codes that resulted in a removal of a student from their academic program but were not reported to TEA as required. These consisted of student discipline action codes for:
   i)   Expulsions,
   ii) On/Off Campus Disciplinary Alternative Education Program (DAEP),
   iii) Out/In School suspensions (OSS/ISS), and
   (iv) Juvenile Justice Alternative Education Program (JJAEP).

   The aforementioned <u>Disciplinary Action Codes (disciplinary recommendation)</u> had the "State Code" populated in the TEAMS maintenance table, but the corresponding <u>Disciplinary Action Reason Codes (offense) did not have</u> the "State Code" populated. **Table A** below summarizes the results.

   Table A

Discipline Incidents Reported/Not Reported	Number	Percent
Number of incidents* reported to TEA (for the 15 campuses sampled)	2,156	95%
Number of incidents* involving removals not reported (for the 15 campuses sampled)	105	5%
Total number of incidents* that should have been reported	2,261	100%

   *Since a single discipline incident may result in multiple disciplinary action records, these numbers do not represent the number of <u>records</u> that were or should have been reported to TEA.

2. There is a risk discipline incidents reported were incomplete. Because a single discipline incident may result in multiple Disciplinary Action Codes (disciplinary recommendations), it is likely that additional records involving removals were not reported if the Disciplinary Action Reason Codes (offense) and/or corresponding Disciplinary Action Codes (disciplinary recommendation) did not have the "State Code" populated in the TEAMS maintenance table. Both the Disciplinary Action Reason Codes (offense) and corresponding Disciplinary Action Codes (disciplinary recommendation) must have the "State Code" field populated for discipline incidents to be generated, uploaded to the PEIMS file, and submitted to the TEA.

3. Incidents with Disciplinary Action Codes (disciplinary recommendation) "Md Action Not Taken" (28), "MD/ARD Action Not Taken" (27), and "First Chance" (32) were not reported to TEA since the TEAMS maintenance table did not have the field "State Code" populated.

4. In addition, during our review of the TEAMS student discipline audit log, we observed the three aforementioned Disciplinary Action Codes (disciplinary recommendation) were not consistently used as required by the TEA. It appears the District under-reported these discipline incident data records to the TEA.

   The District must use Disciplinary Action Codes (disciplinary recommendation) 27 and 28 (to indicate "no action" was taken) if an offense falls under either mandatory DAEP or Expulsion, but the mandatory disciplinary recommended action was not taken because the District considered one or more of the allowable provisions in TEC 37.001(a)(4) Student Code of Conduct. Although,

the disciplinary recommendation action taken did not result in a removal of a student from any part of their regular academic program, records with an offense that require a mandatory Disciplinary Action Code (disciplinary recommendation) <u>must still be reported to the TEA</u>.

For example, the District's First Chance Program at the middle and high schools allows first time offenses for drug or alcohol for students to not be removed from their regular academic program. These discipline records should be coded 27 (special education) or 28 and <u>must</u> be reported to the TEA.

5. There is a risk the student discipline data submitted to the TEA for prior school years was incomplete.

6. It is likely that analysis or reporting that utilizes the PEIMS student discipline data from state PEIMS reports or OnDataSuite(OnPoint) may be incorrect.

7. Additional coding errors may exist in the TEAMS discipline maintenance table.

Note: The Institute of Internal Auditors (IIA) Supplementary Guidance on Audit Reports recommends interim communication, in advance of the formal audit report, be made to notify management of potentially high-risk findings. As such, Internal Audit sent an interim memo on February 23, 2018 to the data owners to inform them of this finding and related recommendations.

Finding 2

We identified instances of inadequate documentation to support the information on the discipline referral/SDAF or that did not match the data in TEAMS. We also identified instances of non-compliance with the timelines for the manifestation determination review.

Table B below summarizes the results of the testing of <u>applicable records</u> (Depending on the type of discipline incident, not all attributes could be tested for all discipline referrals/SDAFs and were classified as not applicable for the specific test):

Table B

Number	Testing Errors	Elementary Schools	Middle Schools	High Schools	District-wide Error Rate
1.	Incorrect Offense Discipline Reason Code (Offense) Used	4% (1 of 25)	0% (0 of 25)	4% (1 of 25)	1% (2 of 75)
2.	Discipline Action Code (Disciplinary Recommendation) is Not Appropriate for Discipline Reason Code	4% (1 of 24)	4% (1 of 25)	4% (1 of 24)	4% (3 of 73)
3.	Due Process Hearing Form Does Not Support Disciplinary Action Code	13% (1 of 8)	6% (1 of 18)	5% (1 of 21)	6% (3 of 47)
4.	Referral/SDAF Does Not Reflect Removal Days Accurately	14% (3 of 22)	22% (5 of 23)	13% (3 of 23)	16% (11 of 68)
5.	Manifestation Determination (504) Was Not in the Discipline File as Required	25% (1 of 4)	20% (1 of 5)	20% (1 of 5)	21% (3 of 14)
6.	Manifestation Determination (504) Does Not Support Disciplinary Action Code and/or Was Not Held Within 10 days	0% (0 of 3)	0% (0 of 4)	25% (1 of 4)	9% (1 of 11)
7.	Original Referral/SDAF and TEAMS Information do not Match	27% (4 of 15)	8% (1 of 13)	9% (2 of 22)	14% (7 of 50)

Below are the effects of this condition:
1, 2   The inaccurate use of Disciplinary Action Reason Codes (offense) and Disciplinary Action Codes (disciplinary recommendation) results in non-compliance with TEDS Appendix E. The Discipline Code Chart created

and provided by SPS was last updated in 2015 and is not up to date, contributing to the risk of incorrect use of discipline codes.

3, 4, 7   The Due Process Hearing Form serves to record the discipline recommendation results determined by the hearing officer. The information on the original referral/SDAF and TEAMS should match. When this information is not updated on the original referral/SDAF and TEAMS, the results of the due process hearing are not accurately recorded. This would result in incorrect data submitted to the TEA.

5, 6   The disciplinary placement for students receiving special education services must be determined by an Admission, Review, and Dismissal (ARD) committee that must conduct a manifestation determination (504) review, within 10 days, to determine if the conduct is related to his or her disabling condition. Documentation must be maintained to demonstrate compliance with the United States Department of Education, Individuals with Disabilities Education Act, Section 1415(k)(1) (E), TEC 37.004 Placement of Students with Disabilities, District policies, and procedures.

The District has written procedures in the *Administrators' Reference Guide (ARG), Student and Parent Services, Managing Student Discipline Effectively*, related training is provided to campuses, and discipline self-audits are performed by campuses and SPS every six weeks for 100% of discipline incidents. However, it appears the aforementioned controls in place do not address the root cause of this finding since there were still errors identified during testing of documentation.

Finding 3

We identified deletes of discipline incident data record entries during the data analysis of the TEAMS discipline data audit log. A single discipline <u>incident</u> may result in multiple disciplinary data <u>record entries</u> in TEAMS, based on the number of disciplinary recommendations taken in response to the incident. We observed, in some instances, an incident data record entry was deleted and another inserted, it appears, to make corrections or updates. (Note that we did not observe that an entire discipline incident was deleted in TEAMS, which would require deletion of all related incident data records entered.)

There is a risk deleting incident data records associated with the incident could result in deletion of records that are required to be reported to the TEA. Campuses should make inserts/updates to make revisions or corrections so data reflects what actually occurred during the discipline process. If errors are made when entering discipline data, there are District developed offense codes and action codes that can be used to document the error.

Student and Parent Services disclosed there is a query to identify deletes in the discipline data file intended to be used (for monitoring purposes) as part of the discipline self-audit process, but the query was not working. In addition, SPS has developed a "Variance Form" for campuses to document variances, including deletes. We did not find evidence that any deletes of discipline incident data records were recorded on this form. *The Administrator's Reference Guide, SPS on page 61,* under *"Deleted 425 Records states, "A 425 record (discipline referral) may not be deleted under any circumstance. If a referral is deleted, complete the discipline checklist for each deletion."*

Finding 4

The student discipline self-audit procedures/process do not provide reasonable assurance discipline records are accurate, complete, and monitoring of corrections of student discipline incidents is adequate. In addition, we identified

six (6) instances of SPS making inappropriate correction recommendations to campuses.

1. The SPS self-audit process is not consistently and thoroughly auditing the original student discipline referrals/SDAFs to check if the original discipline referral/SDAF and data in TEAMS match, to include review of attendance. In addition, there is no thorough review of the due-process hearing and script format to ensure hearing recommendation is recorded correctly on the original referral/SDAF.

2. The SPS self-audit does not include a review of "deletes" of records in TEAMS regarding discipline actions associated with an incident. There is a risk of inappropriate deletion of discipline records. The *Administrator's Reference Guide, SPS on page 61 states, "Deleted 425 Records, A 425 record (discipline referral) may not be deleted under any circumstance. If a referral is deleted, complete the discipline checklist for each deletion."*

3. The SPS Self-Audit procedures do not clearly define the following:
    a. Specific audit tests (how and why the test is performed),
    b. How to record discrepancies,
    c. How to communicate findings,
    d. Documentation required to support discipline recommendations, and
    e. Effective record keeping, including monitoring of corrective actions required by campuses.

4. We did not find evidence during the testing of the discipline documentation sample of campuses submitting corrected documentation. Student and Parent Services keeps a spreadsheet of exceptions identified during the self-audit, but only tracks the number of discrepancies and the number of corrections received. This process does not monitor and verify follow up with campuses on status of specific corrective action(s).

5. We identified six (6) memos from SPS to campuses that inappropriately directed campuses to change an offense code on the original referral/SDAF that requires a mandatory removal to a code that does not require a mandatory removal. See **Exhibit A** of this report for excerpts from the memos. This is inappropriate as it directs campuses to intentionally misrepresent actual discipline actions and outcomes. The discipline data records and documentation must reflect the actual events that occurred during the discipline incident and subsequent disciplinary process.

6. The *2016-2017 TEDS, Section 2.4 Student Category Data Submission Requirements, under TEC 37.008(m-1) states, "…failure to report all disciplinary removals as required by state and federal law may result in a review by the commissioner of education and notice to the local school board of any problems noted in the district's data, or a violation of a law or other rule. This review may also result in a notification to the country attorney, district attorney, criminal district attorney, as appropriate, and the attorney general. This provision can apply to missing, inaccurate, and/or falsified information/data."*

Observations

While conducting this audit, observations were made during our audit and determined it is worthy of informing management and the data owner(s)/expert(s), in order for them to make the determination as to how these should be addressed.

Observation 1

A Student and Parent Services discipline survey sent to all teachers at the end of the 2016-2017 school year identified that 56% of teachers agreed to the question, "Teachers are discouraged from writing referrals for office managed behaviors." Although we found no evidence that campus administrators or teachers are being inappropriately discouraged from writing discipline referrals, it appears the District does not have a process to monitor, follow-up, and address said teacher concerns/complaints.

Observation 2

During our review of the TEAMS attendance audit log (as outlined in the methodology section), we noted multiple instances when attendance records of discipline removals appear to have inaccurate begin/end dates and/or inaccurate number of recommended removal days. This could result in discrepancies of actual discipline outcomes and subsequently incomplete or inaccurate PEIMS data submissions. Due to this observation, Internal Audit has identified the inaccurate recording of discipline removal days and attendance as a high-risk area and will include this as an audit in the 2018-2019 Audit Plan.

Recommendations and Management Response

Specific recommendations to address the findings are included in this section along with a summary of management's response. District management and leadership submitted a Corrective Action Plan (CAP) outlining the activities to be implemented. Seven of the total seven (7) recommendations made by Internal Audit were incorporated into the CAP. The specific CAP activities, person(s) responsible, and implementation date(s) are outlined in Exhibit B of this report.

1

We recommend District management identify the total number of student disciplinary records (District-wide) not reported to the TEA for 2016-2017. *Please note: Internal Audit's sample consisted of 15 campuses and focused on number of incidents (not records), mandatory offenses, and action codes that remove a student from their regular academic program during the 2016-2017 school year.*

This should include mandatory DAEP and expulsions that were deleted or records where recommended days were inappropriately changed to zero in TEAMS. Management should also determine the length of time (school years) this condition has existed.

District leadership should self-report the audit finding and results of management follow-up (identifying the total number of records not reported and the length of time this condition has existed) to the TEA.

Management and Leadership Response: Agreed with recommendation. Management incorporated activities 02, 03, 08, and 09 into the CAP to address this recommendation. Refer to Exhibit B for person(s) responsible and CAP activity due dates.

2

We recommend management in Student and Parent Services, Support Services, and Technology Services work together to correct the TEAMS Discipline Maintenance Tables prior to the upcoming 2017-2018 summer PEIMS data submission. The process used to correct the TEAMS maintenance tables should be documented and maintained to ensure a proper audit trail.

For future purposes, written procedures should be developed to outline the process to maintain the TEAMS Discipline Maintenance Tables. Procedures should address:
• The need for periodic review of maintenance tables to determine whether any changes/updates are needed,

- Process to follow when changes/updates to the tables are needed, and
- Roles/responsibilities by department/position.

Management and Leadership Response: Agreed with recommendation. Management incorporated activities 01 and 05 into the CAP to address this recommendation. Refer to Exhibit B for person(s) responsible and CAP activity due dates.

3

We recommend District management develop internal controls to provide reasonable assurance the PEIMS student disciplinary data being submitted to TEA is complete and accurate. Internal controls should include:

3.1 Written procedures, published in the ARG, including roles and responsibilities, by position/department, related to ensuring the completeness and accuracy of student disciplinary data reported through PEIMS.

3.2 Analytical reviews to search for anomalies and assess the reasonableness of student disciplinary record counts District-wide and by campus.

3.3 Developing discrepancy reports to help the data owner and campus administrators validate the completeness and accuracy of the PEIMS student disciplinary records.

3.4 We recommend data owner(s) and others involved in the monitoring and reporting of student disciplinary records attend the appropriate TEA training to attain proficiency in PEIMS student discipline reporting requirements, to include discipline PEIMS data standards.

3.5 Provide training for campus administrators that outlines the PEIMS student disciplinary action record reporting requirements. This includes the use of action codes 27 and 28 (to indicate no action was taken) if an offense falls under either mandatory DAEP or mandatory Expulsion, but the required disciplinary action was not taken because the District considered one or more of the allowable provisions in *TEC 37.001(a)(4) Student Code of Conduct*. Although the action taken did not result in a removal of a student from any part of their regular academic program, these discipline incidents must still be reported to the TEA.

Management and Leadership Response: Agreed with recommendation. Management incorporated activities 04, 05, 06, 07, 10, 11, 12, 13, 15, 16, 17, 18, 19 and 30 into the CAP to address this recommendation. Refer to Exhibit B for person(s) responsible and CAP activity due dates.

4

The procedures in the *Administrator's Reference Guide, Student and Parent Services, Managing Student Discipline Effectively* should be reviewed and updated. We recommend management consider including the items listed below.

4.1 The procedures should be reviewed on an annual basis and updated (if necessary).

4.2 A robust training program should be developed for campus staff involved in the student discipline process. The training should include use of the updated procedures. In addition, an overview of TEDS Appendix E should be presented to provide a better understanding of information related to PEIMS discipline data.

4.3 Create flowcharts, which include timelines, for the discipline process at the campus and District levels to include the self-audit.

4.4   Define attendance recording requirements for students that have been removed from their regular instructional setting, to ensure students' attendance records accurately reflect correct coding and actual days removed.

4.5   Create a checklist of all documentation required that supports all discipline recommendation(s).

4.6   The Discipline Code Chart created by the District should be updated and campus staff should be trained on appropriate use of PEIMS discipline codes.

4.7   Stress the importance of using correct hearing script template during the due process hearing and updating (if needed) the original referral/SDAF to match hearing discipline recommendations.

4.8   Provide training on the procedures for disciplinary removal of students receiving special education, stressing timelines, Manifestation Determination (504) requirements, and documentation as required by TEC 37.004 Placement of Students with Disabilities.

4.9   Emphasize the information on the original referral/SDAF must match what is entered in TEAMS, which is what is submitted during the PEIMS submission. The original discipline referral/SDAF is a living document and any changes, and notes must be recorded on this document, and any supporting documentation should be attached.

4.10   Emphasize the importance of accurate recording of discipline removals, begin and end dates, and number of days removed should be stressed. This information should be reconciled to the hearing script and any changes should be supported with attached documentation.

4.11   Consequences should be created for staff that fail to comply with the procedures and added to the ARG.

Management and Leadership Response: Agreed with recommendation. Management incorporated activities 14, 16, 18, and 20, into the CAP to address this recommendation. Refer to Exhibit B for person(s) responsible and CAP activity due dates.

5

Student and Parent Services should collaborate with Information Technology to determine if removing the campuses ability to delete discipline records in TEAMS is feasible. This could address the risk of inappropriate deletion of incident data records. If it is unfeasible to remove campuses ability to delete incident data records, the query that was created to monitor deletes should be fixed and used during the self-audit process.

Management and Leadership Response: Agreed with recommendation. Management incorporated activities 21, and 22, into the CAP to address this recommendation. Refer to Exhibit B for person(s) responsible and CAP activity due dates.

6

We recommend SPS create a detailed discipline self-audit program to improve the accuracy, completeness, appropriate supporting documentation, and data quality in TEAMS. The self-audit program should include:

6.1   Testing procedures with the objective of each procedure.

6.2   Using TEAMS discipline audit logs when performing the self-audit. This provides a history of dates of inserts, updates, deletes, and staff making changes to discipline incident records.

6.3   The process for documenting and communicating results to the campuses.

6.4 A required process for monitoring/follow-up on corrective action.

6.5 A process for identifying trends and patterns to provide strategic support and training in high error rate areas.

6.6 We recommend SPS incorporate their self-audit check list into the audit testing procedures with clear instructions on how to use the check list and also include the following:

   a. Reports should be utilized/created to validate data and reconcile to original discipline referrals/SDAFs.

   b. Validate information on the hard copy of the discipline referral/SDAF and TEAMS data match (including changes/updates).

   c. Verify the hearing script template is followed.

   d. Verify recommendations, start dates, re-evaluation dates, beginning and ending dates, and the number of days recommended are accurately reflected on both the hard copy of the discipline referral/SDAF and TEAMS.

   e. Validate the number of removal days is accurately coded and correctly reflected in recording of attendance.

   f. We also recommend SPS consider collaborating with Information Technology or Accountability, Strategy, Assessment & PEIMS in utilizing technology for tracking self-audit results and corrections.

   g. Training should be provided to campus staff on the discipline self-audit program to ensure they can prepare for the SPS Self-Audit.

Management and Leadership Response: Agreed with recommendation. Management incorporated activity 23, into the CAP to address this recommendation. Refer to Exhibit B for person(s) responsible and CAP activity due dates.

7

We recommend District Positive Behavioral Intervention and Support Leadership Team create written procedures for teachers and campus administrators to report if they are being discouraged from writing student discipline referrals. The procedure should be communicated to teachers and campus administrators on an annual basis. A follow-up survey should be conducted by PBIS Leadership Team to monitor teachers' perception on this issue and follow-up as needed.

There should be communication and collaboration with the director of Student and Parent Services, so all stakeholders are informed of the PBIS framework.

Management and Leadership Response: Agreed with recommendation. Management incorporated activities 24 through 29 into the CAP to address this recommendation. Refer to Exhibit B for person(s) responsible and CAP activity due dates.

Exhibit A – Criteria

Criteria No.	Criteria Source	Criteria Details	Relevant Findings
1.	TEC, Subtitle G. Safe Schools, Chapter 37 Discipline; Law and Order, Subchapter A. Alternative Settings for Behavior Management	http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm	1, 2, 3
2.	TEC 42.006 Public Education Information Management System (PEIMS)	"(a) Each school district shall participate in the Public Education Information Management System (PEIMS) and shall provide through that system information required for the administration of this chapter and of other appropriate provisions of this code."	1, 2, 3
3.	TEC 37.008 (m-1) Disciplinary Alternative Education Programs	"The commissioner shall develop a process for evaluating a school district disciplinary alternative education program electronically. The commissioner shall also develop a system and standards for review of the evaluation or use systems already available at the agency. The system must be designed to identify districts that are at high risk of having inaccurate disciplinary alternative education program data or of failing to comply with disciplinary alternative education program requirements. The commissioner shall notify the board of trustees of a district of any objection the commissioner has to the district's disciplinary alternative education program data or of a violation of a law or rule revealed by the data, including any violation of disciplinary alternative education program requirements, or of any recommendation by the commissioner concerning the data. If the data reflect that a penal law has been violated, the commissioner shall notify the county attorney, district attorney, or criminal district attorney, as appropriate, and the attorney general. The commissioner is entitled to access to all district records the commissioner considers necessary or appropriate for the review, analysis, or approval of disciplinary alternative education program data."	1, 2, 3
4.	TEC 37.001(a)(4) Student Code of Conduct	"The board of trustees of an independent school district shall, with the advice of its district-level committee established under Subchapter F, Chapter 11, adopt a student code of conduct for the district. The student code of conduct must be posted and prominently displayed at each school campus or made available for review at the office of the campus principal. In addition to establishing standards for student conduct, the student code of conduct must…(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to: (A) self-defense; (B) intent or lack of intent at the time the student engaged in the conduct; (C) a student's disciplinary history; or (D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;"	1

Criteria No.	Criteria Source	Criteria Details	Relevant Findings
5.	2016-2017 Texas Educat on Data Standards (TEDS) Append x E	http://castro.tea.state.tx.us/tsds/teds/2017A/v2.1/teds-appE.pdf	1, 2, 3
6.	2016-2017 Texas Educat on Data Standards, Sect on 2.4-Student Category Data Subm ss on Requ rements, Post-Addendum Vers on 2017.A.2.1, Report ng Requ rements	"Under TEC 37.008(m-1)....Th s prov s on can app y to m ss ng, naccurate, and/or fa s f ed nformat on/data. "The PEIMS Chart for Determ n ng Mandatory and D sc p nary DAEP P acements and Expu s ons ocated n Append x E ustrates those occas ons where mandatory act on(s) must be taken. If the offense comm tted fa s under e ther Mandatory DAEP P acement or Mandatory Expu s on, then the d str ct shou d report at east one (1) Student D sc p nary Act on that matches the chart. Appropr ate except ons wou d nc ude students rece v ng spec a educat on serv ces for whom a man festat on ARD was he d n accordance w th the Ind v dua s w th D sab t es Educat on (om t-Improvement) Act (IDEA) and t was determ ned a nk ex sted between the student s behav or and the student s d sab ty. In report ng such an except on, the d str ct must subm t one D sc p nary Act on w th DISCIPLINARY-ACTION-CODE 27 and another D sc p nary Act on(s) w th the DISCIPLINARY-ACTION-COD"E(s) that was taken by the d str ct us ng the same nc dent number nk ng the records together. " "Another except on s when a schoo d str ct determ nes that the mandatory d sc p nary act on w not be taken because the d str ct cons dered one or more of the TEC, §37.001(a)(4) prov s ons that requ res the d str ct to cons der se f-defense, ntent or ack of ntent, student s d sc p nary h story, or d sab ty that substant a y mpa rs the student s capac ty to apprec ate the wrongfu ness of the student s conduct as a factor n a dec s on to order suspens on, remova to a d sc p nary a ternat ve educat on program, or expu s on. The d str ct must subm t one D sc p nary Act on w th DISCIPLINARY-ACTION-CODE 28 and another D sc p nary Act on(s) w th the DISCIPLINARY-ACTION-CODE(s) of the act on(s) that were taken by the d str ct us ng the same nc dent number nk ng the records together."	1, 2, 3
7.	E Paso Independent Schoo D str ct, Adm n strators Reference Gu de	Student and Parent Serv ces, Manag ng Student D sc p ne Effect ve y	1, 2, 3, 4
8.	Un ted Stated Department of Educat on, Ind v dua s w th D sab t es Educat on Act, Sect on 1415(k)(1) (E)	"(E) Man festat on determ nat on ( ) In genera Except as prov ded n subparagraph (B), w th n 10 schoo days of any dec s on to change the p acement of a ch d w th a d sab ty because of a v o at on of a code of student conduct, the oca educat ona agency, the parent, and re evant members of the IEP Team (as determ ned by the parent and the oca educat ona agency) sha rev ew a re evant nformat on n the student s f e, nc ud ng the ch d s IEP, any teacher observat ons, and any re evant nformat on prov ded by the parents to determ ne— (I) f the conduct n quest on was caused by, or had a d rect and substant a re at onsh p to, the ch d s d sab ty; or	1, 2, 3,

Criteria No.	Criteria Source	Criteria Details	Relevant Findings
8.	Un ted Stated Department of Educat on, Ind v dua s w th D sab t es Educat on Act, Sect on 1415(k)(1) (E) *Continued…*	(II) f the conduct n quest on was the d rect resu t of the oca educat ona agency s fa ure to mp ement the IEP. ( ) Man festat on If the oca educat ona agency, the parent, and re evant members of the IEP Team determ ne that e ther subc ause (I) or (II) of c ause ( ) s app cab e for the ch d, the conduct sha be determ ned to be a man festat on of the ch d s d sab ty."	
9.	TEC, Sec. 37.004. PLACEMENT OF STUDENTS WITH DISABILITIES	"(a) The p acement of a student w th a d sab ty who rece ves spec a educat on serv ces may be made on y by a du y const tuted adm ss on, rev ew, and d sm ssa comm ttee. (b) Any d sc p nary act on regard ng a student w th a d sab ty who rece ves spec a educat on serv ces that wou d const tute a change n p acement under federa aw may be taken on y after the student's adm ss on, rev ew, and d sm ssa comm ttee conducts a man festat on determ nat on rev ew under 20 U.S.C. Sect on 1415(k)(4) and ts subsequent amendments. Any d sc p nary act on regard ng the student sha be determ ned n accordance w th federa aw and regu at ons, nc ud ng aws or regu at ons requ r ng the prov s on of: (1) funct ona behav ora assessments; (2) pos t ve behav ora ntervent ons, strateg es, and supports; (3) behav ora ntervent on p ans; and (4) the man festat on determ nat on rev ew. (c) A student w th a d sab ty who rece ves spec a educat on serv ces may not be p aced n a ternat ve educat on programs so e y for educat ona purposes. (d) A teacher n an a ternat ve educat on program under Sect on 37.008 who has a spec a educat on ass gnment must ho d an appropr ate cert f cate or perm t for that ass gnment"	1, 2, 3
10.	EL PASO ISD, FOF(LEGAL), STUDENT DISCIPLINE, STUDENTS WITH DISABILITIES, Man festat on Determ nat on	"W th n ten schoo days of any dec s on to change the p acement of a student because of a v o at on of a code of student conduct, a d str ct, parents, and re evant members of the ARD comm ttee (as determ ned by the parent and the d str ct) sha rev ew a re evant nformat on n the student s f e, nc ud ng the student s IEP, any teacher observat ons, and any re evant nformat on prov ded by the parents to determ ne whether the conduct n quest on was: 1. Caused by, or had a d rect and substant a re at onsh p to, the student s d sab ty; or 2. The d rect resu t of the d str ct s fa ure to mp ement the IEP. If the d str ct, the parent, and re evant members of the ARD comm ttee determ ne that e ther of the above s app cab e, the conduct sha be determ ned to be a man festat on of the student s d sab ty." *20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)*	2

Exhibit B – Corrective Action Plan Activities

Activity No.	Activity	Activity Due Date	Person(s) Responsible *
01	Review the reason and action discipline code table in Student Systems and correct if needed	4/30/2018 8/1/2018 Yearly	Director, Student and Parent Services
02	Request a query of discipline referrals from 2008-to present to determine how many referrals were not reported to TEA due to incomplete codes in the maintenance table; request a query for Action Codes 27, 28 and 32; request an audit report of any referrals with mandatory offenses which were deleted from the Student System or changed to zero days for recommended days	3/5/2018 7/30/2018	Director, Student and Parent Services
03	Request a query of discipline referrals where discipline actions were modified to determine if referrals were correctly modified for actual days, MD ARD actions and referrals to First Chance	4/30/2018	Director, Student and Parent Services
04	Cross check TEAMS Offense report against the PEIMS Report; reconcile any differences if the total number of offenses do not match	6/12/2018 6/30/2018 End of Year on a yearly basis	Assistant Director - PEIMS, Student and Parent Services Director, Student and Parent Services
05	Develop written procedures which outline the maintenance of the discipline tables each school year	10/30/2018	Director, Student and Parent Services Assistant Director-PEIMS, Student and Parent Services
06	Review available reports and/or develop reports which assist in the verification of discipline submission numbers	4/30/2018 Yearly Basis	Director, Student and Parent Services
07	Review the use of action codes 27/28 to determine if the appropriate action codes were added to the 425 record	5/29/2018 End of Year on a yearly basis	Assistant-Director- PEIMS, Student and Parent Services Director, Student and Parent Services
08	Review whether First Chance action codes must be reported to TEA to determine if the appropriate codes are being submitted in the PEIMS submission	5/29/2018	Director, Student and Parent Services
09	Self-report the number of discipline infractions which were not reported through the PEIMS process for 16-17 to include the action codes 27, 28, and 32	8/30/2018	Deputy Superintendent, Administration Director, Student and Parent Services

Activity No.	Activity	Activity Due Date	Person(s) Responsible *
10	Review and update internal discipline procedures to ensure discipline records are complete and accurate when reporting the 425 records to TEA.	10/30/2018	Student and Parent Services Assistant Director - PEIMS, Student and Parent Services Assistant Director, Student and Parent Services
11	Develop and Distribute PEIMS Calendar/Timelines and PEIMS Process Map to all Data Owners and Campuses	September 1st of each year	PEIMS Manager
12	Beginning in March (or as soon as Prologic has Submission 3 extract available), extract and upload discipline records to TSDS. This provide discipline record counts.	Weekly Beginning in March of each year through Summer Resubmission	PEIMS Manager PEIMS Data Analyst
13	Beginning in March (or as soon as Prologic has Submission 3 extract available), provide weekly data uploads to OnPoint to facilitate review of discipline data in the Student Data Tab, LSA tab, Accountability tab	Weekly Beginning in March of each year through Summer Resubmission	PEIMS Manager PEIMS Data Analyst
14	Update discipline coding chart to provide during training	8/1/2018	Director ,Student and Parent Services
15	Review 2017-2018 First Chance Placements to ensure the 28 coded is being accurately reported on the 425 record and develop written procedures on the use of coding.	6/28/2018 Yearly	Assistant Director - PEIMS, Student and Parent Services Director, Student and Parent Services
16	Revise the Administrative Reference Guide to include roles and responsibilities for PEIMS reporting; attendance recording procedures; add employee disciplinary procedures	8/30/2018	Director, Student and Parent Services
17	District personnel will attend discipline staff development when offered by TEA; SPS will notify campus principals when sessions are advertised by Region 19 or TEA	Yearly as provided	Director, Student and Parent Services

Activity No.	Activity	Activity Due Date	Person(s) Responsible *
18	Conduct staff development on discipline to include Appendix E including use of action codes 27 and 28, attendance procedures, scripting procedures; importance of using the correct scripting procedures, disciplinary removals for special education students; self-audit process; importance of the accuracy of the original discipline referral, begin and end dates, supporting documentation for discipline changes	Every year prior to school year beginning	Director, Student and Parent Services
19	Develop discrepancy reports to review PEIMS Coding to ensure that the appropriate number of 425 records are being submitted to TEA	10/30/2018	Director, Student and Parent Services Assistant Director-PEIMS, Student and Parent Services
20	Create a flowchart for discipline processes so campuses and SPS staff understand discipline processes	8/30/2018	Director, Student and Parent Services
21	Send in a request to the TEAMS User Group to build a notification email when referrals are deleted completely for an additional monitor of delete referrals	8/30/2018	Director, Student and Parent Services
22	Meet with Student Systems to determine if it is feasible to remove the delete function from campuses; If it is not feasible, the deletion will be run before each self-audit period.	8/30/2018	Director, Student and Parent Services
23	Create a detailed discipline self-audit program to include utilizing reports to validate self-audit information; verification of script usage; validation of changes; attendance is properly coded; continue self-audit staff development for campuses ; monitoring process for corrective action changes; process for communication changes to campus; and use of discipline audit logs	9/28/2018	Director, Student and Parent Services Assistant Director-PEIMS, Student and Parent Services

Activity No.	Activity	Activity Due Date	Person(s) Responsible *
24	Student and Parent Services and Student and Family Empowerment will collaborate to ensure that the annual Discipline Training for Administrators will include an overview of PBIS and Discipline Flowchart and reporting procedures for teachers/staff that are discouraged from writing referrals. The training presentation will serve as template to be used at the campus.	8/31/2018	Executive Director, Student and Family Empowerment Coordinator, Student and Family Empowerment Director, Student and Parent Services
25	Administrators will conduct a PBIS overview during the first four weeks emphasizing the Discipline Flowchart protocol. Administrators will then upload the following documents in Schoology: agenda and sign-in sheets.	9/21/2018	Executive Director, Student and Family Empowerment Coordinator, Student and Family Empowerment Director, Student and Parent Services
26	Administrators will conduct a PBIS refresher in January emphasizing the Discipline Flowchart protocol. Administrators will then upload the following documents in Schoology: agenda and sign-in sheets.	2/15/2019	Executive Director, Student and Family Empowerment Coordinator, Student and Family Empowerment
27	Conduct a mini-PBIS survey to assess teacher perceptions on the PBIS Discipline Flowchart and perceived barriers to processing referrals.	1/31/2019	Executive Director, Student and Family Empowerment Coordinator, Student and Family Empowerment
28	Teachers will be surveyed annually to include a question on whether they have been discouraged from writing office managed referrals.	8/31/2018	Executive Director, Student and Family Empowerment Coordinator, Student and Family Empowerment
29	Create an online PBIS overview for teachers and staff highlighting the PBIS Framework and elements, to include reporting procedures when discouraged from writing referrals. The video will be posted online.	8/31/2018	Executive Director, Student and Family Empowerment Coordinator, Student and Family Empowerment Student and Parent Services
30	Review OnPoint, TSDS Summary Reports and compare to Student System Reports after uploads are made to review Data Validation and Discipline Reports to ensure accuracy and correct discrepancies	07/15/19	Director Student and Parent Services