



TEXAS EDUCATION AGENCY

1701 North Congress Ave. ★ Austin, Texas 78701-1494 ★ 512/463-9734 ★ FAX: 512/463-9838 ★ <http://www.tea.state.tx.us>

Robert Scott
Commissioner

**IMPORTANT
ACCREDITATION
INFORMATION**

CERTIFIED MAIL

057-819
2009-2010

February 26, 2010

Ms. Jane Ann Shelton, President, Charter Holder Board
Ms. Katherine Johnson, Superintendent
Jean Massieu Academy
823 North Center Street
Arlington, Texas 76011

Dear Ms. Shelton and Ms. Johnson:

The purpose of this letter is to provide official notice to Jean Massieu Academy regarding the charter's standing related to its 2009-2010 accreditation status assignment. The Texas Education Agency (TEA or agency) has determined that Jean Massieu Academy has earned a fourth consecutive rating of *Academically Unacceptable* in the state's academic accountability rating system, and a 2009 Financial Accountability Review rating of *Substandard*. Additionally, Jean Massieu Academy has demonstrated continual noncompliance in the area of its special education program. These concerns require me to assign Jean Massieu Academy a 2009-2010 accreditation status of **Not Accredited-Revoked** and to close the charter effective July 1, 2010. The accreditation status of Not Accredited-Revoked means the TEA does not recognize the charter district as a Texas public school because its performance has failed to meet standards adopted by the commissioner under Texas Education Code (TEC), §39.052(b) and (c), and specified in commissioner rules.

Background Information

On October 31, 2007, Jean Massieu Academy was notified by TEA that, as a result of an *Academically Unacceptable* rating in the state academic accountability rating system for two consecutive years, a monitor, Ms. Rebecca Lofton, would be assigned to guide the action of the charter. (See letter, enclosed.)

In a TEA letter dated May 22, 2008, Jean Massieu Academy was notified that the role of Ms. Lofton would be expanded to that of TEA conservator due to continuing issues of special education noncompliance¹, the local education agency's (LEA's) failure to follow the Performance-Based Monitoring (PBM) process, and the structure of LEA leadership related to the provision of special education services. (*See letter, enclosed.*)

As you are aware, when academic accountability ratings were issued on August 1, 2008, Jean Massieu Academy was identified as *Academically Unacceptable* at both the district and campus levels for three consecutive rating years. On February 23, 2009, a hearing was conducted in accordance with TEC, §§39.131(a)(4) and 39.132(6), to provide charter district leaders an opportunity to explain the academically unacceptable performance, lack of improvement, and plans for academic improvement at Jean Massieu Academy. The statutory intervention structure in place to address circumstances of ongoing academically unacceptable performance was reviewed during the hearing. Given the multi-year *Academically Unacceptable* status of the charter district and campus, the charter district was notified of the requirement to develop a contingency plan for possible campus closure should performance not improve.

Additionally, in a TEA letter dated July 17, 2009, Jean Massieu Academy was informed that TEA had assigned accreditation statuses to charter districts for the 2008-2009 year under the authority of TEC, §39.071, and Title 19, Texas Administrative Code (TAC), §97.1055, and that, under the requirements of statute and rule, Jean Massieu Academy had been assigned an accreditation status of Accredited-Probation due to the ratings assigned to the district in the state's academic accountability rating system. Specifically, the Jean Massieu Academy was assigned a 2006, 2007, and 2008 district-level academic accountability rating of *Academically Unacceptable*². (*See letter, enclosed.*)

The July 17, 2009, TEA letter notified Jean Massieu Academy that superintendents of charter districts assigned a status of Accredited-Probation could request a record review related to the assignment of that status. The letter further stated that a request for record review related to the assignment of 2008-2009 accreditation statuses was required to be received by the TEA no later than July 27, 2009. In a letter dated July 21, 2009, and received by the TEA on July 23, 2009, you requested a record review related to the assignment of an Accredited-Probation status to Jean Massieu Academy.

In a TEA letter dated July 31, 2009, Jean Massieu Academy was notified of the scheduled record review, and the review was conducted on September 11, 2009, in the William B. Travis Building, Austin, Texas. This record review offered an opportunity for Jean Massieu Academy to provide oral and written information on the initial assignment of an Accredited-Probation status to the charter district. In a TEA letter dated October 9, 2009, the charter was officially assigned a 2008-2009 accreditation status of Accredited-Probation. (*See letter, enclosed.*)

¹ See the *Preliminary On-Site Findings* and TEA correspondence related to the on-site review of Jean Massieu Academy's special education program dated February 27, 2006. Jean Massieu Academy was given 10 business days to respond to the findings before the *On-Site Findings* became final. The Jean Massieu Academy did not respond to the findings, and as a result, the *On-Site Findings* became final on March 14, 2006. Also, see TEA correspondence related to continued noncompliance in the area of special education dated June 21, 2007.

² District and campus academic accountability data tables for Jean Massieu Academy are accessible on TEA's website at <http://ritter.tea.state.tx.us/perfreport/account/index.html>. Accreditation status data for Jean Massieu Academy for 2008-2009 are accessible on TEA's website at <http://ritter.tea.state.tx.us/accredstatus/>.

Revocation of Accreditation; Closure

On July 31, 2009, when 2009 academic accountability ratings were released, Jean Massieu Academy and Jean Massieu Academy campus each received a 2009 state academic accountability rating of *Academically Unacceptable*. With that rating, the charter district and the charter campus earned a fourth consecutive year of having been identified as *Academically Unacceptable*. Title 19, TAC, Section 97.1055(d)(1)(A), provides as follows:

Determination of Not Accredited-Revoked status; Revocation of accreditation.

(1) The accreditation of a district shall be revoked if, beginning with its 2006 rating, the district is assigned:

...
(A) for four consecutive school years, an academic accountability rating of Academically Unacceptable under §97.1001 of this title....

Additionally, on October 1, 2009, when 2009 Financial Accountability Review ratings were released, Jean Massieu Academy was listed among the charter districts rated as *Substandard*.³ This rating was due to the LEA's failure to submit a timely 2007-2008 financial and compliance report. Title 19, TAC, Section 97.1055(d)(1)(A)-(C), provides as follows:

Determination of Not Accredited-Revoked status; Revocation of accreditation.

(1) The accreditation of a district shall be revoked if, beginning with its 2006 rating, the district is assigned:

...
(A) for four consecutive school years, an academic accountability rating of Academically Unacceptable under §97.1001 of this title....

(B) for four consecutive school years, a financial accountability rating of Substandard Achievement or Suspended--Data Quality under §109.1002 of this title;

(C) for four consecutive school years, any one of the ratings referenced in subparagraphs (A) and (B) of this paragraph....

In addition, as documented in previous TEA correspondence, the Jean Massieu Academy has continued to have issues of noncompliance related to its special education program since the assignment of Ms. Lofton as conservator. Specifically, the district's special education program, as monitored under Title 19, TAC, §97.1005, exhibits serious and persistent deficiencies. Title 19, TAC, Section 97.1055(d)(2)-(3), provides as follows:

Determination of Not Accredited-Revoked status; Revocation of accreditation.

...
(2) A district shall have its accreditation revoked if, notwithstanding its performance under paragraph (1) of this subsection, the commissioner determines this action is

³ The 2009 Charter School Accreditation Financial Review for Jean Massieu Academy is accessible on TEA's website at <http://www.tea.state.tx.us/index4.aspx?id=6491>.

reasonably necessary to achieve the purposes of TEC, §39.071. Such action is generally required by the following circumstances:

- (A) to an extent established under subsection (e) of this section, the district has failed to comply with requirements related to:
 - (i) the integrity of assessment or financial data used to measure performance under TEC, Chapter 39 or 42, and rules implementing those chapters;
 - (ii) the reporting of data under TEC, §42.006, and §61.1025 of this title;
 - (iii) other reports required by state or federal law or court order....
- (B) after investigation under TEC, §39.074 or §39.075, the commissioner finds:
 - (i) the district's programs monitored under §97.1005 of this title exhibit serious or persistent deficiencies that require revocation of the district's accreditation; or
 - (ii) the district otherwise exhibits serious or persistent deficiencies that require revocation of the district's accreditation.

(3) Notwithstanding paragraph (2) of this subsection, a district's accreditation shall be revoked if the commissioner determines this action is reasonably necessary to achieve the purposes of TEC, §39.071.

Title 19, TAC, Section 97.1055(e), provides as follows:

Legal compliance.

In addition to the district's performance measured by ratings under §97.1001 and §109.1002 of this title, the accreditation status of a district is determined by its compliance with the statutes and rules specified in TEC, §39.071(b)(2). Notwithstanding satisfactory or above satisfactory performance on other measures, a district's accreditation status may be assigned based on its legal compliance alone, to the extent the commissioner determines necessary. In making this determination, the commissioner:

- (1) shall assign the accreditation status that is reasonably calculated to accomplish the applicable provisions specified in §97.1053(a) of this title;
- (2) may impose, but is not required to impose, an accreditation sanction under this subchapter in addition to assigning a status under paragraph (1) of this subsection; and
- (3) shall lower the status assigned and/or impose additional accreditation sanctions as necessary to achieve compliance with the statutes and rules specified in TEC, §39.071(b)(2).

After carefully considering the accreditation and other performance history of Jean Massieu Academy, I find that I must assign Jean Massieu Academy a 2009-2010 accreditation status of **Not Accredited-Revoked** and order closure of the charter district effective July 1, 2010. The

Ms. Jane Ann Shelton, President, Charter Holder Board
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procedures available to the charter to request a review of the accreditation status assignment are discussed below.

Conservator

Current agency sanctions will remain in place. The conservator assigned to Jean Massieu Academy will oversee the closure of the charter district, in addition to relevant duties previously assigned. The conservator will continue to report charter district activities to TEA.

Record Review

In accordance with Title 19, TAC, §97.1037, the charter district may request a record review related to the assignment of a 2009-2010 accreditation status of **Not Accredited-Revoked**. The request for record review must be received by TEA **no later than March 12, 2010**, and may be addressed as follows:

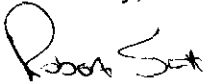
Laura Taylor
Associate Commissioner for Accreditation
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701
Fax: (512) 936-6474

Additional information regarding the record review process can be referenced at Title 19, TAC, §97.1037 at the *Texas Administrative Code—Currently in Effect* link available at <http://ritter.tea.state.tx.us/rules/tac/index.html>.

While it saddens me to take this action, given the expectations of state law and my concern for the long-term education of the students served by Jean Massieu Academy, I am compelled to move forward with this action. I will make agency staff available to support the administrators, staff, and students of Jean Massieu Academy as questions or issues may arise.

It is my sincere desire that the agency, the charter, and the community continue to work together in a cooperative and productive manner to address the charter's circumstances. Any questions you may have regarding this correspondence may be addressed to the Division of Program Monitoring and Interventions at (512) 463-5226 or via e-mail at pmidivision@tea.state.tx.us.

Sincerely,



Robert Scott
Commissioner of Education

RS/jt

Enclosures (6)

Ms. Jane Ann Shelton, President, Charter Holder Board
Ms. Katherine Johnson, Superintendent
Jean Massieu Academy
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cc: Richard Ownby, Executive Director, Region XI Education Service Center
Ray Glynn, Deputy Commissioner for School District Leadership and Educator Quality, TEA
Laura Taylor, Associate Commissioner for Accreditation, TEA
David Anderson, General Counsel, TEA
Karen Batchelor, Deputy Associate Commissioner, Program Monitoring and Interventions, TEA
Ron Rowell, Director, School Governance and General Inquiries, TEA
Mary Perry, Director, Charter School Administration, TEA
Rita Chase, Director, Financial Audits, TEA
Ted Kerr, Manager, Program Monitoring and Interventions, TEA
Judy Struve, Manager, Program Monitoring and Interventions, TEA
Rebecca Lofton, Conservator



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Robert Scott
Commissioner

CERTIFIED
MAIL

October 31, 2007

057-819
2007-2008

Members of the Charter Holder Board
Mr. Bobby Dunivan, Superintendent
Jean Massieu Academy
823 North Center Street
Arlington, Texas 76001

Dear Members of the Charter Holder Board and Mr. Dunivan:

On August 1, 2006, the Jean Massieu Academy was notified that it was rated *Academically Unacceptable* (AU) in the state accountability rating system due to the low performance of student groups on the 2006 Texas Assessment of Knowledge and Skills (TAKS) in the areas of mathematics, science, and social studies. The charter subsequently was notified that it would be required to engage in certain intervention activities, including the development and implementation of a student achievement improvement plan, to correct the low performance.

On August 1, 2007, the Jean Massieu Academy was notified that it again was rated AU in the state accountability rating system due to the low performance of student groups on the 2007 TAKS in the areas of mathematics, science, social studies, and writing.

Given the two consecutive years of district-level low performance for the Jean Massieu Academy, I am compelled to exercise my authority to intervene. Accordingly, under the authority of Texas Education Code (TEC) §39.131, I am assigning Ms. Rebecca Lofton to the Jean Massieu Academy as the Texas Education Agency (TEA) monitor to guide the action of the charter. Ms. Lofton has served most recently as the special education director for the Tomball Independent School District.

As a TEA monitor, Ms. Lofton's role will include, but will not be limited to:

- Taking a lead in analyzing local education agency (LEA) data;
- Identifying causal factors for low performance on the TAKS;
- Working with the LEA to incorporate findings and develop an improvement plan that is reasonably calculated to improve student performance on the TAKS;
- Overseeing implementation of improvement planning activities;
- Assisting the LEA in the development and implementation of intervention activities for the Performance-Based Monitoring System, including the implementation of required corrective actions for the special education program area;
- Periodically reporting to the TEA on progress; and
- Recommending additional actions that the TEA may need to take.

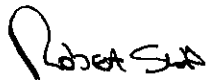
Members of the Charter Holder Board
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Additionally, I am requiring the acquisition of professional services under the provisions of TEC §39.1331 for the purpose of monitoring assessment administration on the campuses of the charter, and Ms. Lofton will be responsible for overseeing the selection and acquisition of these services for the charter.

Agency staff will be present at the next meeting of the charter holder board to introduce Ms. Lofton to the members of the board and the administrators. The cost of the monitor's services will be paid by the charter, in accordance with TEC §39.134. The fee shall not exceed \$60 per hour (not to exceed \$480 per day) plus necessary travel expenses not to exceed the state per diem rate. Failure to make timely payments to the monitor may result in appropriate amounts being deducted from the charter's Foundation School Program funds.

The monitor will keep me apprised of the conditions in the LEA and of the level of cooperation shown by the administration and faculty. It is my sincere desire that all parties work together with the monitor in a cooperative and productive manner to address the deficiencies evident in the school system. Any questions you may have regarding the assignment of Ms. Lofton may be addressed to Ted Kerr in the Division of Program Monitoring and Interventions at (512) 463-9414.

Sincerely,



Robert Scott
Commissioner of Education

RS:GL:rp

cc: Richard Ownby, Executive Director, Region XI Education Service Center
Lizzette Reynolds, Acting Deputy Commissioner, Statewide Policies and Programs, TEA
Susan Barnes, Associate Commissioner for Standards and Programs, TEA
Gene Lenz, Deputy Associate Commissioner, Special Programs, Monitoring, and Interventions, TEA
Laura Taylor, Senior Director, Program Monitoring and Interventions, TEA
David Anderson, Chief Legal Counsel, TEA
Mary Perry, Division of Charter Schools, TEA
Ron Rowell, School Governance and General Inquiries, TEA
Oscar Zepeda, Program Specialist, Program Monitoring and Interventions, TEA
Rebecca Lofton, Monitor



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Shirley J. Neeley, Ed.D.
Commissioner

**CERTIFIED
MAIL**

February 27, 2006

057-819
2004-2005

Mr. Bobby Dunivan, Chief Operating Officer
Jean Massieu Academy
823 North Center Street
Arlington, Texas 76011

Dear Mr. Dunivan:

In December 2004, the Division of Performance-Based Monitoring at the Texas Education Agency (TEA) notified the Jean Massieu Academy of its 2004-2005 Performance-Based Monitoring Analysis System (PBMAS) results through the dissemination of a PBMAS report. In a subsequent TEA letter dated February 9, 2005, the agency sent notification to the Jean Massieu Academy of the local education agency's (LEA) stages of intervention in the 2004-2005 Performance-Based Monitoring (PBM) system. PBM information for the special education program area indicated the Jean Massieu Academy's stage of intervention as *To Be Determined*. This stage of intervention determination was a result of the LEA's performance on the PBMAS indicators for the special education program. However, certain unique aspects of the charter school, as reflected in the charter school application, impacted the PBMAS results for the Jean Massieu Academy.

In light of the unique attributes of the charter school as reflected in the charter application, the TEA engaged the Jean Massieu Academy in additional discussions related to relevant monitoring activities for the school. In this regard, a team from the Division of Program Monitoring and Interventions, Special Education Unit, conducted an on-site data-gathering visit during the week of May 23-27, 2005. The on-site review included individual and group interviews with administrative, professional, and paraprofessional personnel. This visit occurred in conjunction with the on-site review being conducted by the Division of Financial Audits.

Preliminary findings related to the on-site review are attached in a document labeled *Preliminary On-Site Findings* and include specific issues/trends identified and areas of noncompliance that have been determined. The LEA must begin addressing issues of noncompliance as identified in the *Preliminary On-Site Findings* immediately upon receipt of this correspondence and is required to correct the noncompliance items as soon as possible. In no case may the correction take longer than one calendar year from the date of this report.

Additionally, as a result of other issues and trends identified in the *Preliminary On-Site Findings*, the LEA is required to engage in additional review activities. The required activities involve the use of specific templates and tools. Specific documents related to the LEA-required actions are available at <http://www.tea.state.tx.us/pmi/spedmon/2005/>. The LEA, with the required

"Good, Better, Best—never let it rest—until your good is better—and your better is BEST!"

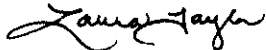
Mr. Bobby Dunivan, Chief Operating Officer
Jean Massieu Academy
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2004-2005 Core Team participants as identified in Step 1 of the *Focused Data Analysis (FDA) and FDA with Program Effectiveness Review Guidance Document*, will complete the required templates to analyze district issues and trends and submit the templates to the agency by April 7, 2006.

We request that the Jean Massieu Academy review the preliminary findings and required actions contained in this letter and the enclosed report. The LEA has 10 business days in which to respond to the agency team's findings before the *On-Site Findings* become final. A *Receipt of Report* form is enclosed for you to indicate your agreement or disagreement with the findings. Please note the deadline, March 14, 2006, indicated at the bottom of the form for return to the agency.

If you have additional questions regarding the preliminary findings or other attachments, please contact Margaret Mays in this division at (512) 463-9414.

Sincerely,



Laura Taylor, Senior Director
Program Monitoring and Interventions

LT:mm:bab

cc: Mary Perry, Division of Charter Schools, TEA
Roger Hingorani, Division of Financial Audits, TEA
Richard Ownby, Executive Director, Region XI Education Service Center
Phyllis Gandy, Special Education Contact, Region XI Education Service Center

RECEIPT OF REPORT
Division of Program Monitoring and Interventions

The local education agency (LEA) must complete this form by **selecting only one** of the two options as its response to the preliminary findings as a result of the visit conducted by a review team from the Division of Program Monitoring and Interventions, Special Education Unit, at the Texas Education Agency (TEA).

- ____ 1. The LEA agrees with the contents of the report, which becomes final with return of this receipt.
- ____ 2. The LEA is in receipt of and disagrees with the contents of the report and is submitting those objections in writing. Any disagreement must be accompanied by all LEA data and/or documentation available and necessary for TEA's reconsideration of the preliminary findings.

Failure by the LEA to respond by the date specified below will be interpreted as agreement with the report.

Signature of Superintendent/CEO

Date

Jean Massieu Academy
Name of School District

057-819
County-District Number

This Receipt of Report form and any documentation submitted by the LEA is due to the Texas Education Agency on or before March 14, 2006.

Return this form and supporting documentation to:

Texas Education Agency
Division of Program Monitoring and Interventions
Special Education Unit
1701 North Congress Avenue
Austin, Texas 78701-1494

Preliminary On-Site Findings	
Section I	
Issue	LEA Required Actions
<p>Issues of Noncompliance identified as a result of the on-site review:</p> <p>Increased Student Performance</p> <p><u>Least Restrictive Environment (LRE)</u></p> <p>34 Code of Federal Regulations (CFR) §300.552(a)(1)(b)(2)(e); Texas Administrative Code (TAC) §89.63(c)(1)(5)(6)</p> <p>The placement decision is made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The child's placement is based on the child's individualized education program (IEP).</p> <p>Administrator and staff interviews indicated the following:</p> <ul style="list-style-type: none"> • Students who receive services from a special education funded instructor are coded 42, 43, or 44. Many of these students receive instruction in the same classroom, at the same time, and from the same teacher. The LEA administrator revealed that this is a funding issue only and has nothing to do with differentiated instruction. • There is no evidence of differentiation of instruction based on formalized student data. Jean Massieu Academy (JMA) staff utilizes teacher-made tests and teacher observation to make decisions regarding differentiation of instruction. 	<p>Implement corrective actions to address all instances of noncompliance.</p> <p><i>The LEA is required to correct any noncompliance items as soon as possible, but in no case may the correction take longer than one calendar year from the date of identification of noncompliance.</i> (See page 8 for additional information regarding noncompliance.)</p> <p>Additionally, referencing the 2004-2005 Special Education Monitoring System, found at http://www.tea.state.tx.us/pmi/spedmon/2005/, complete the following:</p> <p>Stage 1B: Placement Template for Elementary Placement Template for Middle School/Junior High Placement Template for High School</p> <p>Focused Data Analysis for PBM Indicators #3, #5, #7, #8, and #9</p> <p>Program Effectiveness Review Template; Core Analysis Team Template; Surrogate Parent Information Template; and Teacher/Paraprofessional Special Education Certified Staff Template.</p>

34 CFR §300.346(a)

In developing each child's IEP, the IEP team shall consider the strengths of the child, the results of the initial or most recent evaluation of the child, and the results of the child's performance on any general State- or district-wide assessment programs.

Administrator and staff interviews indicated the following:

- IEP development and implementation often are based on how the teacher feels the student is doing. One teacher did state that she used the results from the previous IEP and included in the new IEP those objectives that had not been mastered.

Access to the General Curriculum

34 CFR §300.26(3)(ii)

Specially designed instruction means adapting the content, methodology, or delivery of instruction to ensure access of the child to the general curriculum.

34 CFR §300.552(e)

A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Specifically, administrator and staff interviews indicated the following:

- Students from Grades 2-12 are clustered for instruction according to the state-mandated test taken and the subjects in which it is taken.
 - a) Students who take Texas Assessment of Knowledge and Skills (TAKS) in reading and/or

Stage 2:

Compliance Review for PBM Indicators #5, #8, and #9

All Stages:

Continuous Improvement Plan Template.

math receive on-grade-level instruction with other students who are taking the TAKS in these subjects;

- b) Students who take State-Developed Alternative Assessment (SDAA) in reading and/or math receive below-grade-level instruction with other students with disabilities who are taking the SDAA in these subjects.
- c) All students who take TAKS or SDAA in social studies and science receive on-grade-level instruction. Students who will take the SDAA receive modifications and accommodations on-grade-level Texas Essential Knowledge and Skills (TEKS). Students are clustered for instruction by the regular education teacher in these classes according to state-mandated test taken.
- d) At some grade levels, students are clustered in self-contained classrooms based on either the presence or absence of an auditory impairment without regard to appropriate TEKS instruction. The stated reasoning for this was that deaf students were frustrated because hearing students were not signing. The approved charter states that all students will learn American Sign Language (ASL) and the curriculum will be communicated through ASL.

Program Effectiveness

Texas Education Code (TEC) §29.004

A written report of a full individual and initial evaluation of a

student for purposes of special education services shall be completed not later than the 60th calendar day following the dates on which the school district receives written consent for the evaluation.

- JMA contracts with a diagnostician one day a month to conduct evaluations and reevaluations. The LEA administrator stated that one student evaluation timeline was not met.

Provision of Speech and Related Services and Extended School Year (ESY) Services

Purposes

34 CFR §300.1(a)

To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.

Continuum of Alternative Placements

34 CFR §300.551(a)

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

Placements

34 CFR §300.552(b)(2)

The child's placement is based on the child's IEP.

ESY Services

34 CFR §300.309(a)(1)(3)

Each public agency shall ensure that ESY services are available as necessary to provide free appropriate public education (FAPE). A public agency may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or

duration of those services.

Specifically, administrator and staff interviews revealed that each student scheduled for speech therapy services receives the services for 20 minutes per week. Speech therapy is provided as a contracted service, and the therapist is available on Fridays only.

Additionally, ESY services were perceived to be "summer school" by administration and staff. In a portion of the conversation, it appeared that ESY also was confused with in-home training. The LEA administrator also commented that they do not offer ESY services because they do not have the "place," cannot provide transportation, and do not have time to discuss these services during the annual admission, review, and dismissal (ARD) meeting.

JMA contracts for occupational therapy/physical therapy (OT/PT), but staff and administration stated that students have not "needed it."

Assistive Technology (AT)

34 CFR §§300.308 (a); 300.346(a)(2)(v), (d)(2); 300.347(a)(3)

Each public agency shall ensure that assistive technology devices or assistive technology services, or both, are made available to a child with a disability if required as a part of the child's special education, related services, or supplementary aids and services.

The LEA administrator stated that AT services are not considered because signing services are available for all students. The

speech service provider stated that the only AT that JMA students can access is a computer program, and students have to be able to hear to avail themselves of the technology.

Section II

Program Effectiveness

Administrator and staff interviews revealed that:

- There is not a system in place to use formalized student data to effect changes in the special education program.
- There is a high teacher turnover rate. Per the LEA administrator, typically 2-3 teachers leave each year; but for the 2005-2006 school year, JMA will lose 7 teachers.
- There is a 50% student mobility rate. Students who are successful return to their home school, then return to JMA as difficulties arise.

Parent Involvement

Parents are involved through the PTA. JMA staff encourages parents to go to training.

The LEA administrator stated that advisory committees, which are spelled out as requirements in the charter, are not well-functioning.

	<p>Transition</p> <p>In administrator interviews, the agency team learned:</p> <ul style="list-style-type: none">• There is no funding for vocational courses. However, agency records indicate that the LEA received state vocational funds for the 2004-2005 school year.• A 5-year follow-up to determine student success after graduation was to be implemented as stated in the approved charter. This has not occurred.
	<p>Required Corrective Actions (Related to Section I):</p> <p>The agency may require documentation verifying that:</p> <ul style="list-style-type: none">➤ policies and procedures have been changed, as necessary;➤ policies and procedures have been implemented as written;➤ decision-making frameworks/guidelines have been implemented;➤ the LEA has systems to ensure that students with disabilities are receiving related services and ESY services consistent with the child's needs;➤ the LEA conducts ARD committee meetings as necessary to ensure the provision of a free appropriate public education to the students in question and considers compensatory services, if appropriate to the student's individual circumstances. <p><i>The LEA is required to correct any noncompliance items as soon as possible, but in no case may the correction take longer than one calendar year from the date of identification of noncompliance.</i></p>
	<p>Next Steps:</p> <p>The LEA will complete all required documents/actions listed in the LEA Required Actions column and submit the information to the Texas Education Agency by April 7, 2006, for review by agency personnel.</p>



TEXAS EDUCATION AGENCY

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Shirley J. Neeley, Ed.D.
Commissioner

June 21, 2007

057-819
2004-2005

Mr. Bobby Dunivan, Superintendent
Jean Massieu Academy
823 North Center Street
Arlington, Texas 76011

Dear Mr. Dunivan:

The purpose of this letter is to notify the Jean Massieu Academy of its current status in the Performance-Based Monitoring (PBM) system for special education.

In a letter dated February 9, 2005, the Texas Education Agency (TEA) notified the Jean Massieu Academy that certain unique aspects of the charter school, as reflected in the charter school application, impacted the 2004-2005 Performance-Based Monitoring Analysis System (PBMAS) results for the Jean Massieu Academy. Subsequently, a team from the Division of Program Monitoring and Interventions, Special Education Unit, conducted an on-site data-gathering visit during the week of May 23-27, 2005.

Correspondence related to the on-site findings was sent to the local education agency (LEA) on February 27, 2006. This correspondence detailed six specific areas of noncompliance:

- Least Restrictive Environment (LRE);
- Access to the General Curriculum;
- Full and Individual Evaluation (FIE) Timelines;
- Provision of Speech and Related Services;
- Provision of Extended School Year (ESY) Services; and
- Assistive Technology (AT).

A plan for correction of these issues of noncompliance was included in your Continuous Improvement Plan.

Subsequently, the Jean Massieu Academy was required to provide documentation verifying correction for these issues of noncompliance. Documentation provided by the LEA regarding three areas of noncompliance: Least Restrictive Environment; Access to the General Curriculum, and Provision of Speech and Related Services, verified compliance. However, documentation submitted by the LEA related to FIE Timelines, Provision of ESY Services, and AT indicated the following instances of ongoing noncompliance.

"Good, Better, Best—never let it rest—until your good is better—and your better is BEST!"

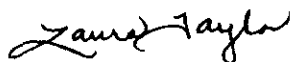
- The initial admission, review, and dismissal (ARD) meeting for one student did not take place within the timeline. Therefore, the ARD committee could not consider the evaluation and complete the initial eligibility determination within the required timeline.
- The LEA has not considered ESY services for students with disabilities. Discussions with the LEA administrator revealed that ESY services are not offered because the LEA does not have a place to provide the services and cannot provide transportation. The LEA must develop a plan for providing ESY services.
- The LEA has not appropriately considered the provision of AT for students with disabilities. The LEA states that AT is not considered because signing services are available for all students.

Therefore, FIE Timelines, Provision of ESY Services, and AT are continuing issues of noncompliance.

To ensure immediate correction of this ongoing area of noncompliance, the Jean Massieu Academy will be subject to additional oversight and sanctions under 19 Texas Administrative Code (TAC) §89.1076, Interventions and Sanctions. The LEA must take immediate steps to rectify the instances of continuing noncompliance as referenced above. As an initial step, the TEA will engage in escalated verification activities to ensure that compliance is documented. However, the TEA reserves the right to utilize any of the interventions and sanctions noted in federal law or 19 TAC §89.1076 in order to obtain compliance with program requirements.

The special education unit of this division will be in further communication with your charter regarding progress on correction of noncompliance. In the meantime, if you have additional questions regarding this correspondence, please contact Sue Enoch in this division at (512) 463-9414.

Sincerely,



Laura Taylor, Senior Director
Program Monitoring and Interventions

LT:SE:bab

cc: Mary Perry, Division of Charter Schools, TEA
Richard Ownby, Executive Director, Region XI Education Service Center
Debbie Roybal, Special Education Contact, Region XI Education Service Center
Stephanie McKnight, Special Education Director, Jean Massieu Academy



TEXAS EDUCATION AGENCY

1701 North Congress Ave ★ Austin, Texas 78701-1494 ★ 512/463-9734 ★ FAX: 512/463-9838 ★ <http://www.tea.state.tx.us>

Robert Scott
Commissioner

May 22, 2008

CERTIFIED
MAIL

057-819
2007-2008

Members of the Charter Holder Board
Mr. Bobby Dunivan, Superintendent
Jean Massieu Academy
823 North Center Street
Arlington, Texas 76001

Dear Members of the Charter Holder Board and Mr. Dunivan:

On October 31, 2007, the Jean Massieu Academy was notified by the Texas Education Agency (TEA) that, as a result of an Academically Unacceptable (AU) rating in the state accountability rating system for two consecutive years, a monitor, Rebecca Lofton, would be assigned to guide the action of the charter. The TEA monitor's role includes assisting the local education agency (LEA) in the development and implementation of intervention activities for the Performance-Based Monitoring (PBM) system, including the implementation of required corrective actions for the special education program area.

In correspondence dated June 21, 2007, the local education agency (LEA) was notified that areas of noncompliance from the 2004-2005 monitoring year continued to be uncorrected. The LEA had not reported the status of these continuing issues of noncompliance in the 2006-2007 Continuous Improvement Plan (CIP). Additionally, on September 23, 2007, the LEA was notified of its 2007-2008 Stage 2 intervention status as result of the LEA's 2007 Performance-Based Monitoring Analysis System (PBMAS) report.

In her role as monitor, Ms. Lofton has been working with the staff at the Jean Massieu Academy to correct the issues of identified and continuing noncompliance. A phone conference was held with Ms. Lofton to discuss the agency's concerns regarding the agency's review of the LEA's submission of 2007-2008 PBM special monitoring documents. The review of intervention documents submitted found the following:

- **PBMAS Indicator #3: SDAA Gap Closure**
The LEA identified no issues and findings. No required activities for this indicator were included in the 2007-2008 CIP.
- **PBMAS Indicator #4: TAKS Only Participation Rate**
The focused data analysis contained no analysis. The LEA stated that "the ARD committee decides."
- **PBMAS Indicator #7: SDAA II Only Participation Rate**
The focused data analysis contained no analysis. The LEA stated that "the ARD committee decides."
- **PBMAS Indicator #14: SPED Identification**
The LEA provided no analysis or findings.

Additionally:

- The probes were not completed on the Patterns of Service for Homebound template.
- The LEA stated that all students were receiving speech therapy services on the Patterns of Service for Speech and Related Services template. However, Rebecca Lofton shared information that no speech therapy services have been provided to date during the 2007-2008 school year. Ms. Lofton also indicated that the LEA recently has hired a service provider and that she informed the LEA that the provision of compensatory services would be necessary.
- On the Patterns of Service for ESY template, the LEA stated that an "ESY committee" will review data and make decisions regarding eligibility for ESY services. There is no mention of ARD committee decision making. Therefore, the process for determining ESY services is not being followed.
- The agency review also determined that the 2007-2008 CIP is a modification of the 2006-2007 CIP, with only minor changes. The LEA did not report the status of the issues of continuing noncompliance in the CIP. Further, the LEA did not submit a revision of the 2006-2007 CIP as directed following notification of the issues of continuing noncompliance.
- The LEA did not have a core team, as required, to complete the required activities of the PBM process and to develop the 2007-2008 CIP.

Ms. Lofton reported that the LEA has had a change in leadership and that the director of special education has been reassigned as principal. A certified general education teacher has been hired to help address special education needs. Ms. Lofton stated that, given the current structure, she did not believe that corrective actions could be appropriately implemented.

The purpose of this letter is to notify the Jean Massieu Academy that, as a result of the continuing issues of noncompliance, the failure to follow the PBM process, and the current structure of LEA leadership as it relates to the provision of special education services, Ms. Lofton's role as monitor is being elevated to conservator. In her role as conservator, Ms. Lofton will continue to perform the roles assigned in the TEA letter dated October 31, 2007, which include, but are not limited to, the following:

- Oversee the implementation of improvement planning activities;
- Oversee the immediate correction of issues of ongoing special education noncompliance; and
- Report on progress of implementation to the TEA at regular intervals.

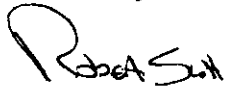
Additionally, she will have the authority to direct an action to be taken by or approve or disapprove any action of a principal of a campus, the superintendent of the LEA, or the LEA board as necessary to achieve her charges.

We request that the LEA review the information contained in this letter. Any disagreement with the TEA's findings or sanction recommendations must be submitted to the TEA, Division of Program Monitoring and Interventions, and must be accompanied by all LEA data and/or documentation necessary for the TEA's reconsideration. A request for reconsideration must be received by the Division of Program Monitoring and Interventions no later than May 27, 2008.

Members of the Charter Holder Board
Mr. Bobby Dunivan, Superintendent
Jean Massieu Academy
Page 3

The conservator will continue to keep the TEA apprised of the conditions in the LEA and of the level of cooperation shown by the administration and faculty. It is the desire of the TEA that all parties continue to work together with the conservator in a cooperative and productive manner to address the deficiencies evident in the school system. Any questions you may have regarding Ms. Lofton's revised assignment may be addressed to Judy Struve in the Division of Program Monitoring and Interventions at (512) 463-9414.

Sincerely,



Robert Scott
Commissioner of Education

RS/aa

cc: Richard Ownby, Executive Director, Region XI Education Service Center
Ray Glynn, Deputy Commissioner for School District Leadership and Educator Quality, TEA
Adrain Johnson, Associate Commissioner for Accreditation, TEA
Laura Taylor, Deputy Associate Commissioner for Program Monitoring and Interventions, TEA
Mary Perry, Division of Charter Schools, TEA
Ron Rowell, School Governance and General Inquiries, TEA
Oscar Zepeda, Program Specialist, Program Monitoring and Interventions, TEA
Sue Enoch, Program Specialist, Program Monitoring and Interventions, TEA
Rebecca Lofton, Conservator



TEXAS EDUCATION AGENCY

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Robert Scott
Commissioner

July 17, 2009

**IMPORTANT
ACCREDITATION
INFORMATION**

CERTIFIED MAIL

057-819
2008-2009

Jane Ann Shelton, President, Charter Holder Board
Jean Massieu Academy
823 North Center Street
Arlington, Texas 76011

Dear Ms. Shelton:

House Bill 1 (HB 1), which passed during the 79th Texas Legislature, Third Called Session, 2006, addressed, in part, the accreditation of school districts; sanctions and interventions for school districts, charter schools, and campuses; and the review by the State Office of Administrative Hearings of certain sanctions. As a result, the Texas Education Agency (TEA) adopted the new 19 Texas Administrative Code (TAC) Chapter 97, Planning and Accountability, Subchapter EE, Accreditation Status, Standards, and Sanctions, which became effective in January 2008. In addition to other actions, this subchapter defined the accreditation statuses as Accredited, Accredited-Warned, Accredited-Probation, and Not Accredited-Revoked and stated how accreditation statuses would be determined and assigned to school districts. Under the authority of the Texas Education Code (TEC) and the newly-adopted rules, accreditation statuses were assigned to districts for the first time in 2007-2008.

Because they were not included in the School FIRST (Financial Integrity Rating System of Texas) financial accountability rating system, charter districts were not assigned 2007-2008 accreditation statuses under TEC, Chapter 39. In November 2008, the commissioner adopted amendments to 19 TAC Chapter 97, Planning and Accountability, to include charter districts in the accreditation process in 2008-2009. The commissioner's rules related to accreditation may be viewed on the *Administrative Rules* homepage at the TEA website at <http://ritter.tea.state.tx.us/rules/tac/index.html> under the *Texas Administrative Code-Currently in Effect* link.

The purpose of this correspondence is to notify you that, under the authority of TEC §39.071 and 19 TAC §97.1055, the TEA has determined that the Jean Massieu Academy (057-819) will be assigned a 2008-2009 accreditation status of **Accredited-Probation** due to ratings assigned to the charter district in the state's academic accountability rating system. Specifically, the Jean Massieu Academy was assigned a 2006, 2007, and 2008 academic accountability rating of Academically Unacceptable (AU) at the district level.

Charter districts that are assigned a status of **Accredited-Probation** must take specific actions to notify the parents of students enrolled in the charter and property owners in the district. The requirements for public notification are specified in 19 TAC §97.1055(f), and a template that reflects the TEA-required format and language for the public notice is posted to the TEA website at <http://ritter.tea.state.tx.us/accredstatus/>. According to the requirements of 19 TAC §97.1055(f)(3), the Jean Massieu Academy must complete the notification requirements under specified timelines as calculated from the July 17, 2009, date of final accreditation status assignment. The charter also must send certain notification documentation to the TEA according to the requirements of 19 TAC §97.1055(f)(4). Charter districts with an accreditation status below Accredited may be subject to additional accreditation sanctions as referenced in 19 TAC Chapter 97, Planning and Accountability, Subchapter EE.

Superintendents of charter districts that are assigned a status of **Accredited-Probation** may request a record review related to the assignment of the accreditation status. A request for record review related to the assignment of 2008-2009 accreditation statuses must be received by the TEA **no later than July 27, 2009**, and may be addressed as follows:

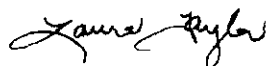
Laura Taylor
Associate Commissioner for Accreditation
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701

Additional information regarding the record review process can be referenced at 19 TAC §97.1037 at the *Texas Administrative Code-Currently in Effect* link referenced above.

The TEA will continue to closely monitor the special education program, Performance-Based Monitoring (PBM) process, and charter operation and governance issues documented in previous correspondence to the Jean Massieu Academy. The decision to issue this status does not preclude or substitute for any other or additional intervention, sanction, or accreditation action that may be appropriate in light of this or any future information.

We appreciate your assistance with the implementation of these accreditation requirements. If, after reviewing the TEA website, you have questions regarding the assignment of accreditation statuses to charter schools or required public notification, please contact your regional education service center or the Division of Program Monitoring and Interventions at (512) 463-5226.

Sincerely,



Laura Taylor
Associate Commissioner
Department of Accreditation

LT/jt

Jane Ann Shelton, President, Charter Holder Board
Jean Massieu Academy
Page 3

Cc: Richard Ownby, Executive Director, Region XI Education Service Center
Kathi Johnson, Principal, Jean Massieu Academy
Ray Glynn, Deputy Commissioner for School District Leadership and Educator Quality,
TEA
Ron Rowell, Director, Governance and General Inquiries, TEA
Mary Perry, Director, Charter School Administration, TEA
David Anderson, General Counsel, TEA
Rebecca Lofton, Conservator



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Robert Scott
Commissioner

**IMPORTANT
ACCREDITATION
INFORMATION**

October 9, 2009

CERTIFIED MAIL
057-819
2008-2009

Ms. Jane Ann Shelton, President, Charter Holder Board
Ms. Katherine Johnson, Superintendent
Jean Massieu Academy
823 North Center Street
Arlington, Texas 76011

Dear Ms. Shelton and Ms. Johnson:

In a Texas Education Agency (TEA or agency) letter dated July 17, 2009, the Jean Massieu Academy was informed that the TEA had assigned accreditation statuses to charter districts for the 2008-2009 year under the authority of Texas Education Code (TEC) §39.071 and 19 Texas Administrative Code (TAC) §97.1055, and that, under the requirements of statute and rule, the Jean Massieu Academy had been assigned an accreditation status of **Accredited-Probation** due to the ratings assigned to the charter district in the state's academic accountability rating system. Specifically, the Jean Massieu Academy was assigned a 2006, 2007, and 2008 academic accountability rating of *Academically Unacceptable (AU)*.

The July 17, 2009, TEA letter notified you that superintendents of districts assigned a status of Accredited-Probation could request a record review related to the assignment of that status. The letter further stated that a request for record review related to the assignment of the 2008-2009 accreditation status was required to be received by the TEA no later than July 27, 2009. In a letter dated July 21, 2009, and received by the TEA on July 23, 2009, you requested a record review related to the assignment of an Accredited-Probation status to the Jean Massieu Academy.

In TEA correspondence dated July 31, 2009, the Jean Massieu Academy was notified of the scheduled record review, and the record review was conducted on September 11, 2009, in the William B. Travis Building, Austin, Texas. The purpose of this letter is to provide the charter district with official notification of the final order resulting from the record review and the charter district's assigned 2008-2009 accreditation status.

The Associate Commissioner for Accreditation was my designee for conducting the record review. The record review offered an opportunity for the Jean Massieu Academy to provide oral and written information on the initial assignment of an Accredited-Probation status to the charter district. It was noted that the Texas academic accountability system ratings, as relied upon by the agency in making the initial status determination, were final because all appeals to the ratings provided by law had been exhausted.

Ms. Jane Ann Shelton, President, Charter Holder Board
Ms. Katherine Johnson, Superintendent
Jean Massieu Academy
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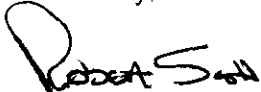
The TEA has completed its review of the oral and written information presented by the representative of the Jean Massieu Academy and has determined that the charter district will be assigned a 2008-2009 accreditation status of **Accredited-Probation**. As noted in 19 TAC §97.1037(f), this final order is not subject to another record review and is not subject to appeal under 19 TAC Chapter 157, Hearings and Appeals, Subchapter EE, Review by State Office of Administrative Hearings: Certain Accreditation Sanctions.

As referenced in the July 17, 2009, TEA letter to the charter, charter districts that are assigned a status of **Accredited-Probation** must take specific actions to notify the parents of students enrolled in the charter district and property owners in the charter district. The requirements for public notification are specified in 19 TAC §97.1055(f), and a template that reflects the TEA-required format and language for the public notice is posted to the TEA website at <http://ritter.tea.state.tx.us/accredstatus/>. According to the requirements of 19 TAC §97.1055(f)(3), the Jean Massieu Academy must complete the notification requirements under specified timelines as calculated from the September 30, 2009, date of final accreditation status assignment. The charter district also must send certain notification documentation to the TEA according to the requirements of 19 TAC §97.1055(f)(4). Charter districts with an accreditation status below Accredited may be subject to additional accreditation sanctions as referenced in 19 TAC Chapter 97, Planning and Accountability, Subchapter EE.

Additional information regarding the assignment of accreditation statuses to districts may be viewed on the *Administrative Rules* homepage of the TEA website at <http://ritter.tea.state.tx.us/rules/home/> under the *Texas Administrative Code—Currently in Effect* link or at the *Accreditation Status* homepage of the TEA website at <http://ritter.tea.state.tx.us/accredstatus/>.

We appreciate your ongoing assistance with the implementation of accreditation requirements. If, after reviewing the TEA website, you have questions regarding the assignment of accreditation statuses to charter districts or required public notification, please contact your regional education service center or the Division of Program Monitoring and Interventions at (512) 463-5226.

Sincerely,



Robert Scott
Commissioner of Education

RS/jt

cc: Richard Ownby, Executive Director, Region XI Education Service Center
Ray Glynn, Deputy Commissioner for School District Leadership and Educator Quality, TEA
Laura Taylor, Associate Commissioner, Department of Accreditation, TEA
Ron Rowell, Director, Governance and General Inquiries, TEA
Mary Perry, Director, Charter School Administration, TEA
David Anderson, General Counsel, TEA
Rebecca Lofton, Conservator