

# FLORIDA DEPARTMENT OF EDUCATION



## STATE BOARD OF EDUCATION

---

T. WILLARD FAIR, *Chairman*

### Members

PETER BOULWARE

DR. AKSHAY DESAI

ROBERTO MARTÍNEZ

JOHN R. PADGET

KATHLEEN SHANAHAN

LINDA K. TAYLOR

Dr. Eric J. Smith  
Commissioner of Education



July 27, 2009

Mr. William V. Husfelt, Superintendent  
Bay County School District  
1311 Balboa Avenue  
Panama City, FL 32401-2080

Dear Superintendent Husfelt:

The Bureau of Exceptional Education and Student Services is in receipt of your district's response to the preliminary findings of its 2008-09 Exceptional Student Education (ESE) Compliance Self-Assessment. This letter and the attached document comprise the final report for Bay County School District's 2008-09 self-assessment monitoring process.

The self-assessment system is designed to address the major areas of compliance related to the State Performance Plan (SPP)/Annual Performance Report (APR) required under the Individuals with Disabilities Education Act (IDEA). SPP Indicator 15, Timely Correction of Noncompliance, requires that the state identify and correct noncompliance **as soon as possible, but in no case later than one year from identification**. While any incident of noncompliance is of concern, in accordance with the language in SPP Indicator 15, the Bureau's current monitoring system considers the timeliness of correction of noncompliance to be of greatest significance.

The results of district self-assessments are included in the State's APR and are used to inform oversight activities, including the selection of districts for on-site monitoring, and the local educational agency (LEA) determinations required under Section 300.603, Title 34, Code of Federal Regulations, which result in districts being identified as "meets requirements," "needs assistance," "needs intervention," or "needs substantial intervention."

On March 30, 2009, the preliminary report of findings from the self-assessment process was released to your district's ESE Director. The preliminary report detailed student-specific incidents of noncompliance that required immediate correction. Districts were required to correct all student-specific noncompliance no later than May 26, 2009, and to provide evidence to the Bureau no later than June 2, 2009. In addition, the preliminary report identified any standards for which the noncompliance was considered systemic (i.e., evident in  $\geq 25\%$  of the records reviewed).

**BAMBI J. LOCKMAN**

*Chief*

*Bureau of Exceptional Education and Student Services*

Superintendent Husfelt  
July 27, 2009  
Page 2

In the event that there were systemic findings, a corrective action plan (CAP) was required. Bay County School District's CAP was submitted to the Bureau for review and approval. We look forward to receiving the district's report on their results no later than **January 27, 2010**. Your district's adherence to this schedule is required in order to ensure correction of systemic noncompliance within a year as required by OSEP and Florida's SPP.

In its 2008-09 self-assessment, Bay County School District assessed 155 standards. One or more incidents of noncompliance were identified on 19 of those standards (12.3 %). The following is a summary of the district's timely correction of student-specific incidents of noncompliance:

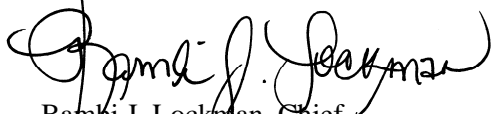
**Correction of Noncompliance by Student**

	<b>Number</b>	<b>Percentage</b>
Records Reviewed/Protocols Completed	39	–
Total Items Assessed	948	–
Noncompliant	32	3%
Timely Corrected	32	100%

The attached *Bay District Summary Report: Findings of Noncompliance by Standard* contains a summary of the findings reported by the individual standard or regulation assessed. In the event there were systemic findings of noncompliance on specific standards that required the development of a CAP, those items are designated by shaded cells. In addition, a Matrix of Services review was required. Bay County School District reviewed eight matrixes for students reported at the 254 or 255 cost factors for weighted funding through the Florida Education Finance Program. No discrepancies were identified.

We understand that the implementation of this self-assessment required a significant commitment of resources and appreciate the time and attention your staff has devoted to the process thus far. If you have questions regarding this process, please contact your assigned district liaison for monitoring or Patricia Howell, Program Director, at (850) 245-0476 or via electronic mail at [patricia.howell@fldoe.org](mailto:patricia.howell@fldoe.org).

Sincerely,



Bambi J. Lockman, Chief  
Bureau of Exceptional Education and Student Services

Attachment

cc: Nancy Boyd  
Frances Haithcock  
Mary Jane Tappen  
Kim C. Komisar  
Patricia Howell  
Brenda Fisher  
Sheila Gritz  
Donnajo Smith  
Heather Diamond

**Florida Department of Education  
Bureau of Exceptional Education and Student Services**

**Self-Assessment 2008 - 2009**

**Bay District Summary Report: Findings of Noncompliance by Standard**

This report provides a summary of the district's results and must be used when developing a corrective action plan. Results are reported by standard, with systemic noncompliance (occurrence in  $\geq 25\%$  of possible incidents) indicated as appropriate. See the *Student Report: Incidents of Noncompliance* for student-specific findings. Results are based on the following:

Number of D protocols completed: 6	Total number of protocols: 39
Number of standards per D: 33	Total number of standards: 948
Number of EP protocols completed: 6	Total number of incidents of noncompliance (NC): 32
Number of standards per EP: 16	Overall % incidents of noncompliance: 3%
Number of LRE protocols completed: 6	
Number of standards per LRE: 28	
Number of SD protocols completed: 6	
Number of standards per SD: 23	
Number of SP protocols completed: 4	
Number of standards per SP: 21	
Number of T14 protocols completed: 2	
Number of standards per T14: 6	
Number of T16 protocols completed: 9	
Number of standards per T16: 28	

Percent of noncompliance is calculated as the # of incidents of noncompliance for a given standard divided by the # of protocols reviewed for that standard, multiplied by 100.

\* Correctable for the student(s): A finding for which immediate action can be taken to correct the noncompliance.

\*\* Individual CAP: For a finding which cannot be corrected for an individual student, a corrective action plan (CAP) is required to address how the district will ensure future compliance; this plan will be limited in scope, based on the nature of the finding.

\*\*\* Systemic CAP: For a finding of noncompliance on a given standard that occurs in  $\geq 25\%$  of possible incidents, a corrective action plan (CAP) is required to ensure future compliance; this plan must address the systemic nature of the finding and will be broader in scope than an individual CAP.

Note: In the event that there is a systemic finding of noncompliance on a standard that requires an individual CAP, only a systemic CAP is required.

**Self-Assessment 2008 - 2009**  
**Bay District Summary Report: Findings of Noncompliance by Standard**

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
SD-1	The appropriate team members were present at the IEP meeting. (34 CFR 300.321(a)-(b))	X		1	16.7%	
SD-12	The IEP contains an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class. (34 CFR 300.320(a)(5))	X		1	16.7%	
SD-22	The IEP had been reviewed at least annually, and revised as appropriate, to address: any lack of progress toward the annual goals; any lack of progress in the general curriculum, if appropriate; the results of reevaluation; information about the student provided by the parent; and/or, the student's anticipated needs. (34 CFR 300.324(b)(1))	X		1	16.7%	
D-2	The IEP for a school-age student includes a statement of present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general curriculum, as well as a statement of the remediation needed to achieve a passing score on the general statewide assessment. For a prekindergarten student, the IEP contains a statement of how the disability affects the student's participation in the appropriate activities. (34 CFR 300.320(a)(1); Rule 6A-6.03028(7)(a), FAC.)	X		1	16.7%	
D-15	The concerns of the parents for enhancing the education of their child were considered in developing the IEP. (34 CFR 300.324(a)(1)(ii))	X		1	16.7%	
D-22	The IEP had been reviewed at least annually, and revised as appropriate, to address: any lack of progress toward the annual goals; any lack of progress in the general curriculum, if appropriate; the results of reevaluation; information about the student provided by the parent; and/or, the student's anticipated needs. (34 CFR 300.324(b)(1))	X		1	16.7%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
LRE-7	The IEP for a school-age student includes a statement of present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general curriculum, as well as a statement of the remediation needed to achieve a passing score on the general statewide assessment. For a prekindergarten student, the IEP contains a statement of how the disability affects the student's participation in the appropriate activities. (34 CFR 300.320(a)(1); Rule 6A-6.03028(7)(a), FAC.)	X		1	16.7%	
LRE-8	The IEP includes measurable annual goals, including academic and functional goals, and short-term objectives or benchmarks, designed to meet the student's needs that result from the disability to enable the child to be involved in and make progress in the general curriculum and meet the student's other needs that result from the disability. (34 CFR 300.320(a)(2))	X		1	16.7%	
LRE-14	There is alignment among the present level of academic and functional performance statement, the annual goals and short term objectives/benchmarks, and the services identified on the IEP. (34 CFR 300.320(a))	X		1	16.7%	
LRE-28	The student's general education teachers, ESE teachers, and related service providers were provided access and information regarding specific responsibilities for IEP implementation. (34 CFR 300.323(d))	X		1	16.7%	
T16-1	The notice to the IEP team meeting included a statement that a purpose of the meeting was the consideration of postsecondary goals and transition services, that the student would be invited, and indicated any agency likely to provide or pay for services during the current year that would be invited. (34 CFR 300.322(b)(2); Rule 6A-6.03028(3)(b), FAC.)		X	2	22.2%	
T16-4	For students age 14 and older: the IEP contains a statement of the student's desired post-school outcome; a statement of the student's transition services needs that focuses on the student's course of study is incorporated into applicable components of the IEP; and the IEP team considered the need for instruction in the area of self determination. (Rule 6A-6.03028(7)(i), FAC.)	X		1	11.1%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
T16-9	There is a measurable postsecondary goal or goals in the designated areas (i.e., education/training and employment; where appropriate, independent living). (34 CFR 300.320(b)(1))	X		5	55.6%	X
T16-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		1	11.1%	
T16-11	There is/are annual goal(s) or short-term objectives or benchmarks that reasonably enable the student to meet the postsecondary goals. (34 CFR 300.320(a)(2))	X		1	11.1%	
T16-13	The transition services include course(s) of study that focus on improving the academic and functional achievement of the student to facilitate the student's articulation from school to post-school. (34 CFR 300.320(b)(2))	X		1	11.1%	
T16-16	The IEP includes coordinated, measurable, annual IEP goals and transition service that will reasonably enable the student to meet the postsecondary goals. (34 CFR 300.320(b))	X		5	55.6%	X
T14-4	For students age 14 and older: the IEP contains a statement of the student's desired post-school outcome; a statement of the student's transition services needs that focuses on the student's course of study is incorporated into applicable components of the IEP; and the IEP team considered the need for instruction in the area of self determination. (Rule 6A-6.03028(7)(i), FAC.)	X		1	50.0%	X
EP-11	The EP includes a statement of goals, including benchmarks or short-term objectives. (Rule 6A-6.030191(4)(b), FAC.)	X		5	83.3%	X