

FLORIDA DEPARTMENT OF EDUCATION



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July 27, 2009

Mr. Tim McGonegal, Superintendent
Manatee County School District
P.O. Box 9069
Bradenton, Florida 34206-9069

Dear Superintendent McGonegal:

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 Manatee 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

In the event that there were systemic findings, a corrective action plan (CAP) was required. Manatee 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, Manatee County School District assessed 116 standards. One or more incidents of noncompliance were identified on 64 of those standards (55.2%). The following is a summary of the district's timely correction of student-specific incidents of noncompliance:

Correction of Noncompliance by Student


	Number	Percentage
Records Reviewed/Protocols Completed	45	–
Total Items Assessed	1077	–
Noncompliant	167	15%
Timely Corrected	44	26.3%
Corrected as of July 20, 2009	137	82%
Not Yet Corrected	30	18%

As noted above, timely correction of noncompliance is of great importance. The district must ensure that the remaining student-specific findings of noncompliance are corrected and logged into the General Supervision Web Site, and that documentation of correction is submitted to the Bureau **no later than September 15, 2009**.

The attached *Manatee 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. Manatee County School District reviewed 11 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.

Sincerely,



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

Attachment

cc: Ron Russell
Frances Haithcock
Mary Jane Tappen
Kim C. Komisar
Patricia Howell
Vicki Eddy
Sheila Gritz
Donnajo Smith

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

Self-Assessment 2008 - 2009

Manatee 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 EP protocols completed: 7	Total number of protocols: 45
Number of standards per EP: 16	Total number of standards: 1077
Number of LRE protocols completed: 10	Total number of incidents of noncompliance (NC): 167
Number of standards per LRE: 28	Overall % incidents of noncompliance: 15%
Number of SD protocols completed: 10	
Number of standards per SD: 23	
Number of SP protocols completed: 7	
Number of standards per SP: 21	
Number of T16 protocols completed: 11	
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
Manatee 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		2	20.0%	
SD-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		4	40.0%	X
SD-3	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		2	20.0%	
SD-4	The IEP contains a statement of special education services/specially designed instruction, including location as well as initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		1	10.0%	
SD-8	The IEP contains a statement of supports for school personnel. (34 CFR 300.320 (a)(4))	X		1	10.0%	
SD-10	The IEP contains a statement of appropriate accommodations necessary to measure academic achievement and functional performance on state or district-wide assessments. (34 CFR 300.320(a)(6)(i))	X		1	10.0%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
SD-13	The IEP contains descriptions of how progress toward annual goals will be measured including how often parents will be regularly informed of their child's progress. Parents of disabled students must be informed of this progress at least as often as parents of nondisabled students. (34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)	X		4	40.0%	X
SD-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	10.0%	
SD-21	The report of progress was provided as often as progress was reported to the nondisabled population and described the progress towards annual goals and the extent to which that progress was sufficient to enable the student to achieve such goals by the end of the year. (34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)	X		2	20.0%	
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	10.0%	
SD-23	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	10.0%	
LRE-1	The parents were invited to the IEP meeting. (34 CFR 300.501 (b))	X		2	20.0%	
LRE-2	The parents were provided notice of the IEP team meeting a reasonable amount of time prior to the meeting, at least one attempt to invite the parent was through a written notice, and a second attempt was made if no response was received from the first notice. (34 CFR 300.322(a)(1))		X	3	30.0%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
LRE-3	The notice to the IEP team meeting contained the time, location and purpose of the meeting. (34 CFR 300.322(b))		X	2	20.0%	
LRE-4	The notice contained a listing of persons invited to the meeting, by title and position. (34 CFR 300.322(b))		X	2	20.0%	
LRE-5	The parents were members of any group making decisions about the educational placement of the student; therefore, if neither parent was able to attend the IEP meeting, there is evidence and documentation of attempts to ensure parent participation. (34 CFR 300.322 (c)-(d); 300.328; and 300.501(c))		X	4	40.0%	X
LRE-6	The appropriate team members were present at the IEP meeting. (34 CFR 300.321(a)-(b))	X		3	30.0%	X
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		4	40.0%	X
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	10.0%	
LRE-9	The IEP contains a statement of special education services/specially designed instruction, including location as well as initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		2	20.0%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
LRE-10	The IEP contains a statement of related services, including location and anticipated initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		1	10.0%	
LRE-12	The IEP contains a statement of program modifications or classroom accommodations, including location and anticipated initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7) and Rule 6A-6.03028(7)(c), FAC.)	X		1	10.0%	
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	10.0%	
LRE-15	The student participates in nonacademic and extracurricular services and activities with nondisabled students to the maximum extent appropriate. (34 CFR 300.107 and 300.117)	X		3	30.0%	X
LRE-16	When determining the student's placement, the IEP team ensured that: the student's placement was as close as possible to the student's home and was in the school that the student would attend if nondisabled, to the extent possible; any potential harmful effects on the student or on the quality of services that are needed were considered; and, the student was not removed from the general education setting solely because of needed modifications to the curriculum. (34 CFR 300.116(b)-(e))	X		2	20.0%	
LRE-17	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		2	20.0%	
LRE-18	The IEP contains descriptions of how progress toward annual goals will be measured including how often parents will be regularly informed of their child's progress. Parents of disabled students must be informed of this progress at least as often as parents of nondisabled students. (34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)	X		2	20.0%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
LRE-19	The IEP team considered the strengths of the student; the academic, developmental and functional needs of the student; the results of the initial evaluation or most recent evaluation; and the results of the student's performance on any state-or district-wide assessment. (34 CFR 300.324(a)(1))	X		3	30.0%	X
LRE-20	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		5	50.0%	X
LRE-21	The IEP team considered, in the case of a student whose behavior impedes his or her learning, the use of positive behavior interventions and supports, and/or other strategies to address the behavior. (34 CFR 300.324(a)(2)(i))	X		1	10.0%	
LRE-22	The IEP team considered, in the case of a student with limited English proficiency, the language needs of the student as they relate to the IEP. (34 CFR 300.324(a)(2)(ii))	X		1	10.0%	
LRE-25	The IEP team considered whether the student needs assistive technology devices and/or services. (34 CFR 300.324(a)(2)(v))	X		1	10.0%	
LRE-26	The report of progress was provided as often as progress was reported to the nondisabled population and described the progress towards annual goals and the extent to which that progress was sufficient to enable the student to achieve such goals by the end of the year. (34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)	X		7	70.0%	X
LRE-27	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	10.0%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
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	10.0%	
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	9	81.8%	X
T16-2	The student was invited to the IEP meeting. (34 CFR 300.321(b)(1); Rule 6A-6.03028(4)(h), FAC.)	X		2	18.2%	
T16-3	The student's strengths, preferences, and interests were taken into account. If the student was unable to attend the meeting, other steps were taken to ensure the student's preferences and interests were considered. (34 CFR 300.43 and 300.321(b)(2); Rule 6A-6.03028(4)(h), FAC.)	X		1	9.1%	
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		4	36.4%	X
T16-6	If an agency likely to provide or pay for services during the current year is involved, a team member or designee was designated as responsible for follow-up with the agency and the IEP team was reconvened to identify alternative strategies if the agency failed to provide services as indicated on the IEP. (34 CFR 300.324(c)(1); Rule 6A-6.03028(8)(d), FAC.)	X		1	9.1%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
T16-8	A separate and distinct notice of the transfer of rights was provided closer to the time of the student's 18th birthday. (34 CFR 300.320(c), 300.520(a)(1))		X	2	18.2%	
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		8	72.7%	X
T16-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		8	72.7%	X
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		7	63.6%	X
T16-12	There are transition services on the IEP that focus on improving the academic and functional achievement of the student to facilitate the student's articulation to post-school. (34 CFR 300.320(b)(2))	X		6	54.5%	X
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		6	54.5%	X
T16-14	If transition services are likely to be provided or paid for by another agency, a representative of the agency was invited to participate in the IEP. (34 CFR 300.321(b)(3))	X		1	9.1%	
T16-15	The district obtained consent from the parent or from the student whose rights have transferred prior to inviting to the IEP team meeting a representative of an agency likely to provide or pay for transition services. (34 CFR 300.321(b)(3))		X	1	9.1%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
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		8	72.7%	X
SP-3	The parents were invited to the SP meeting. (34 CFR 300.322(a))	X		1	14.3%	
SP-4	The parents were provided notice of the SP team meeting a reasonable amount of time prior to the meeting, at least one attempt to invite the parent was through a written notice, and a second attempt was made if no response was received from the first notice. (34 CFR 300.322(a)(1))		X	1	14.3%	
SP-5	The notice to the SP team meeting contained the time, location and purpose of the meeting. (34 CFR 300.322(b))		X	2	28.6%	X
SP-6	The notice contained a listing of persons invited to the meeting, by title and position. (34 CFR 300.137(c); 300.321(a)-(b); 300.322(b))		X	1	14.3%	
SP-7	The parents were provided a copy of the procedural safeguards. (Rule 6A-6.03311(2)(b)3, FAC.)		X	1	14.3%	
SP-9	The parent <i>agreed</i> to an SP team member's absence when that person's curriculum/related service area <i>was not</i> being discussed. (34 CFR 300.321(e))		X	1	14.3%	
SP-11	The appropriate team members were present at the SP meeting. (34 CFR 300.321(a)-(b))	X		1	14.3%	
SP-12	The SP for a school-age student includes a statement of present levels of academic achievement and functional performance related to the services to be provided, including how the student's disability affects involvement and progress in the general curriculum. For a prekindergarten student, the	X		1	14.3%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	SP contains a statement of how the disability affects the student's participation in the appropriate activities. (34 CFR 300.320(a)(1))					
SP-16	If provided, the SP contains a statement of supplementary aids and services and program modifications or classroom accommodations, including location and anticipated initiation, duration, and frequency, and a statement of supports for school personnel. (34 CFR 300.320(a)(4) and (7))	X		1	14.3%	
EP-4	The parents were provided notice of the EP team meeting a reasonable amount of time prior to the meeting, at least one attempt to invite the parent was through a written notice, and a second attempt was made if no response was received from the first notice. (Rule 6A-6.030191(2), FAC.)		X	1	14.3%	
EP-5	The notice to the EP team meeting contained the time, location and purpose of the meeting. (Rule 6A-6.030191(2)(b), FAC.)		X	1	14.3%	
EP-6	The notice contained a listing of persons invited to the meeting, by title and position. (Rule 6A-6.030191(2)(b), FAC.)		X	7	100.0%	X
EP-9	If neither parent was able to attend the EP meeting, there is evidence and documentation of attempts to ensure parent participation. (Rule 6A-6.030191(2)(c)-(d), FAC.)		X	1	14.3%	
EP-10	The EP for a school-age student includes a statement of present levels of strengths and interests. (Rule 6A-6.030191(4)(a), FAC.)	X		1	14.3%	
EP-15	The EP shows evidence that the parent was provided a copy of the EP free of charge. (Rule 6A-6.030191(2)(f), FAC.)		X	7	100.0%	X