

# FLORIDA DEPARTMENT OF EDUCATION



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July 27, 2009

Dr. Arthur C. Johnson, Superintendent  
Palm Beach County School District  
3340 Forest Hill Boulevard, C316  
West Palm Beach, FL 33406-5869

Dear Superintendent Johnson:

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 Palm Beach 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 Johnson  
July 27, 2009  
Page 2

In the event that there were systemic findings, a corrective action plan (CAP) was required. Palm Beach 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, Palm Beach County School District assessed 121 standards. One or more incidents of noncompliance were identified on 45 of those standards (37.2%). The following is a summary of the district's timely correction of student-specific incidents of noncompliance:

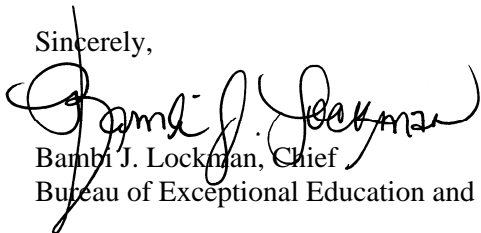
**Correction of Noncompliance by Student**

|                                      | <b>Number</b> | <b>Percentage</b> |
|--------------------------------------|---------------|-------------------|
| Records Reviewed/Protocols Completed | 55            | –                 |
| Total Items Assessed                 | 1388          | –                 |
| Noncompliant                         | 115           | 8%                |
| Timely Corrected                     | 115           | 100%              |

The attached *Palm Beach 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. Palm Beach County School District reviewed 15 matrixes for students reported at the 254 or 255 cost factors for weighted funding through the Florida Education Finance Program. Discrepancies were found in three (20%) of these records; verification of correction was required.

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: Laura Pincus  
Gerald Evans  
Frances Haithcock  
Mary Jane Tappen  
Kim C. Komisar  
Patricia Howell  
Brenda Fisher  
Sheila Gritz  
Donnajo Smith

Florida Department of Education  
Bureau of Exceptional Education and Student Services

Self-Assessment 2008 - 2009

Palm Beach 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: 12   | Total number of protocols: 55                        |
| Number of standards per D: 33         | Total number of standards: 1388                      |
| Number of EP protocols completed: 8   | Total number of incidents of noncompliance (NC): 115 |
| Number of standards per EP: 16        | Overall % incidents of noncompliance: 8%             |
| Number of SD protocols completed: 12  |  |
| Number of standards per SD: 23        |  |
| Number of SP protocols completed: 8   |  |
| Number of standards per SP: 21        |  |
| Number of T16 protocols completed: 15 |  |
| 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**  
**Palm Beach 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.<br>(34 CFR 300.321(a)-(b))   | X                               |                  | 2    | 16.7% |                 |
| 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.<br>(34 CFR 300.320(a)(2)) | X                               |                  | 2    | 16.7% |                 |
| SD-9               | 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.<br>(34 CFR 300.320(a))   | X                               |                  | 2    | 16.7% |                 |
| SD-10              | The IEP contains a statement of appropriate accommodations necessary to measure academic achievement and functional performance on state or district-wide assessments.<br>(34 CFR 300.320(a)(6)(i))  | X                               |                  | 1    | 8.3%  |                 |
| SD-11              | The parent provided consent for the student to receive instructional accommodations not permitted on statewide assessments and acknowledged the implications of such accommodations.<br>(Section 1008.22(3)(c)6, F.S.; Rule 6A-6.03028(7)(e), FAC.)  | X                               |                  | 2    | 16.7% |                 |
| SD-14              | 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.<br>(34 CFR 300.324(a)(1))   | X                               |                  | 3    | 25.0% | X               |

| Noncompliance (NC) |   | *Correctable for the Student(s) | **Individual CAP | # NC | % NC  | ***Systemic CAP |
|--------------------|---|---------------------------------|------------------|------|-------|-----------------|
| SD-15              | The concerns of the parents for enhancing the education of their child were considered in developing the IEP.<br>(34 CFR 300.324(a)(1)(ii))   | X                               |                  | 4    | 33.3% | X               |
| SD-16              | 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.<br>(34 CFR 300.324(a)(2)(i))  | X                               |                  | 1    | 8.3%  |                 |
| 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.<br>(34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)   | X                               |                  | 1    | 8.3%  |                 |
| D-1                | The appropriate team members were present at the IEP meeting.<br>(34 CFR 300.321(a)-(b))  | X                               |                  | 2    | 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.<br>(34 CFR 300.320(a)(1); Rule 6A-6.03028(7)(a), FAC.) | X                               |                  | 4    | 33.3% | X               |
| D-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.<br>(34 CFR 300.320(a)(2))  | X                               |                  | 9    | 75.0% | X               |
| D-8                | The IEP contains a statement of supports for school personnel.<br>(34 CFR 300.320 (a)(4))   | X                               |                  | 1    | 8.3%  |                 |

| Noncompliance (NC) |  | *Correctable for the Student(s) | **Individual CAP | # NC | % NC  | ***Systemic CAP |
|--------------------|--|---------------------------------|------------------|------|-------|-----------------|
| D-9                | 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.<br>(34 CFR 300.320(a))   | X                               |                  | 6    | 50.0% | X               |
| D-11               | The parent provided consent for the student to receive instructional accommodations not permitted on statewide assessments and acknowledged the implications of such accommodations.<br>(Section 1008.22(3)(c)6, F.S.; Rule 6A-6.03028(7)(e), FAC.)  | X                               |                  | 3    | 25.0% | X               |
| D-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.<br>(34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.) | X                               |                  | 1    | 8.3%  |                 |
| D-14               | 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.<br>(34 CFR 300.324(a)(1))   | X                               |                  | 4    | 33.3% | X               |
| D-15               | The concerns of the parents for enhancing the education of their child were considered in developing the IEP.<br>(34 CFR 300.324(a)(1)(ii))  | X                               |                  | 7    | 58.3% | X               |
| D-16               | 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.<br>(34 CFR 300.324(a)(2)(i))   | X                               |                  | 2    | 16.7% |                 |
| D-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.<br>(34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)              | X                               |                  | 3    | 25.0% | X               |

| Noncompliance (NC) |  | *Correctable for the Student(s) | **Individual CAP | # NC | % NC  | ***Systemic CAP |
|--------------------|--|---------------------------------|------------------|------|-------|-----------------|
| 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.<br>(34 CFR 300.324(b)(1))   | X                               |                  | 5    | 41.7% | X               |
| D-24               | If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences or absences for which the reason is unknown, within a 90-calendar-day period, the student's primary teacher must report that the student may be exhibiting a pattern of nonattendance. Unless there is clear evidence otherwise, the student must be referred to the school's child study team. If an initial meeting does not resolve the problem, interventions must be implemented.<br>(S. 1003.26(1), F.S.) | X                               |                  | 2    | 16.7% |                 |
| D-28               | If the IEP team determined that the behavior was not a manifestation of the student's disability and the suspension/expulsion was applied, the student continued to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.<br>(34 CFR 300.530(d))  |                                 | X                | 1    | 8.3%  |                 |
| D-32               | If the student had a BIP, the IEP team reviewed the plan as part of the manifestation determination process and revised it as needed.<br>(34 CFR 300.530(f)(1)(ii))  |                                 | X                | 1    | 8.3%  |                 |
| 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.<br>(34 CFR 300.322(b)(2); Rule 6A-6.03028(3)(b), FAC.)  |                                 | X                | 6    | 40.0% | X               |
| T16-2              | The student was invited to the IEP meeting.<br>(34 CFR 300.321(b)(1); Rule 6A-6.03028(4)(h), FAC.)   | X                               |                  | 1    | 6.7%  |                 |

| Noncompliance (NC) |   | *Correctable for the Student(s) | **Individual CAP | # NC | % NC  | ***Systemic CAP |
|--------------------|---|---------------------------------|------------------|------|-------|-----------------|
| 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    | 6.7%  |                 |
| T16-7              | The transition IEP for a 17-year-old includes a statement that the student has been informed of the rights that will transfer at age 18. (34 CFR 300.320(b); 34 CFR 300.520(a)(1))  |                                 | X                | 2    | 13.3% |                 |
| 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                | 3    | 20.0% |                 |
| 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                               |                  | 1    | 6.7%  |                 |
| T16-10             | The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))   | X                               |                  | 1    | 6.7%  |                 |
| 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                               |                  | 2    | 13.3% |                 |
| 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                               |                  | 1    | 6.7%  |                 |
| 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    | 6.7%  |                 |

| Noncompliance (NC) |  | *Correctable for the Student(s) | **Individual CAP | # NC | % NC  | ***Systemic CAP |
|--------------------|--|---------------------------------|------------------|------|-------|-----------------|
| T16-14             | If transition services are likely to be provided or paid for by another agency, a representative of the agency <b>was invited</b> to participate in the IEP.<br>(34 CFR 300.321(b)(3))   | X                               |                  | 1    | 6.7%  |                 |
| T16-15             | The district <b>obtained consent</b> 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.<br>(34 CFR 300.321(b)(3))   |                                 | X                | 5    | 33.3% | X               |
| T16-16             | The IEP includes coordinated, measurable, annual IEP goals and transition service that will reasonably enable the student to meet the postsecondary goals.<br>(34 CFR 300.320(b))  | X                               |                  | 7    | 46.7% | X               |
| SP-7               | The parents were provided a copy of the procedural safeguards.<br>(Rule 6A-6.03311(2)(b)3, FAC.)   |                                 | X                | 1    | 12.5% |                 |
| 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 SP contains a statement of how the disability affects the student's participation in the appropriate activities.<br>(34 CFR 300.320(a)(1)) | X                               |                  | 1    | 12.5% |                 |
| EP-1               | The EP was current on the day of this review and had been revised within the prior three years for students in grades K-8 and within the prior four years for students in grades 9-12.<br>(Rule 6A-6.030191(6)(c), FAC.)   | X                               |                  | 1    | 12.5% |                 |
| EP-7               | The parents were provided a copy of the procedural safeguards.<br>(Rule 6A-6.03313(2)(b)3, FAC.)   |                                 | X                | 2    | 25.0% | X               |
| EP-10              | The EP for a school-age student includes a statement of present levels of strengths and interests.<br>(Rule 6A-6.030191(4)(a), FAC.)   | X                               |                  | 4    | 50.0% | X               |

| Noncompliance (NC) |  | *Correctable for the Student(s) | **Individual CAP | # NC | % NC  | ***Systemic CAP |
|--------------------|--|---------------------------------|------------------|------|-------|-----------------|
| EP-14              | In developing the EP, the team considered the strengths of the student and needs resulting from the student's giftedness, the results of recent evaluations, including class work and state or district assessments, and, in the case of a student with limited English proficiency, the language needs of the student as they relate to the EP.<br>(Rule 6A-6.030191(5)(a)-(c), FAC.) | X                               |                  | 3    | 37.5% | X               |
| EP-15              | The EP shows evidence that the parent was provided a copy of the EP free of charge.<br>(Rule 6A-6.030191(2)(f), FAC.)  |                                 | X                | 1    | 12.5% |                 |
| EP-16              | The EP shows evidence that each teacher of the gifted student was both informed of their responsibility and had access to the student's EP.<br>(Rule 6A-6.030191(7), FAC.)   | X                               |                  | 1    | 12.5% |                 |