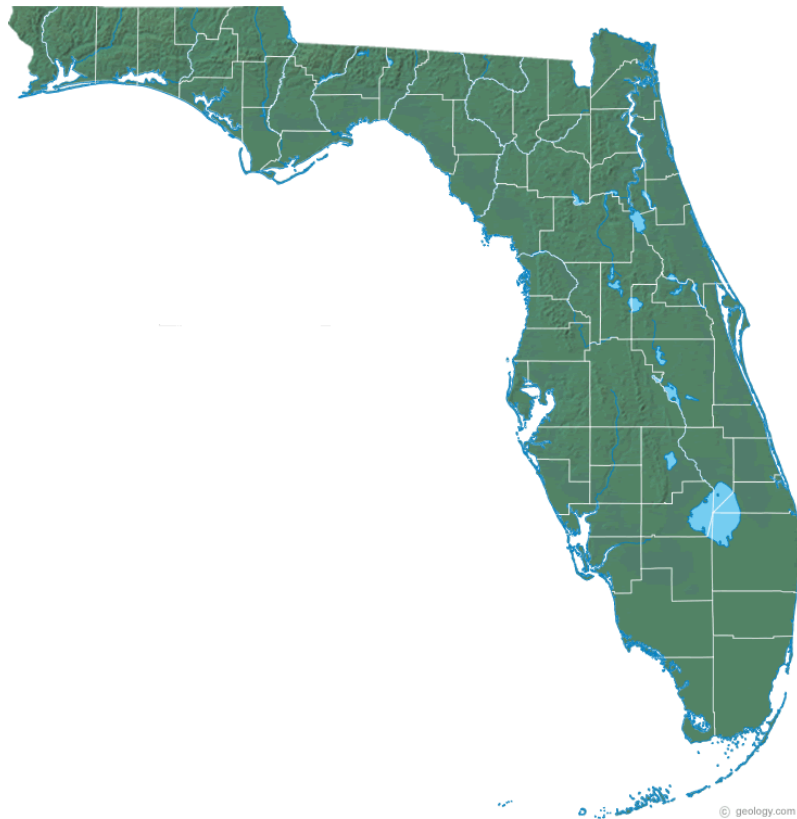


Highlands County School District

Final Report: On-Site Monitoring

Exceptional Student Education Programs

February 24–26, 2010



Bureau of Exceptional Education and Student Services
Florida Department of Education

This publication is available through the Bureau of Exceptional Education and Student Services, Florida Department of Education. For additional information on this publication, or for a list of available publications, contact the Clearinghouse Information Center, Bureau of Exceptional Education and Student Services, Division of Public Schools, Florida Department of Education, Room 628 Turlington Building, Tallahassee, Florida 32399-0400.

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April 23, 2010

Mr. Wally Cox, Superintendent
Highlands County School District
426 School Street
Sebring, FL 33870

Dear Superintendent Cox:

We are pleased to provide you with the *Final Report of On-Site Monitoring of Exceptional Student Education Programs* for Highlands County School District. This report was developed by integrating multiple sources of information related to an on-site visit to your district February 24–26, 2010, including student record reviews, interviews with school and district staff, and classroom observations. The final report will be posted on the Bureau of Exceptional Education and Student Services' website and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

The Highlands County School District was selected for an on-site monitoring visit due to a pattern of poor performance over time in State Performance Plan (SPP) indicator four (rates of suspension and expulsion) and matrix levels being greater than 125 percent of the state rate for the 254 cost factor and the 254/255 cost factors combined. Ms. Rebecca Johnson, Exceptional Student Education (ESE) Director, and her staff were very helpful during the Bureau's preparation for the visit and during the on-site monitoring. In addition, the principals and other staff members at the schools visited welcomed and assisted Bureau staff members. The Bureau's on-site monitoring activities identified some discrepancies that require corrective action.

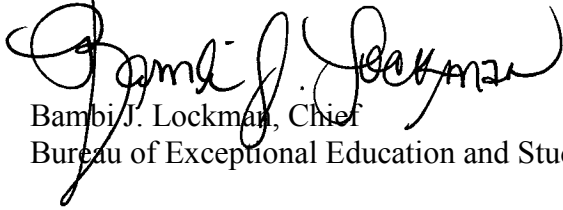
BAMBI J. LOCKMAN
Chief

Bureau of Exceptional Education and Student Services

Mr. Wally Cox
April 23, 2010
Page Two

Thank you for your commitment to improving services for exceptional education students in Highlands County. If there are any questions regarding this final report, please contact Patricia Howell, Program Director, Monitoring and Compliance, at (850) 245-0476 or via electronic mail at Patricia.Howell@fldoe.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Bambi J. Lockman". The signature is fluid and cursive, with a large initial "B".

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

Enclosure

cc: Rebecca Johnson
Kim C. Komisar
Patricia Howell
Brenda Fisher

**Highlands County School District
Final Report: On-Site Monitoring
Exceptional Student Education Programs**

February 24–26, 2010

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

Highlands County School District
Final Report: On-Site Monitoring
Exceptional Student Education Programs
February 24–26, 2010

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Highlands County School District

On-Site Monitoring Exceptional Student Education Programs February 24–26, 2010

Final Report

Authority

The Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (Bureau), in carrying out its roles of leadership, resource allocation, technical assistance, monitoring, and evaluation, is required to oversee the performance of district school boards in the enforcement of all laws and rules (sections 1001.03(8) and 1008.32, Florida Statutes [F.S.]). In fulfilling this requirement, the Bureau conducts monitoring activities of the exceptional student education (ESE) programs provided by district school boards, in accordance with sections 1001.42 and 1003.57, F.S. Through these monitoring activities, the Bureau examines and evaluates procedures, records, and ESE programs; provides information and assistance to school districts; and otherwise assists school districts in operating effectively and efficiently. One purpose of the Individuals with Disabilities Education Act (IDEA) is to assess and ensure the effectiveness of efforts to educate children with disabilities (section 300.1(d) of Title 34, Code of Federal Regulations [34 CFR §300.1(d)]). In accordance with IDEA, FDOE is responsible for ensuring that its requirements are carried out and that each educational program for children with disabilities administered in the state meets the educational requirements of the state (34 CFR §§300.120, 300.149, and 300.600). The monitoring system reflects FDOE's commitment to provide assistance, service, and accountability to school districts and is designed to emphasize improved educational outcomes for students while continuing to conduct those activities necessary to ensure compliance with applicable federal laws and regulations and state statutes and rules.

Monitoring Process

District Selection

For the 2009–10 school year, the Bureau's ESE monitoring system comprised basic (Level 1) and focused (Level 2) self-assessment activities, as well as on-site visits conducted by Bureau staff (Level 3). This system was developed to ensure that school districts comply with all applicable laws, regulations, and state statutes and rules, while focusing on improving student outcomes related to State Performance Plan (SPP) indicators.

All districts were required to complete Level 1 activities. In addition, those districts that were newly identified for targeted planning or activities by the Bureau SPP indicator teams for one or more selected SPP indicators were required to conduct Level 2 self-assessment activities using indicator-specific protocols. Districts selected for Level 3 monitoring conducted Level 1 and

Level 2 activities as applicable. Selection of districts for consideration for Level 3 monitoring was based on analysis of the districts' data, with the following criteria applied:

- Matrix of services:
 - Districts that report students for weighted funding at > 150 percent of the state rate for **at least one** of the following cost factors:
 - 254 (> 7.83 percent)
 - 255 (> 3.20 percent)
 - 254/255 combined (> 11.03 percent)
 - Districts that report students for weighted funding at > 125 percent of the state rate for **two or more** of the following cost factors:
 - 254 (> 6.53 percent)
 - 255 (> 2.66 percent)
 - 254/255 combined (> 9.19 percent)
- Timeliness of correction of noncompliance regarding corrective action(s) due between July 1, 2008, and June 30, 2009 – two or more of the following criteria:
 - Student-specific noncompliance identified through monitoring not corrected within 60 days
 - Systemic noncompliance identified through monitoring not corrected as soon as possible, but in no case longer than one year from identification
 - Noncompliance identified through a state complaint investigation or due process hearing not corrected within the established timeline
- Pattern of poor performance over time in one or more targeted SPP indicators, as evidenced by demonstrated progress below that of other targeted districts, **and** at least one of the following:
 - Targeted for a given SPP indicator or cluster of indicators for three consecutive years
 - Targeted for two or more SPP indicators or clusters of indicators for two consecutive years

SPP Indicator 4

In accordance with 34 CFR §300.157(a)(3) and (b), each state must have established goals in effect for students with disabilities that address graduation rates and dropout rates as well as established performance indicators. SPP Indicator 4 relates to rates of suspension and expulsion for students with disabilities.

Disciplinary policies are set at the district level and are guided by Rules 6A-6.03312 and 6A-6.0527 of the Florida Administrative Code. Because of the variance in district disciplinary policies, Florida determines significant discrepancy by comparing the rates of suspension and expulsion of students with disabilities and nondisabled students within a district. Significant discrepancy is defined as a risk ratio of three or higher.

Data were obtained from Florida's automated student database at the student level for rates and duration of suspension and expulsion. Rates of suspension and expulsion were calculated for each district for students with disabilities and nondisabled students by dividing the number of students with suspensions or expulsions greater than 10 days by total year enrollment as reported at the end of the school year. Risk ratios were calculated for each district by dividing the rate of

suspension and expulsion of students with disabilities by the rate of suspension and expulsion for nondisabled students.

In a letter dated December 11, 2009, the Highlands County School District superintendent was informed that the district was selected for a Level 3 on-site visit due to a pattern of poor performance over time regarding SPP Indicator 4 as well as matrix levels being greater than 125 percent of the state rate for the 254 cost factor and the 254/255 cost factors combined.

On-Site Activities

Monitoring Team

On February 24–26, 2010, Bureau staff members conducted an on-site monitoring visit, which included meeting with district staff to discuss strategies in place to address suspension and expulsion and matrix levels. The following Bureau staff members participated in the on-site visit:

- Patricia Howell, Program Director, Monitoring and Compliance
- Joyce Lubbers, Program Director, Program Development and Services
- Jill Snelson, Program Specialist, Monitoring and Compliance
- Brenda Fisher, Program Specialist, Monitoring and Compliance
- Annette Oliver, Program Specialist, Monitoring and Compliance
- Anne Bozik, Program Specialist, Monitoring and Compliance
- Martha Murray, Program Specialist, Program Development and Services
- Karlene Deware, Program Specialist, Dispute Resolution

Schools

Memorial Elementary School
Sebring Middle School
Avon Park High School
Lake Placid Senior High School
Sebring High School

Student Focus Groups

Four students at Sebring High School participated in a student focus group conducted by Bureau staff. The students discussed their knowledge and experiences related to school and district discipline policies and procedures. The students who participated in the focus group seemed to be aware of resources available in the school and district to assist them in pursuing their postsecondary goals. There were concerns regarding being targeted as if they were going to get in trouble again, once they had been in trouble.

Data Collection

Prior to the on-site visit, IEPs for 15 randomly selected students with disabilities enrolled in grades kindergarten through 12 in the Highlands County School District were reviewed regarding suspension and expulsion. Matrix of services documentation was reviewed for 14 students, one of whom was also included in the review regarding suspension and expulsion. In addition, monitoring activities included the following:

- District-level interviews – 4 participants
- School-level interviews – 16 participants

- Observations of In-School-Suspension (ISS) Classrooms – 2 schools
- Case studies – 18 students

Review of Records

The district was asked to provide the following documents for each student selected for review regarding suspension and expulsion:

- Current IEP
- Functional behavioral assessment (FBA)/behavioral intervention plan (BIP), if any
- Previous IEP
- Progress reports from current and past school year
- Report cards from current and past school year
- Discipline record
- Attendance record

Information from each document was used to determine compliance with those standards most likely to impact exceptional student education services provided to students who are suspended or expelled. Additional documentation was reviewed to verify services checked on the matrix of services document.

Results

The following results reflect the data collected through the activities of the on-site monitoring as well as commendations, concerns, and findings of noncompliance. Additional documentation was requested during the on-site visit to determine compliance with each standard and to verify matrix services levels.

Commendations

- The school environment was pleasant and orderly with an appearance of being well-organized.
- School faculty members demonstrated a high level of professionalism and commitment to the students.
- Student participation was very high in the classes observed.

Concerns

- Two of the FBAs and BIPs that were reviewed were several years old with no evidence of any changes or updates.
- One of the FBAs had been conducted without an observation of the student.
- The BIPs that were reviewed did not adequately address what staff would do to implement the plan.
- The district lacks alternatives to suspension for students who have not committed a felony.
- The district described the interim alternative educational setting (IAES) as a boot camp and acknowledged the use of a sand pit in the students' exercises.

Findings of Noncompliance

Section 1011.62(1)(e), F.S., describes the Florida Education Finance Program (FEFP) funding model for exceptional student education programs, including basic, at-risk, support levels IV and V for exceptional students, career cost factors, and a guaranteed allocation for ESE programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. This model is designed to provide funds to a school district for the services that the district pays for or provides. If the district has a cost sharing arrangement for services, they may not be reported for weighted funding by the district. In addition, the nature and intensity of the services indicated on the matrix are to be consistent with the services described in the exceptional student's IEP. If a student with a disability is enrolled in a special program (e.g., dropout prevention program) and requires a service that is routinely provided to all students in that program, including nondisabled students, the district cannot claim weighted funding for that service via the matrix.

Upon final review of documentation related to the matrix of services, discrepancies that resulted in a change in the total cost factor were noted in 12 of the 14 records. Identifying information regarding those students was provided to the district prior to the dissemination of this report. One of the two students with a reported cost factor of 255 was reviewed by the Bureau at a cost factor of 254; the other student with a reported cost factor of 255 was reviewed by the Bureau at a cost factor of 253. For the 12 students the Bureau reviewed with a cost factor of 254, the following was identified:

- Two of the matrixes had no discrepancies.
- Eight of the matrixes were reviewed at a cost factor of 253.
- Two of the matrixes were reviewed at a cost factor of 252.

Upon final review of student records related to SPP 4, Bureau staff identified 11 instances of noncompliance in seven student records. The IEP for one of the students was subsequently revised by the IEP team and the identified noncompliance was corrected. Identifying information for the remaining six students was provided to the district prior to the dissemination of this report.

In accordance with Office of Special Education Programs' (OSEP) guidance regarding findings that are identified through monitoring processes, within a given school district a finding of noncompliance is identified by the standard (i.e., regulation or requirement) that is violated, not by the number of times the standard is violated. Therefore, multiple incidents of noncompliance regarding a given standard that are identified through monitoring activities are reported as a single finding of noncompliance for that district. Noncompliance that is evident in ≥ 25 percent of records reviewed is considered systemic in nature. None of the findings of noncompliance were systemic.

The following noncompliance requires revisions to the students' IEPs:

- IEP did not contain a statement of special education services (identified in one record). Following the on-site visit, a new IEP was developed for this student. The noncompliance has been corrected and validated by the Bureau.

- Insufficient alignment among present levels, annual goals and short-term objectives, and services on the IEP (identified in one record). Following the on-site visit, a new IEP was developed for this student. The noncompliance has been corrected and validated by the Bureau.
- Excessive unexcused absences not addressed as required (identified in two records).

Due to the nature of the standard, the following findings of noncompliance cannot be corrected for the individual student, but will require corrective action to ensure that such noncompliance will not occur in the future:

- Manifestation determination was not conducted within the required timeline (identified in one record).
- The parent was not notified of removal that constituted a change in placement and not provided with a copy of the notice of the procedural safeguards (identified in three records).
- The IEP team determined that the behavior was a manifestation of the student's disability, but the student was not returned to the current placement as required (identified in two records).
- The IEP team did not review or revise the BIP as part of the manifestation determination process (identified in one record).

Corrective Actions

1. The matrix of services document must accurately reflect the current level of services being provided for the student as indicated on a student's IEP. The district shall correct the funding levels within the Automated Student Information System database for the 12 students for whom on-site observations and interviews did not verify that these students needed or were receiving services at the funding levels referenced on the matrix. Verification of this correction shall be provided to the Bureau **no later than June 9, 2010**.
2. The Highlands County School District shall provide matrix of services training to personnel responsible for completing matrix documents and to personnel responsible for reviewing matrixes and supporting documentation. Verification of the provision of this training shall be provided to the Bureau **no later than September 15, 2010**.
3. The Highlands County School District shall reconvene the IEP teams for the six students for whom noncompliance was identified and correct the students' IEPs with regard to those findings that are correctable. In accordance with 34 CFR §300.324(a)(4) and the district's *Exceptional Student Education Policies and Procedures* (SP&P), the IEPs may be amended without convening an IEP team meeting if the parent and the school district agree to the amendment. Documentation of correction, including a copy of the revised IEP, must be provided to the Bureau **no later than June 9, 2010**.
4. **No later than June 9, 2010**, the Highlands County School District must provide a narrative description of the actions taken to ensure on-going compliance with the specific requirements identified as noncompliant for which correction at the individual student level is not possible.

Technical Assistance

Specific information for technical assistance, support, and guidance to school districts regarding discipline, including suspensions and expulsions, can be found in the *Exceptional Student Education Compliance Self-Assessment: Processes and Procedures Manual 2009–10*.

Bureau Contacts

The following is a partial list of Bureau staff available for technical assistance:

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

Glossary of Acronyms

BIP	Behavioral intervention plan
Bureau	Bureau of Exceptional Education and Student Services
CFR	Code of Federal Regulations
ESE	Exceptional student education
FBA	Functional behavioral assessment
FDOE	Florida Department of Education
FEFP	Florida Education Finance Program
F.S.	Florida Statutes
IAES	Interim alternative educational setting
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
ISS	In-school-suspension
OSEP	Office of Special Education Programs
SP&P	Exceptional Student Education Policies & Procedures
SPP	State Performance Plan



**Florida Department of Education
Dr. Eric J. Smith, Commissioner**

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