

# FLORIDA DEPARTMENT OF EDUCATION



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June 20, 2008

Mr. David Owens, Superintendent  
Clay County School District  
900 Walnut Street  
Green Cove Springs, FL 32043-3199

Dear Mr. Owens:

The Bureau of Exceptional Education and Student Services is in receipt of your district's response to the preliminary findings of its Exceptional Student Education (ESE) Compliance Self-Assessment. This letter and the attached document(s) comprise the final report for Clay County School District's 2007-08 ESE monitoring.

The self-assessment system is designed to address the major areas of compliance related to the State Performance Plan (SPP). SPP Indicator 15, Timely Correction of Noncompliance, requires that the state identify and correct noncompliance **as soon as possible, but no later than one year from identification.**

As indicated in prior communication with district ESE staff, it was anticipated that there might be an increase in the number of findings of noncompliance over previous monitoring activities due to the design of the self-assessment protocols and sampling system. While any incident of noncompliance is of concern, it is important to note that, 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.

On February 22, 2008, the preliminary report of findings from the self-assessment process was released to the district. The preliminary report detailed student-specific incidents of noncompliance that required immediate correction, and identified any standards for which the noncompliance was considered systemic (i.e., evident in  $\geq 25\%$  of the records reviewed). In the event that there were systemic findings, a corrective action plan (CAP) was required. In addition,

**BAMBI J. LOCKMAN**

*Chief*

*Bureau of Exceptional Education and Student Services*

the district participated in a validation review to ensure the accuracy of the self-assessment data. As a result of the validation review, additional incidents or findings of noncompliance requiring correction were identified.

In accordance with guidance from the Office of Special Education Programs (OSEP), U.S. Department of Education, 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. While each *incident* of noncompliance must be corrected for the individual student affected, multiple incidents of noncompliance regarding a given standard that occur within a school district are reported as a single *finding* of noncompliance for that district. These results are included in the Bureau's annual reporting to OSEP.

Districts were required to correct all student-specific noncompliance no later than April 25, 2008, and to provide evidence to the Bureau no later than April 30, 2008. Due to the nature and/or extent of student-specific noncompliance and the availability of staff and/or resources to correct the findings, Clay County School District requested and was granted an extension for completion of required activities; a final due-date was established as May 15, 2008.

Clay County was required to assess 62 standards. One or more incidents of noncompliance were identified on 7 of those standards (11%). The following is a summary of Clay County School District's correction of student-specific incidents of noncompliance:

**Correction of Noncompliance by Student**

	<b>Number</b>	<b>Percentage</b>
Records Reviewed/Protocols Completed	30	—
Total Items Assessed	752	—
Noncompliant	30	3%
Timely Corrected	30	100%

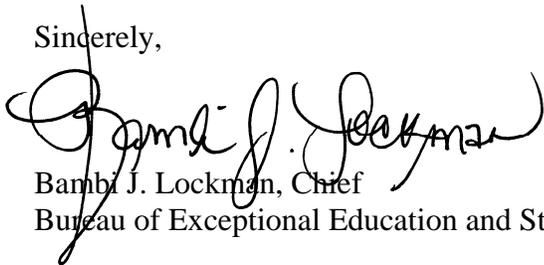
The *Clay District Summary Report: Findings of Noncompliance by Standard* (Attachment 1) contains a summary of the findings reported by the individual standard or regulation assessed. These data include revisions to the preliminary report that resulted from the validation review. Systemic findings are designated by shaded cells in the table. As noted in this attachment, one or more findings of noncompliance were determined to be systemic in nature and the district was required to develop a CAP to address the identified standards. Clay County School District's CAP was submitted to the Bureau for review and approval, and is provided in Attachment 2. Please note that a timeline for implementation, evaluation, and reporting of results on the part of the district is included in the CAP. 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.

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The results of district self-assessments conducted during 2007-08 will be used to inform future monitoring activities, including the selection of districts for on-site monitoring, and in 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.”

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. We look forward to receiving the district’s report on the results of its corrective action plan, due to the Bureau no later than **December 22, 2008**. If you have questions regarding this process, please contact your assigned district liaison for monitoring or Dr. Kim C. Komisar, Administrator, at [kim.komisar@fldoe.org](mailto:kim.komisar@fldoe.org) or via phone at (850) 245-0476.

Sincerely,



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

Attachments

cc: Daniel Becton  
Frances Haithcock  
Kim C. Komisar  
Jill Snelson  
Elise Lynch  
Sheila Gritz

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

**ESE Self-Assessment  
2007 – 08**

**Clay 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 LRE protocols completed: 23  
 Number of standards per LRE: 28  
 Number of STA protocols completed: 4  
 Number of standards per STA: 6  
 Number of STB protocols completed: 3  
 Number of standards per STB: 28

Total number of protocols: 30  
 Total number of standards: 752  
 Total number of incidents of noncompliance (NC): 30  
 Overall % incidents of noncompliance: 3%

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.

**ESE Self-Assessment  
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**Clay District Summary Report: Findings of Noncompliance by Standard**

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
STB-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	33.3%	X
STB-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. (34 CFR 300.321(b)(3))	X		2	66.7%	X
STB-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. (34 CFR 300.321(b)(3))		X	1	33.3%	X
STB-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		1	33.3%	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	4.3%	
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		1	4.3%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
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		23	100.0%	X

Florida Department of Education  
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**ESE Self-Assessment  
2007 – 08**

**Clay County School District Corrective Action Plan**

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
STB-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))	In-service for staff, including ESE specialists, transition specialists on transition requirements in the area of measurable post-secondary goals. Include samples of measurable post-secondary goals in Admissions & Placement (A&P) manual. On-going review of measurable post-secondary goals.	July 2008 to Oct. 2008	ESE District Staff, Power point from state personnel, samples from other districts and from Compliance manual. Contact DOE Transition Specialist to ask questions to obtain answers and resources to make improvement in transition IEP's	
STB-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. (34 CFR 300.321(b)(3))	Provide training to ESE staff responsible for completing the "Meeting Participation" form to ensure that an agency has been invited for those students that have a signed release for agency involvement. Include information in the A&P manual that directs IEP team members to have parent or student who is 18, to sign consent to involve agencies. Obtain parent consent for agency invitation prior to due date of IEP.	August 2008 to September 2008	ESE District Staff, A&P manual sample forms with directions, appropriate forms	
STB-15	The district <b>obtained consent</b> from the parent or from the student whose rights have transferred prior to inviting to the IEP	Directions in A&P manual as to the timeline and procedure for obtaining consent from the parent or from the student whose rights	August 2008 to October 2008	ESE District Staff, Transition Specialist,	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	team meeting a representative of an agency likely to provide or pay for transition services. (34 CFR 300.321(b)(3))	have transferred prior to inviting an agency representative to the IEP. The "Consent for Release of Student Information to State/Community Agencies" is to be signed at the first transition IEP at age 14 or prior to the IEP in which an agency will be involved. Training will be provided to teachers and additional ESE staff involved in the process.		DOE/BEESS	
STB-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))	Plan staff development and train ESE teachers, staffing specialists, and transition specialists, on quality and compliance components of the IEP in the area of annual goals and transition services that will enable the student to meet the post-secondary goals. Include samples of measurable goals and provide information and training on the components included in ensuring that a goal is written in measurable terms.	August 2008 to October 2008	Bank of goals, ESE Staff, FDLRS, handbooks and resource manuals, training	
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))	Plan staff development for ESE teachers and ESE specialists on quality of developing academic and functional goals, and short-term objectives. Train all new ESE staff on an ongoing basis. Implement a set of procedures to review the quality goals and short-term objectives. Purchase resource materials to make available in schools.	August 2008 to May 2009	ESE District Staff, FDLRS, handbooks	
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))	Provide training to ESE teachers on delivery models and include a statement of special education services/specially designed instruction, including location as well as initiation, duration and frequency on the IEP. Provide examples with the specific information that is needed.	August 2008 to October 2008	Sample IEP's, DOE/BEESS, ESE District Staff	
LRE-18	The IEP contains descriptions of how progress toward annual goals will be	Provide training to teachers concerning the descriptive language to be used regarding	August 2008 to October 2008	Handbook, sample IEP's,	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	<p>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.)</p>	<p>reporting progress to parents of the students' progress toward meeting annual goals. Include the appropriate verbiage in the IEP.</p>		<p>ESE District Staff.</p>	