

FINAL REPORT OF VERIFICATION MONITORING OF  
EXCEPTIONAL STUDENT EDUCATION PROGRAMS IN

# **DUVAL COUNTY**

OCTOBER 25 - 28, 2004



FLORIDA DEPARTMENT OF EDUCATION  
BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES  
ESE PROGRAM ADMINISTRATION AND QUALITY ASSURANCE

This is one of many publications available through the Bureau of Exceptional Education and Student Services, Florida Department of Education, designed to assist school districts, state agencies which support educational programs, and parents in the provision of special programs. 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, Florida Department of Education, Room 628, Turlington Bldg., Tallahassee, Florida 32399-0400.

telephone: (850) 245-0477

FAX: (850) 245-0987

Suncom: 205-0477

e-mail: [cicbiscs@fldoe.org](mailto:cicbiscs@fldoe.org)

website: <http://myfloridaeducation.com/commhome/>

# FLORIDA DEPARTMENT OF EDUCATION



## STATE BOARD OF EDUCATION

---

**F. PHILIP HANDY**, *Chairman*

**T. WILLARD FAIR**, *Vice Chairman*

### *Members*

**DONNA G. CALLAWAY**

**JULIA L. JOHNSON**

**ROBERTO MARTÍNEZ**

**PHOEBE RAULERSON**

**LINDA K. TAYLOR**

**JOHN L. WINN**  
Commissioner of Education



June 15, 2005

Dr. Diane Gillespie, General Director  
Exceptional Student Education  
Duval County School District  
1701 Prudential Drive, 4<sup>th</sup> Floor  
Jacksonville, Florida 32207

Dear Dr. Gillespie:

Thank you for your hospitality during the verification monitoring visit conducted October 25-28, 2004. During the visit, the district provided a status report of activities carried out through the system improvement plan (SIP) developed in response to the final monitoring report from the original October 2002 monitoring visit. Visits to selected sites were conducted to verify information presented by the district. As part of the status report, district and Bureau staff reviewed findings that have been addressed thus far, as well as those that the district is continuing to target. It was acknowledged that there have been significant changes in the administration of ESE programs recently, and that not all of the planned strategies or interventions have been implemented. Bureau staff reviewed all of the information collected during the visit and a report of this visit is attached.

During the verification visit district staff indicated that the improvement efforts carried out over the past two years have not been as effective as anticipated, and that the district continues to address ongoing areas of concern. Significant attention and resources currently are directed toward addressing the needs of exceptional students in the district, both through programmatic and compliance-related efforts. Many of these efforts are relatively new and have not had adequate time to impact student outcomes to the desired degree. As a result, Duval County was required to revise and extend its SIP beyond its original duration date to document its continued efforts in the following areas:

- curriculum and instruction, including placement in the least restrictive environment
- school to post-school transition
- PreK/Part C to Part B transition

**BAMBI J. LOCKMAN**

*Chief*

*Bureau of Exceptional Education and Student Services*

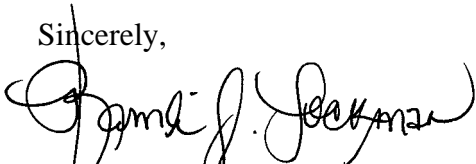
Dr. Diane Gillespie  
June 15, 2005  
Page 2

- services to gifted students
- services to students in DJJ facilities
- counseling as a related service
- special category records
- IEP compliance
- district forms

The revised and extended plan is included in the body of this report. This extension will serve to ensure that the district continues to appropriately address the needs of its exceptional education students and will be verified by the Bureau through a follow-up visit conducted with one year of receipt of this report.

We appreciate your ongoing efforts on behalf of exceptional students. Please contact Eileen Amy, Program Administrator, ESE Program Administration and Quality Assurance, or Kim Komisar, Program Director, at (850) 245-0476 or via electronic mail at [Eileen.Amy@fldoe.org](mailto:Eileen.Amy@fldoe.org) or [Kim.Komisar@fldoe.org](mailto:Kim.Komisar@fldoe.org) if we can be of any further assistance to your district.

Sincerely,



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

cc: John Fryer, Jr.  
Eileen L. Amy  
Kim C. Komisar

**Duval County Final Monitoring Report  
Verification Monitoring  
October 25-28, 2004**

**Table of Contents**

Site Visit.....	1
Results.....	2
Assessment.....	2
Curriculum and Instruction.....	3
High School to Post-School Transition.....	4
PreK/Part C to Part B Transition .....	5
Services to Gifted Students.....	6
Services to Students in Department of Juvenile Justice Facilities.....	6
Additional Compliance Areas.....	7
Special Category Record Reviews.....	8
Student Record Reviews.....	8
District Forms Review .....	11
Summary.....	12
Appendix A: System Improvement Plan 2005 Revision/Extension.....	13



# **Duval County School District Verification Monitoring October 25-28, 2004**

On October 25-28, 2004, the Florida Department of Education, Bureau of Exceptional Education and Student Services, conducted an on-site verification review of the exceptional student education (ESE) programs in Duval County Public Schools. The primary purpose for conducting verification visits to districts previously monitored two years previously is to afford school districts an opportunity to offer validation of the activities they have undertaken through their system improvement plans. These visits provide an assurance to the Bureau that the strategies agreed to in the improvement plans are being implemented. They also give districts an opportunity to demonstrate progress, as well as for districts to request additional technical assistance regarding the implementation of their system improvement plans.

Duval County was selected for monitoring in 2002 through a random draw, and developed a system improvement plan (SIP) to address specific concerns and findings of noncompliance noted by the Bureau at that time. The results of the verification visit are reported under the following categories included in the final monitoring report of the random monitoring visit conducted October 28-November 2, 2002:

- assessment
- curriculum and instruction, including placement in the least restrictive environment
- school to post-school transition
- PreK/Part C to Part B transition
- services to gifted students
- special category records
- individual educational plans (IEPs) and educational plans (EP)
- district forms

Additional areas addressed during this verification visit included:

- services to students in Department of Juvenile Justice facilities
- additional compliance areas: counseling as a related service; communication needs

## **Site Visit**

The primary on-site activity conducted as part of the verification monitoring visit was a demonstration by the district of the strategies implemented thus far through the system improvement plan (SIP) developed as a result of the 2002 random monitoring visit. The components of the demonstration were determined by the district based on the areas targeted for improvement and the types of activities conducted by the district.

The demonstration by Duval County included a presentation related to the implementation of strategies identified in the SIP based on categories from the final monitoring report. Written information supporting all district activities related to the SIP was prepared and presented to Bureau staff. Dr. Diane Gillespie, ESE Director, and Lynn Grant, Supervisor, ESE Program Support, served as coordinators and points of contact for the district during the monitoring visit.

In addition, the following staff members participated in the presentation: Annemarie Neubecker, Darlene Gantt, Gloria Lockley, Sherry Kaufman, Darrell Cooper, Karen Campbell, Donna Taylor, Jennifer Carr, and Bob Mercer. Regional directors Maxine Engram, Marsha Coarsey, Regina Godfrey, and Gail Roberts also attended the meeting in order to be available to answer questions specific to their regions. The district should be commended for a presentation that was thorough, well prepared, and well executed; the written documentation verified the information presented orally.

During the presentation staff indicated that, while improvement efforts carried out over the past two years have not been as effective as anticipated, they are continuing to address ongoing areas of concern and will extend the district's SIP beyond its original duration date in order to accomplish this. It also was noted that the ESE department in Duval County recently experienced significant changes in personnel, with many staff members either new to the district or to their current positions.

In addition to the district presentation the verification visit included site-visits to schools for the purpose of validating information provided during the district presentation and in the semi-annual status reports submitted to the Bureau. The specific schools visited were as follows:

- Oceanway Elementary School
- Rufus Payne Elementary School
- Martin Luther King Elementary School
- Joseph Stilwell Middle School
- Paxon Middle School
- First Coast High School
- Robert E. Lee High School
- Duval Detention Center

The visit included the following activities:

- 42 interviews with selected district and school staff
- 14 classroom visits
- reviews of four EPs for gifted students
- reviews of 47 IEPs for students with disabilities, including matrix reviews for nine of those students
- student focus groups for students pursuing a standard diploma and students pursuing a special diploma

## **Results**

### **Assessment**

This section includes information related to the participation of students with disabilities in statewide assessment. Findings from the 2002 monitoring report in the area of assessment were related to students who did not meet the criteria under Rule 6A-1.0943, Florida Administrative Code (FAC), for exclusion from the Florida Comprehensive Assessment Test (FCAT) being assessed through alternate assessments. In 2002 it was also found that some students in the 10<sup>th</sup> grade who had taken the FCAT but did not pass it were not provided with additional opportunities to take the test; instead, their IEPs indicated that they would pursue a special



diploma and they no longer participated in the FCAT. In addition, data reported to the Department of Education (DOE) through the FCAT reporting process indicated that a relatively high number of 3<sup>rd</sup> grade students in the district were assessed on an alternate assessment in lieu of the FCAT during the past two years.

In response to the findings from the 2002 monitoring visit, the district trained teachers on the use of a checklist to assist in the decision-making process regarding statewide assessment. Comments from students in the student focus groups indicated that 10<sup>th</sup> grade students were provided multiple opportunities to pass the FCAT; this was supported by reviews of student records. During the verification monitoring visit records were reviewed at all schools visited to determine if appropriate assessment decisions were being made. Records of 3<sup>rd</sup> grade students also were targeted for review to determine if appropriate FCAT exemption decisions had been made for the upcoming 2005 assessment period for that critical grade level. There were no findings of noncompliance regarding the use of the exemption criteria under Rule 6A-1.0943, FAC.

It should be noted that the school-level data printouts provided to Bureau staff did not always accurately reflect student participation in the FCAT or in an alternate assessment. In general, the printouts indicated that more students were participating in alternate assessment than was actually the case upon review of the IEPs. While this would not affect the accuracy of the FCAT participation data reported to the DOE, it is recommended that the district review the data entry process to ensure accurate information is being reported internally.

The district has completed the requirements of its SIP related to statewide assessment, and should be commended on its improvement in the FCAT participation rates observed at the schools visited.

### **Curriculum and Instruction**

This section includes information related both to the curriculum provided to students with disabilities and to the setting, or least restrictive environment, in which instruction is provided. Findings from the 2002 monitoring report in the area of curriculum and instruction were related to the provision of instruction based on the individual needs of the students. The district provided written documentation of trainings that were provided to teachers and staff in the areas of conducting effective and productive IEP meetings, including Tools for Success: Building Bright Futures. The intent of this training was to ensure that IEPs be developed to appropriately address student-specific needs in the least restrictive environment. Interviews with school staff verified their participation in this training.

Despite these efforts, evidence through interviews and record reviews indicated that some placement decisions are driven by categorical label rather than individual student characteristics or needs. As was observed during the monitoring visit in 2002, Duval County's staffing plan relies in part on program cluster sites to provide services to some students with disabilities, including those with high incidence disabilities (e.g., specific learning disabilities (SLD), emotionally handicapped (EH), educable mentally handicapped (EMH)). While students whose IEPs call for the majority of their instruction to occur in general education settings are generally served in their home zone schools, those students who require a greater amount of ESE services

frequently are served in cluster sites. When asked to describe the specific student needs or ESE services required for students in these cluster site programs that could not be addressed in their home zone school, staff often responded in generalities (e.g., in order to get more time with the ESE teacher, the students have to be placed at the cluster site). The IEPs of some students in the cluster sites did not clearly support the amount of time those students were removed from the general education setting.

Through the IEP review process, specific items related to curriculum and placement are addressed. Regarding access to the general curriculum: 42 of 47 IEPs reviewed (89%) did not adequately identify the special education services to be provided; 13 (28%) did not have adequate present level of educational performance statements; 13 (28%) lacked a description of accommodations to be provided to the student; and, 9 (19%) did not include an adequate description of how the student's disability affects him/her in the general curriculum. Regarding placement in the least restrictive environment: 15 of the 47 IEPs reviewed (32%) did not provide an adequate statement justifying the removal of a student with a disability from the general education environment with nondisabled peers; 10 (21%) did not adequately address the need for positive behavioral supports; and, for 7 (15%) of the IEPs the present level of educational performance statement and annual goals and objectives did not support the services provided to the student. Additional findings related to the record reviews are described in the student records review section.

The district will be required to revise and extend its SIP to continue to address access to the general curriculum and placement in the least restrictive environment for students with disabilities.

### **High School to Post-School Transition**

This section includes information related to planning and facilitating an effective transition from high school to post-school living for students with disabilities. Findings from the 2002 monitoring report in the area of transition indicated that the IEPs at several high schools visited failed to adequately address the transition needs of students with disabilities and that the transition components of students' IEPs were not individualized to meet the needs of the specific students.

District staff have prepared a booklet to be used by parents and students who need to access services from outside agencies. The publication provides a comprehensive list of resources for families to refer to when investigating available supports for transitioning students and adults with disabilities. However, interviews and record reviews revealed an inconsistent understanding of the roles and responsibilities of school and district staff related to the provision of transition services and transition planning through the IEP process. Section 300.347(b), Title 34, Code of Federal Regulations (CFR) and Rule 6A-6.03028(7), FAC, require that transition needs of the student be considered and addressed by the IEP team beginning at age 14 years, or younger if determined appropriate by the IEP team. Several staff members at the middle school level, including ESE teachers, indicated that the guidance counselor was the individual responsible for transition planning, and that transition was not addressed until 8<sup>th</sup> grade, no matter the age or needs of the student.

In records reviewed at the high schools, the most commonly observed statement of transition services needs was that the student required “traditional supports” in order to have successful post-school outcomes. This same statement was used for students ranging from mildly SLD students pursuing a standard diploma and receiving all instruction in the general education setting to students performing several years below grade level, enrolled in ESE courses for all content areas, and pursuing a special diploma. When asked about the realistic needs of these latter students, staff often indicated that the families are ultimately responsible for transition planning, with the school’s responsibility limited to providing information on available resources. Although parents and students were provided with information on how to access transition services, the schools clearly indicated that it is the parents’ and students’ responsibility to access such services independently of school.

Thirty transition IEPs were reviewed; of those, 8 (27%) did not include evidence that the students’ preferences were taken into account, and the student (age 14 or older) was not invited and did not attend 6 (20%) of the meetings. Agency representatives were not invited to attend the meeting for any of the 30 IEPs reviewed, although there was evidence that some agency representative(s) should have been included in the planning process in 11 (37%) of the records.

There were no findings of noncompliance related to the notification at least one year prior to the student turning 18 that the transfer of rights from parent to student would occur on the student’s 18<sup>th</sup> birthday. However, a separate notice was not provided to the student and parent closer to the student’s birthday, as required.

Transition planning for students with disabilities continues to be an area of concern, with specific findings of noncompliance related to the individualization of transition services, student participation in the transition planning process, and agency participation when appropriate. Students and parents also are not provided a separate notice of the transfer of rights upon the student reaching the age of majority. The district will be required to revise and extend its SIP to continue to address transition planning.

### **PreK/Part C to Part B Transition**

This section includes information related to planning and facilitating an effective transition from the Part C program for children with disabilities ages birth through two into the Part B program for students with disabilities ages three through 21. Findings from the 2002 monitoring visit related to delays in the placement of children once they were determined to be eligible for Part B services. The district has hired a new coordinator to participate in Part C to Part B meetings and to continue to develop connections in the community to facilitate transition into community-based PreK programs (e.g., Head Start, Early Steps, and private providers). There is a new district facility which brings related service providers together in one location in order to make it easier for parents and pre-school providers to access services. Instructional videos are provided for parent waiting rooms of already existing community facilities in order to inform parents of preschoolers with disabilities of child find activities. District staff reported that currently there are limited numbers of private providers available and that this lack of programs makes placement in inclusive settings difficult.

It was reported that, while improvement has been made in the timeliness of placement in Part B PreK programs for children turning three years old, this continues to be an area of concern. Staff indicated that this is due in part to issues related to the type of assessment data available from Part C providers during the transition process as well as to limited placement opportunities. The district will be required to revise and extend its SIP to continue to address transition from Part C to Part B programs.

### **Services to Gifted Students**

This section includes information related to the provision of services to students identified as gifted, including the development of educational plans (EPs) to address the unique needs of the student. Findings from the 2002 monitoring visit related to the lack of individualization of EPs to address the specific needs of the students. Significant improvement in this area was noted, with nine EPs reviewed during the verification visit and no findings of noncompliance regarding the content of the plans.

District staff reported that there has been an emphasis on serving gifted middle school students in their home zone schools rather than through magnet programs or by transporting the students to different campuses to receive gifted services. Programs to serve students in their home schools have been established at Paxon, Twin Lakes, Mandarin, Fletcher, and Kernan Middle Schools.

At Lee High School, five students identified as gifted did not have current EPs and were not receiving gifted services. Staff reported that parents sign a form acknowledging that they know their student is not receiving services; it is not clear whether this is at student request or because services are not available. If the needs of a gifted student are met through general education opportunities provided to all students, such as advanced placement courses or dual-enrollment in a community college, college, or university, either: an EP should be developed to document that, at this time, the student's needs are met without participation in the gifted program; or, the student should be dismissed from the gifted program.

The district is required to revise and extend its SIP to include a review of procedures for serving gifted students enrolled at Lee High School to ensure that the needs of the students are met. In addition, the district is encouraged to continue its efforts in providing gifted services to students in their home zone schools.

### **Services to Students in Department of Juvenile Justice Facilities**

This section includes information related to the provision of services to students with disabilities in Department of Juvenile Justice (DJJ) facilities. Duval Detention Center is a level 8 entry level facility. It was reported that students on average stay 5-21 days, although some students remain longer if they are waiting for placement in a specific program.

Three ESE teachers serve students with disabilities. Due to the staffing plan at the facility, all male students are served at the separate class level (student removed from the general education setting for more than 60% of the school day) and all female students are served at the regular level (student removed from the general education setting less than 20% of the school day). Some of the students are pursuing a standard diploma and others are pursuing a special diploma. Because of the relatively short average length of stay, GED preparation activities are limited.

Staff reported that notices to parents to attend meetings to review their child's IEP generally are not sent until the 10<sup>th</sup> day of the student's stay, and the meetings generally are held on the 20<sup>th</sup> day of the student's stay. This results in students with disabilities being subject to a change in placement without prior written notice being provided to the parents and the possibility that the student is not provided with appropriate services during this period.

The district will be required to work with the DJJ to explore alternative service delivery models in order to serve both males and females based on their individual needs rather than gender. The parent notice of conference must be sent as soon as the facility is aware that a student is a student with a disability to ensure that IEP team meetings are held in a timely manner. The district will be required to revise and extend its SIP to address these issues.

### **Additional Compliance Areas: Counseling as a Related Service and Communication Needs**

In addition to monitoring categories related to the 2002 final report, the Bureau also conducted interviews related to the provision of counseling, including psychological counseling, as a related service and the way in which the communication needs of students not eligible for programs for students who are speech impaired or language impaired are addressed. While all staff reported that the communication needs of students with disabilities are addressed through a variety of ways, including incorporating the development of language skills into daily activities, some stated that this would be reflected in a communication goal on the IEP and others indicated that only students eligible as speech or language impaired would have such a goal on the IEP. All staff reported that speech and language services currently are not provided as a related service. There were no findings of noncompliance in the IEPs reviewed during this visit related to addressing identified communication needs of students not eligible for programs speech or language impaired.

Regarding the provision of counseling, including psychological counseling, as a related service, counseling was included on all IEPs for students in the program for severely emotionally disturbed (SED). There was evidence that counseling also was provided as a related service to some students in programs other than SED, although staff reported that this was not often the case; for students other than SED counseling would be facilitated by the school or district, but generally would not be documented as a related service on the IEP. Students in the EH program who have counseling needs reportedly are placed in the fulltime EH/SED magnet school programs in order to receive counseling including psychological counseling rather than receiving counseling while remaining in general education classes at their home zone school. The record reviews for these students revealed that dropdown menus on the computerized IEPs require that, other than for SED students, IEP teams must obtain district approval in order to include mental health counseling on the IEP. The determination of whether a student requires a specific related service in order to receive FAPE rests with the IEP team, and the decision to provide such services cannot be made based on administrative convenience or permission.

Through its system improvement plan, the district will be required to review its policies and procedures related to the provision of counseling, including psychological counseling, as a related service in order to ensure that IEP teams are empowered to make decisions regarding the provision of FAPE to students with disabilities based on the individual needs of the students and not based on administrative convenience or approval.

### **Special Category Record Reviews**

This section includes information related to district policies and procedures associated with the provision of services to students with disabilities and gifted students other than the development of IEPs and EPs. Findings from the 2002 monitoring visit in the area of special categories were related to dismissal procedures, evaluation of students who are limited English proficient (LEP), and private school participation in the development of services plans for parentally-placed private school students.

Through record reviews and on-site interviews it was determined that dismissals are conducted through a reevaluation process by the IEP team. However, while parents are provided the opportunity to give input into the reevaluation process they are not routinely invited to meetings held by school staff regarding the need for additional assessment information. In accordance with 34 CFR 300.501(a)(2)(i) and Rule A-6.03311(4)(d), FAC, parents must be provided the opportunity to participate in any meetings related to the evaluation of a student. The district will be required to address this finding through the revision and extension of its SIP.

During the district presentation evidence was provided that indicated students identified as LEP were tested in their native language and that this was considered in the decision regarding eligibility for exceptional student education. There were no findings of noncompliance with this requirement during the on-site review of records.

During this presentation district staff also reported that, while private school representation at services plan meetings is improving, it continues to be an area the district is targeting for improvement. The district will be required to include strategies in its SIP to ensure that representatives of private schools are invited to the meetings, and that alternative methods of participation other than attendance at the meeting are available.

### **Student Record Reviews**

This section includes information related to the development of IEPs for students with disabilities and EPs for gifted students. Findings from the 2002 monitoring visit in the area of IEPs were related to the lack of the following elements:

- notice of the purpose of the IEP meeting (specifically transition)
- documentation that procedural safeguards were sent to the parent at the time of the IEP meeting notice
- documentation that the parent was provided a copy of the IEP
- appropriate short term objective or benchmarks
- clearly identified special education services, including the initiation and duration dates of the services on the IEP
- documentation of initiation and duration dates of accommodations
- explanation of the extent to which the student will not participate with nondisabled peers
- adequate reports of progress
- documentation that the IEP team considered the concerns of the parent or results of state- or district-wide testing.

Strategies implemented by the district to address the area of student records include the following:

- revision of computerized IEP to ensure inclusion of required initiation and duration dates
- training for all instructional personnel in the use of computerized IEP as well as in procedures for development of IEPs in compliance with all state and federal requirements.

In addition, during the 2002 visit it was determined that over 200 IEP meetings at Robert E. Lee High School were found to have been held on the same day, with an LEA representative only attending when a parent was in attendance. During the verification visit a sampling of IEPs was reviewed at this school to determine whether meetings are scheduled appropriately and that they include participation of all required team members. No findings of noncompliance were observed. During the course of the verification visit 47 IEPs were reviewed for compliance. All records were from the eight schools visited. Twenty-four of the 47 IEPs contained at least one goal that was not measurable. Of those, 17 did not contain a majority of measurable goals and IEP teams for those students will be required to reconvene to develop measurable annual goals. In addition, 19 of the records reviewed had findings of noncompliance that resulted in fund adjustments. The majority of those fund adjustments were for lack of informed written notice of change of placement. The names of students requiring reconvening of the IEP team, students for whom fund adjustments will be required, and the reasons for those adjustments were provided in a letter to the district dated December 22, 2004.

In addition to IEP reviews, the Bureau conducted reviews of nine matrix of services documents for students reported at the 254 or 255 funding level. Of those reviews, seven were found to be inaccurately reported. The services identified on the matrix were not in evidence on the IEPs or were not being provided to the students. The district will be required to correct the data for those students through the Automated Student Information System database for surveys 1 and 2 for the 2004-05 school year. The names and student numbers of the students for whom data must be corrected were provided in the aforementioned letter.

During the review of IEPs, it was found that 15 areas of noncompliance appeared to be systemic in nature. To be determined systemic, an item must be found noncompliant in at least 25% of the records reviewed. In Duval County, at least 12 of the 47 records must have been noncompliant to be considered systemic. Systemic areas of noncompliance include the following:

- lack of adequate description of special education services (42)
- lack of evidence of reasonable measures to obtain parental consent prior to formal assessment (29)
- lack of statement indicating the concerns for enhancing the education of their child (25)
- lack of measurable annual goals (24)
- lack of evidence that the results of state or district assessment were considered during the development of the IEP (21)
- lack of evidence that the results of the initial or most recent evaluation was considered (18)
- lack of evidence that the parent was provided a copy of the IEP (16)
- lack of an explanation of the extent to which the student will be removed from nondisabled peers (15)
- lack of prior informed notice of change of placement (15)

- lack of adequate description of the frequency of special education services (13)
- lack of description of accommodations (13)
- inadequate present level of educational performance statements (13)
- lack of adequate short term objectives or benchmarks (12)
- lack of initiation and duration dates for accommodations (12)
- lack of a statement of how the student's progress towards annual goals will be measured (12)

In addition, some of the records contained instances of noncompliance that were not of a systemic nature. Individual findings that were evident in five or more records are as follows:

- lack of or inadequate location of services (11)
- lack of correspondence between the annual goals and short term objectives and the needs identified in the present level of educational performance statement (11)
- lack of agency participation for those students who agency participation would be appropriate (11)
- lack of or inadequate identification of frequency of accommodations (10)
- lack of appropriate persons being invited to the meeting (local education agency representative [LEA], student, general education teacher, agency representative) (10)
- lack of or inadequate frequency of accommodations (10)
- lack of documentation that positive behavioral support is indicated (10)
- lack of the identification of the purpose of the meeting (9)
- lack of adequate description of how the student's disability affects him/her in the general curriculum (9)
- lack of evidence that the general education teacher participated in the IEP meeting (9)
- lack of or inadequate identification of location of accommodations (9)
- lack of adequate description of the students course of study (9)
- lack of evidence that students preferences were taken into account in the development of the transition IEP (8)
- lack of evidence that the present level statements, goals, and objectives support the services on the IEP (7)
- lack of documentation that procedural safeguards were provided with the notice of the IEP meeting (6)
- lack of evidence that communication would be addressed in the current IEP (6)
- the student 14 years old or older was not invited and not present at IEP meeting (6)
- inadequate post school adult living goals (6)
- lack of documentation of related services (5)
- lack of prior written notice of change in FAPE (5)

The district is required to revise and extend its SIP to address the development of IEPs. This must include revisions to the IEP form as well as training in and progress monitoring of the development of IEPs that meet all state and federal requirements. As a part of the verification visit, Bureau staff reviewed records for nine students identified as gifted. For those students with a current EP, there were no findings of noncompliance. Concerns regarding the practice at Robert E. Lee High School of documenting lack of participation in the gifted program through a form signed by the parent rather than through the development of an EP that clearly describes the manner in which a nonparticipating student's needs are being met is addressed in the earlier section of this report on the provision of services to gifted students.



## **District Forms Review**

This section includes information related to the forms that the district uses to implement and document actions related to the provision of services to exceptional students. Findings from 2002 that required immediate attention included the forms documenting the following actions:

- Parent Notification of Individual Educational Plan Meeting
- Individual Educational Plan
- Notice and Consent for Initial Placement
- Informed Notice and Consent for Evaluation
- Informed Notice and Consent of Reevaluation
- Notification of Change of Placement (and FAPE)
- Informed Notice of Refusal
- Notice: Not Eligible for Exceptional Student Placement
- Informed Notice of Dismissal
- Documentation of Staffing/Eligibility Determination

During interviews with district staff and through the record review process it was noted that Duval County uses a single name to refer to three very separate teams or committee. The term “child study team” is used to refer to a “child study team,” a “staffing committee,” and an “IEP team.” While some of the individual participants of these respective teams may be the same for a given student, this is not necessarily the case, and the required participants differ for each of the teams. There are no state or federal requirements regarding the participants of a child study team, although a district or school may regulate the members. The term staffing committee is used in Florida to refer to the committee of at least three professionals, one of whom is the district administrator of ESE or designee (and the parent, if the student is being evaluated for eligibility as a student with a disability), that makes the determination of eligibility for an exceptional education program (Rule 6A-6.0331(5), FAC). Under the federal requirements at 34 CFR 300.534(a)(1) this committee is described as “a group of qualified individuals and the parent of the child.” An IEP team is the team charged with developing and reviewing the IEP for a student with a disability (an EP team fulfills a similar role in developing and reviewing the EP for a gifted student). The required participants for an IEP team are delineated under the federal regulations at 34 CFR 300.344 and at the state level in Rule 6A-6.03028(4), FAC. The required participants are: the parents of the child; at least one regular education teacher of the child; at least one special education teacher of the child; an LEA representative; an individual who can interpret the instructional implications of evaluation results; at the discretion of the parents or the district, other individuals who have knowledge or special expertise regarding the student; if appropriate, the student. For some of these positions, a single individual may serve in multiple roles. The use of the single term “child study team” to refer to each of these varied groups reflects an inaccuracy that may cause confusion among staff, families, or other interested parties. The district will be required to revise its forms to incorporate the appropriate language, and to ensure that any written procedures used to guide staff in these processes and procedures reflect accurate language.

At the time of the verification visit the forms noted above had not been brought into compliance with current requirements. The district was notified of the specific items requiring revision in a

letter dated December 22, 2004. The district will be required to revise these forms to meet requirements within 60 days of receipt of this report.

## **Summary**

The Florida Department of Education, Bureau of Exceptional Education and Student Services conducted a verification monitoring visit to Duval County Public Schools on October 25-28, 2004 for the purpose of reviewing the effects of the strategies implemented by the district through its SIP. During the verification visit district staff indicated that the improvement efforts carried out over the past two years have not been as effective as anticipated, and that the district continues to address ongoing areas of concern. It also was noted that the ESE department in the district recently experienced significant personnel changes, with many staff members new to the district or to their positions. Significant attention and resources currently are directed toward addressing the needs of exceptional students in the district, both through programmatic and compliance-related efforts. Many of these efforts are relatively new and have not had adequate time to impact student outcomes to the desired degree. As a result, Duval County is required to revise and extend its SIP beyond its original duration date to document its continued efforts in the following areas:

- curriculum and instruction, including placement in the least restrictive environment
- school to post-school transition
- PreK/Part C to Part B transition
- services to gifted students
- services to students in DJJ facilities
- counseling as a related service
- special category records
- IEP compliance
- district forms

The revised and extended plan is included in the body of this report. This extension will serve to ensure that the district continues to appropriately address the needs of its exceptional education students and will be verified by the Bureau through a follow-up visit conducted with one year of receipt of this report. The extension of the district's SIP is included as an attachment to this report.

**Appendix A:**

**System Improvement Plan  
2005 Revision/Extension**



**Duval County School District  
Verification Monitoring**

**System Improvement Plan:  
2005 Revision/Extension**

This plan addresses those concerns and/or findings of noncompliance identified by the Bureau during verification monitoring as in need of improvement or corrective actions. The district is required to provide system improvement strategies to address identified findings, which may include an explanation of specific activities the district has committed to implementing, or it may consist of a broader statement describing planned strategies. The required duration for this revised and extended plan is May 30, 2006. For each issue, the plan also must define the measurable evidence of whether or not the desired outcome has been achieved. Target dates that extend for more than one year should include benchmarks in order to track interim progress. Findings identified as “ESE” are those findings that reflect issues specific to ESE students. Findings identified as “All” are those findings that reflect issues related to the student population as a whole, including ESE students. Semi-annual status reports are required to report on progress related to implementation and outcomes.

<b>Category</b>	<b>Findings</b>	<b>ESE</b>	<b>All</b>	<b>System Improvement Strategy</b>	<b>Evidence of Change</b>
General Supervision	Addressed through records reviews.				
Assessment	No findings in this area.				
Curriculum and Instruction	Some placement decisions are driven by categorical label rather than individual student characteristics or needs.	X		The district will review its service delivery model to determine the extent to which students with disabilities are removed from their home zone schools for placement in a more restrictive environment, and to determine the extent to which such removal represents the least restrictive environment. This review will include a review of IEPs from students	Review of a random sample of 25 IEPs conducted by district and school staff reveals that 100% clearly support the placement decision as placement in the least restrictive environment.  Reviews conducted at the end of each semester

Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
Curriculum and Instruction (continued)				<p>placed in cluster-site schools.</p> <p>For students for whom placement decisions are determined to be inappropriate on the basis of this review, IEP teams will be convened to consider alternative placements.</p> <p>A concerted effort will be made to reduce the number of students removed from their home zone school for placements in more restrictive environments.</p> <p>An initial strategy to assist in working on all of the categories addressed in this document will be to assign each district level staff person a dedicated 6% of their time to review/monitor program activities on an ongoing basis. This system will be utilized as we monitor for evidence of change in each of the specified areas.</p> <p>The district has contracted with Exceptional Consulting Services, Inc. to assist in restructuring procedures and forms. Particular emphasis will</p>	<p>will reflect reduced numbers and/or percentages of students who are initially placed in self-contained settings.</p> <p>November 2005 May 2006</p>

Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
Curriculum and Instruction (continued)				be given to the IEP team and its authority to make decisions based on the individual needs of each student.	
	<p>Specific elements related to curriculum and instruction, including placement of the student, which were found to be inadequate or noncompliant in the 47 IEPs reviewed included:</p> <ul style="list-style-type: none"> <li>• 89% did not adequately identify the special education services to be provided</li> <li>• 32% did not provide an adequate statement justifying the removal of a student with a disability from the general education environment with nondisabled peers</li> <li>• 28% did not have adequate present level of educational performance statements</li> <li>• 13 (28%) lacked a description of accommodations to be provided to the student</li> <li>• 10 (21%) did not adequately address the need for positive behavioral supports</li> <li>• 19% did not include an adequate description of how the student's disability affects him/her in the general curriculum</li> <li>• 15% of the IEPs the present level of educational performance statement</li> </ul>	X		<p>The district has purchased a new Web-based IEP (4GL) which includes the capability to track and bill for Medicaid services. The 2005-06 school year will begin with all schools continuing with the current IEP (EXCENT).</p> <p>Training on the development of appropriate and compliant IEPs will address these targeted areas.</p> <p>The new IEP (4GL) will be developed with these components targeted as an essential aspect of completing the IEP and will be phased into schools, beginning with a pilot group of schools. .</p> <p>District and school staff will conduct random reviews to assess the effectiveness of training activities.</p>	<p>Report of self-assessment by district and school staff of a random sample of 25 IEPs (5 per region) developed by staff who have received training reveals compliance in all targeted areas.</p> <p>November 2005 May 2006</p>

Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
Curriculum and Instruction (continued)	and annual goals and objectives did not support the services provided to the student.				
Secondary Transition	<p>Transition services documented on transition IEPs (TIEPS) are not individualized to reflect individual student needs.</p> <p>Students do not routinely participate in the transition planning process through attendance at their transition IEP meetings.</p> <p>Agency participation is not evident in the records of some students with apparent needs in this area. Families are required to make needed agency connections outside of the IEP team process.</p> <p>Students and parents are not provided a separate notice of the transfer of rights upon the student reaching the age of majority.</p>	X		<p>Training to various audiences will be strengthened to support improvement in these areas of developing TIEPS.</p> <p>Secondary Principals: Information will be delivered at Principals' Meetings and in writing in the form of Guidance Memos to emphasize the importance of including these targeted areas in TIEPS developed at their schools.</p> <p>ESE Liaisons: Information will be delivered at quarterly meetings of Liaisons and in written form to emphasize the importance of the targeted components of TIEPs.</p> <p>Secondary ESE Teachers: Training provided by ESE Liaisons will specify that teachers <b>must</b> invite students and appropriate agency personnel to each meeting after 14 years of age and that Notice of Transfer of Rights will be</p>	<p>Report of self-assessment by district and school staff of a random sample of 25 TIEPs (5 per region) reveals compliance in the following items:</p> <ol style="list-style-type: none"> <li>1. Individualized TIEPS</li> <li>2. Student participation</li> <li>3. Agency participation</li> <li>4. Notice of Transfer of Rights provided at age 17 and age 18 to parents and students.</li> </ol> <p>November 2005 May 2006</p>



Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
Secondary Transition (continued)				sent to student and parents at age 17 <u>and</u> 18.  The district will engage in communication with appropriate agencies to try to increase participation by the agencies in TIEP meetings.	
Part C to Part B Transition	Timeliness of placement in Part B PreK programs for children turning three years old continues to be an area of concern.	X		Procedures will be revised for screening, evaluation, determining eligibility and providing services for PreK students with disabilities, with a focus on those transitioning from Part C programs.	Report of self-assessment reveals 100% of children transitioning from Part C to Part B PreK programs will have IEPs developed and services provided by the child's third birthday.  November 2005 May 2006
Gifted	Documentation for students at Lee High School who are eligible for but not participating in the gifted program does not clearly indicate whether this decision is based on the students' needs being met through opportunities available to all students.	X		District staff will review procedures for serving gifted students at Lee High School to ensure that the needs of the students are met, and will determine whether such a review is warranted in additional schools.  The staff specialist for the Gifted program met with secondary principals and	District staff will visit secondary schools and review the availability of gifted course electives and consultative services to ensure that services are available to meet the needs of all gifted secondary students.  November 2005 May 2006

Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
Gifted (continued)				assistant principals for curriculum and provided them lists of the gifted students in their schools who were not being served. Strategies for meeting the needs of secondary gifted students were reviewed, including offering gifted course electives and consultative services. Each principal was provided a list of teachers at their schools who carry the gifted endorsement.	
Department of Juvenile Justice	<p>All male students at Duval Detention Center are served at the separate class level (&gt;60% of the day removed from the general education environment).</p> <p>All female students at the facility are served at the regular level (&lt;20% of the day removed from the general education environment).</p>		X	The district will increase communication and work with the DJJ to explore and implement alternative service delivery models in order to serve both males and females based on their individual needs rather than gender.	<p>District ESE staff will communicate with and provide training for the staff of the DJJ centers.</p> <p>A review of student placements at Duval Detention Center reveals that decisions are based on the needs of the students and not on administrative convenience.</p> <p>November 2005 May 2006</p>
Counseling as a Related Service	Drop-down fields on the district's electronic IEP form require that the IEP team receive permission from the	X		A revision in district procedures for identifying and placing students with disabilities will be	District and school staff will conduct random reviews of 25 IEPs (5

Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
Counseling as a Related Service (continued)	district ESE office prior to determining that at student requires mental health counseling as a related service in order to receive FAPE.			<p>implemented in the 2005-06 school year. The provision of counseling as a related service will be determined by the IEP team as it makes decisions regarding the provision of FAPE to students with disabilities based on the individual needs of the students and not based on administrative convenience.</p> <p>The electronic IEP form will be revised to reflect this.</p>	<p>per region) of students in the EH program. Results of review reveal that IEP team's recommendation or decision regarding the need for counseling as a related service was implemented for all records reviewed.</p> <p>November 2005 May 2006</p>
Special Categories Records	<p>Services Plans Representatives of private schools are not always provided the opportunity to participate in services plan meetings.</p> <p>Dismissal Parents are provided the opportunity to provide input into reevaluations but are not always invited to attend meetings held to discuss the reevaluation process.</p>	X		<p>The district will initiate informational meetings with representatives of private schools within the county to establish improved communication.</p> <p>Training will be provided to all staff involved in the development of services plans, to focus on inclusion of required participants (through attendance or other means), and will monitor implementation of this requirement to ensure compliance.</p> <p>The district will review and</p>	<p>District staff will review 10 services plans for students who are enrolled in private schools by their parents and are also receiving ESE services to determine that representatives of the private schools have been provided with the opportunity to participate in services plan meetings.</p> <p>District and school staff will conduct random reviews of 25 IEPs (5</p>

Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
Special Categories Records (continued)				revise as necessary its procedure for reevaluation to ensure that parents are invited to participate in any meeting related to the evaluation of their children, and will monitor implementation of this requirement to ensure compliance.	per region) of students involved in the reevaluation process to determine if parents are invited to attend meetings held to discuss reevaluation needs.  November 2005 May 2006
IEPs	There were individual or systemic findings of noncompliance on at least 42 of the 47 IEPs reviewed. Many of these findings were related to the format of the electronic IEP form, including preprinted information or options provided through the drop-down menus.	X		The district will revise the current IEP (EXCENT) form and develop the new IEP (4GL) to meet all state and federal requirements. Training will be provided to teachers for the IEP that is currently in use in their location.  IEPs will be randomly reviewed to assess the effectiveness of the training.	District staff will review a sampling of IEPs from all schools, utilizing the system's new procedures and forms as well as the Bureau's work papers and source book for IEP reviews.  District report of self-assessment reveals that all IEPs meet the requirements for compliance.  November 2005 May 2006
	Seven of nine matrix of services records (78%) reviewed were reported inaccurately, with the services identified on the matrix not in evidence on the IEPs, in the classroom, or both.	X		The district will correct the data for the identified students through the Automated Student Information System database for surveys 1 and 2 for the 2004-05	The district will conduct a review of 15 matrix of services documents for records selected at random from the five

Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
IEPs (continued)				<p>school year.</p> <p>The district will incorporate training on matrix services within the training to be delivered on IEPs and the new procedures and forms to be used in the DCPS ESE programs.</p>	<p>schools with the highest rate of students reported at the 254 or 255 levels (three per school). Review materials provided by the Bureau will be used, and the data will be corrected through the ASIS database for records District report of self-assessment reveals that all matrix records meet the requirements for IEP content and services provided.</p> <p>December 2005 May 2006</p>
District Forms	<p>Forms representing the following actions require revision:</p> <ul style="list-style-type: none"> <li>• parent notification of individual educational plan meeting</li> <li>• individual educational plan</li> <li>• notice and consent for initial placement</li> <li>• informed notice and consent for evaluation</li> <li>• informed notice and consent for reevaluation</li> <li>• notification of change of placement (and FAPE)</li> </ul>	X		<p>The district is required to revise these forms to meet requirements within 60 days of receipt of this report, and to submit copies of the revised forms to the Bureau for review.</p> <p>The district has contracted with Lee Kotick of Exceptional Consulting Services, Inc. to assist with revision of procedures and forms used in the identification, placement,</p>	<p>Submission of forms to DOE for approval no later than September 2005.</p> <p>Random review of records by district staff conducted during the 2005-06 school year reveals appropriate use of forms and procedures.</p> <p>May 2006</p>

Category	Findings	ESE	All	System Improvement Strategy	Evidence of Change
District Forms (continued)	<ul style="list-style-type: none"> <li>• informed notice of refusal</li> <li>• notice: not eligible for exceptional student education</li> <li>• informed notice of dismissal</li> <li>• documentation of staffing/eligibility determination</li> </ul> <p>Many of the findings are related to the use of the term “child study team” to refer to child study teams, staffing committees, and IEP teams.</p>			<p>and provision of services to students with disabilities.</p> <p>Training to staff will be developed and implemented.</p>	