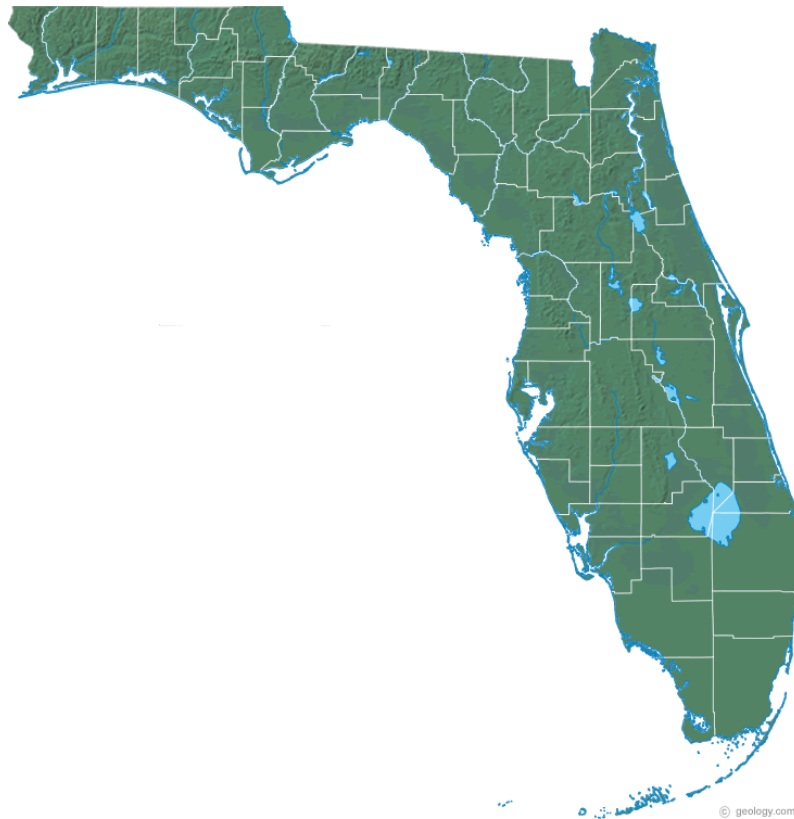


Miami-Dade County School District

Final Report: On-Site Monitoring

Exceptional Student Education Programs

May 17–21, 2010



Bureau of Exceptional Education and Student Services
Florida Department of Education

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July 20, 2010

Mr. Alberto M. Carvalho, Superintendent
Miami-Dade County School District
1450 N.E. Second Avenue, Suite 912
Miami, FL 33132

Dear Superintendent Carvalho:

We are pleased to provide you with the *Final Report of On-Site Monitoring of Exceptional Student Education Programs* for Miami-Dade County School District. This report was developed by integrating multiple sources of information related to an on-site visit to your district May 17–21, 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 Miami-Dade 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). Mr. Will Gordillo, Exceptional Student Education (ESE) Administrative Director, and his 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. Alberto Carvalho
July 20, 2010
Page Two

Thank you for your commitment to improving services for exceptional education for students in Miami-Dade 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,



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

Enclosure

cc: Will Gordillo
Edna Waxman
Kim C. Komisar
Patricia Howell
Jill Snelson

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

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

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Table of Contents

Authority	1
Monitoring Process	1
District Selection.....	1
SPP Indicator 4	2
On-Site Activities.....	3
<i>Monitoring Team</i>	3
<i>Schools</i>	3
<i>Student Focus Groups</i>	3
<i>Data Collection</i>	3
<i>Review of Records</i>	4
Results.....	4
Commendations	4
Concerns	5
Recommendations.....	6
Findings of Noncompliance.....	6
Corrective Action.....	7
Technical Assistance.....	8
Glossary of Acronyms	9

Miami-Dade County School District

On-Site Monitoring Exceptional Student Education Programs May 17–21, 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 to operate 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 (F.A.C.). 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 ten 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 Miami-Dade 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 four.

On-Site Activities

Monitoring Team

On May 17–21, 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. The following Bureau staff members participated in the on-site visit:

- Anne Bozik, Program Specialist, Monitoring and Compliance
- Vicki Eddy, Program Specialist, Monitoring and Compliance
- Brenda Fisher, Program Specialist, Monitoring and Compliance
- Patricia Howell, Program Director, Monitoring and Compliance
- Jennifer Hykes, Program Specialist, Program Development and Services
- Martha Murray, Program Specialist, Program Development and Services
- Annette Oliver, Program Specialist, Program Administration and Quality Assurance
- Jill Snelson, Program Specialist, Monitoring and Compliance (Team Leader)

Schools

The following schools were selected for on-site visits based on the number of students with high rates of suspension and expulsion:

- Charles Drew Middle School
- Ruth Owens Krusé Education Center
- Horace Mann Middle School
- Arthur and Polly Mays Middle Community School
- Parkway Middle School
- Robert Renick Education Center
- Young Women’s Academy for Academic and Civic Development (YWAACD) at Jan Mann Opportunity School

Student Focus Groups

Twenty-seven students from five schools participated in student focus groups conducted by Bureau staff. These students were selected from the group of students chosen for case studies. The students discussed their knowledge and experiences related to school and district discipline policies and procedures. The students who participated in the focus groups seemed to be aware of the disciplinary process and the resources available in their schools.

Data Collection

Individual educational plans (IEPs) for 32 randomly selected students with disabilities enrolled in grades 6 through 12 in the Miami-Dade County School District were reviewed regarding procedures related to suspension and expulsion. Monitoring activities included the following:

- District-level interview – 3 participants

- School-level interviews – 72 participants
- Records reviewed – 32 students
- Focus groups – 27 students
- Case studies – 22 students

Review of Records

The district was asked to provide the following documents for each student selected for the record review:

- Current IEP
- Previous IEP
- Functional behavioral assessment (FBA)/behavioral intervention plan (BIP), if any
- Discipline record
- Attendance record
- Report cards
- Any other supporting documentation as needed

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.

Results

The following results reflect the data collected through the activities of the on-site monitoring as well as commendations, concerns, recommendations, and findings of noncompliance.

Commendations

- The schools were pleasant and orderly with an appearance of being well-organized.
- School faculty members demonstrated a high level of professionalism and commitment to the students. Many of the teachers that were interviewed indicated that they had remained at the same school for the majority of their careers.
- Some of the school administrators stated that they had teachers who worked Saturdays on a volunteer basis.
- A high level of collaboration was evidenced between ESE teachers and related services providers.
- Parent communication and involvement were demonstrated.
- General education students were involved as academic mentors with younger ESE students.
- The student-operated Ruth's Grille was an excellent example of a student-based enterprise.
- The effective use of positive reinforcement was observed in some class and school settings.
- The district has a positive behavior support share fair for the use of effective practices.
- Vocational academies were demonstrated as having a positive student impact within the separate day schools.
- Some students were observed as role models in their schools.
- Several of the students that participated in the student focus groups were very complimentary of the school staff who they stated worked closely with them.

Concerns

- Rule 6A-1.09961(2)(a), F.A.C., requires that during the student's 8th grade year or during the school year of the student's 14th birthday, whichever comes first, a statement of whether the student is pursuing a course of study leading to a standard diploma or a special diploma must be on the IEP. The IEP form in use during the on-site visit indicated that the diploma option only needs to be checked for those students in grades 8-12, which does not address those students who have been retained and are age 14 and in grade 7 or lower. However, the district is adopting a new IEP format that accurately reflects this requirement.
- One teacher indicated being unaware of the BIP of a student in the teacher's class.
- A staff member at one of the schools stated a concern that students who were assigned to in-school-suspension (ISS) were not being given sufficient time and support to complete the class assignments due to time spent cleaning the campus.
- The term "exclusion" was described by district staff as intended solely to note medical issues. However, this term was noted by Bureau staff on two students' disciplinary records to indicate time spent out of class (i.e., a class period in the office of the assistant principal), although there were no known medical issues. The district acknowledged this discrepancy.
- Students, who are required to take remediation courses, particularly in the upper grades, appear to have little opportunity to take high-interest classes, such as wood shop, computers, auto mechanics, cosmetology, or culinary arts.
- School staff members frequently used acronyms unique to the district during the on-site interviews. However, the staff members could not always explain what the acronyms meant.
- The district list of students with high numbers of expulsion and/or suspension days included gifted students. Although gifted students with educational plans (EPs) do not have the same disciplinary protections, the high number of days of suspension for these students may also indicate a need for additional study.
- The district must conduct a manifestation determination within ten days of any decision to change the placement of a student with a disability as a result of a violation of the Code of Student Conduct. A change in placement occurs if the removal is for more than ten consecutive school days or if the student has been subjected to a series of removals that total more than ten school days and constitutes a pattern. The determination of whether a pattern of removals constitutes a change in placement is made by the district on a case-by-case basis (34 CFR §§300.530(e) and 300.536). It is not clear from the review of student records how this determination was made, or by whom.
- The form used for manifestation determination at the time of the on-site visit included two areas to note whether the behavior in question was a manifestation of the student's disability. Some of the forms that were reviewed in the case studies had not been fully completed in that the determination regarding manifestation of the student's disability was recorded only once. District staff stated that the new IEP format will address this issue.
- Out-of-school suspension (OSS) often appeared to be assigned for infractions that could have been addressed in the ISS setting.

Recommendations

- Consider the use of ISS rather than OSS for minor infractions of the Code of Student Conduct. ISS settings rich with support for struggling students could serve as a mechanism for getting caught up on missed work and/or an opportunity for social skills training.
- Consider developing a list of acronyms with explanations for school staff members.

Findings of Noncompliance

Bureau staff identified 26 incidents of noncompliance on seven standards in 21 of the 32 student records reviewed.

A manifestation determination must be conducted within ten days of any decision to change the placement of a student with a disability because of a violation of the Code of Student Conduct (34 CFR §§300.530(e)). For 16 of the students, manifestation determinations were not conducted within the required timeline.

If the IEP team determines that the behavior is a manifestation of the student's disability, the student must be returned to the current placement, unless the parent and the district agree to a change in placement as part of the BIP or unless the behavior is related to weapons, drugs, or serious bodily injury (34 CFR §300.530(f) and (g)). Four of the students for whom the team determined the behavior was a manifestation of the disability and not related to weapons, drugs, or serious bodily injury were not returned to their current placement as required.

The IEP must contain 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)). One student record contained an incorrect statement of special education services.

Beginning in eighth grade, or during the school year in which the student turns 14, whichever is sooner, the IEP must include a statement of whether the student is pursuing a course of study leading to a standard diploma or a special diploma (Rule 6A-6.03028(3)(h)8, F.A.C.). Two student records did not contain a course of study statement as required.

For students age 16, or younger if determined appropriate by the IEP team, the IEP must reference the consideration of instruction or the provision of information in the area of self-determination to assist the student to actively and effectively participate in IEP team meetings and to self-advocate, if appropriate (Rule 6A-6.03028(3)(h)9b, F.A.C.). One student record did not contain information regarding self-determination as required.

For students age 16, or younger if determined appropriate by the IEP team, there must be a measurable postsecondary goal or goals in the designated areas (i.e., education/training, employment, and, where appropriate, independent living skills) (Rule 6A-6.03028(3)(h)9a, F.A.C.). In one of the student records, the postsecondary goal was not measurable.

If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences or absences for which the reason is

unknown within a 90-calendar-day period, the student's primary teacher must report that the student may be exhibiting a pattern of nonattendance. Unless there is clear evidence otherwise, the student must be referred to the school's child study team. If an initial meeting does not resolve the problem, interventions must be implemented (section 1003.26(1), F.S.). One student record did not contain evidence of the referral as required.

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. One of the findings of noncompliance was systemic as designated by italicized font.

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 16 of 32 records [50 percent]).
- The student was not returned to the current placement, if the IEP team determined that the behavior was a manifestation of the student's disability (identified in four records).

All other noncompliance noted above requires revisions to the students' IEPs. Identifying information for the 21 students was provided to the district prior to the dissemination of this report.

Corrective Action

1. **No later than September 13, 2010**, the Miami-Dade County School District shall provide to the Bureau its plan to correct the systemic noncompliance regarding manifestation determination not conducted within the required timeline. The plan must include a sampling process to demonstrate compliance with the requirements and a timeline for implementation. Documentation of implementation must be provided **no later than November 30, 2010**. Results of the sampling process shall be provided to the Bureau **no later than January 31, 2011**.
2. **No later than September 13, 2010**, the Miami-Dade County School District must provide a narrative description of the actions taken to ensure ongoing compliance with the specific requirements identified as noncompliant for which correction at the individual student level is not possible.
3. Regarding the findings of noncompliance that can be corrected for the individual student, the Miami-Dade County School District shall reconvene the IEP teams for the four identified students and correct the students' IEPs. 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 if the parent and the local education agency (LEA) agree to the amendment. Documentation of correction, including a copy of the revised IEP, must be provided to the Bureau **no later than September 13, 2010**.

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
EP	Educational plan
ESE	Exceptional student education
F.A.C.	Florida Administrative Code
FBA	Functional behavioral assessment
FDOE	Florida Department of Education
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
ISS	In-school-suspension
LEA	Local education agency
OSEP	Office of Special Education Programs
OSS	Out-of-school suspension
SPP	State Performance Plan
SP&P	Exceptional Student Education Policies and Procedures
YWAACD	Young Women’s Academy for Academic and Civic Development



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

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