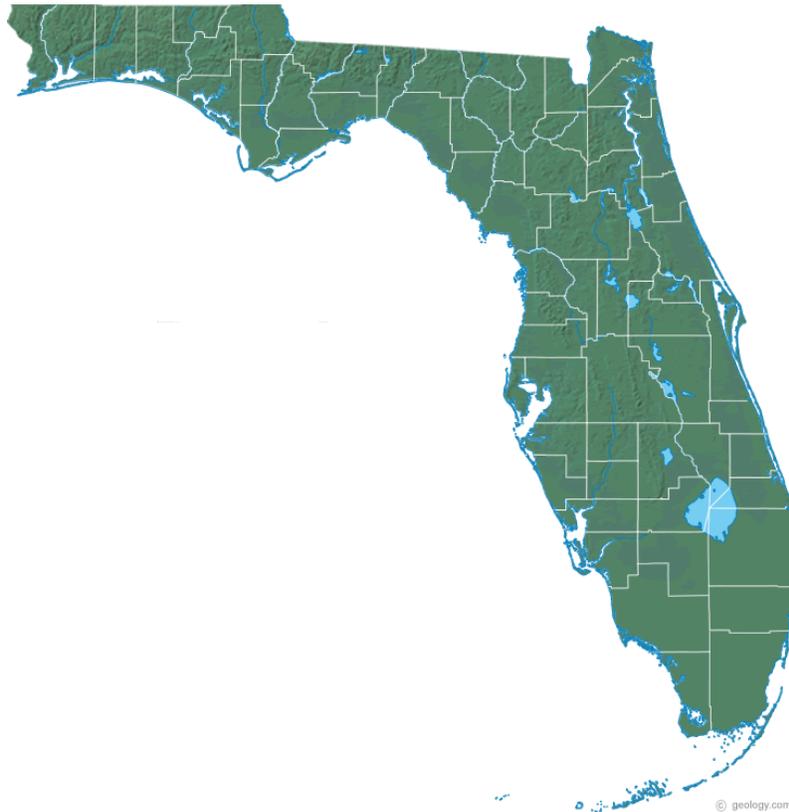


# Department of Corrections

Final Report: On-Site Compliance Monitoring

Exceptional Student Education Programs

June 30 – July 2, 2009



Bureau of Exceptional Education and Student Services  
Florida Department of Education

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

Telephone: (850) 245-0477

Fax: (850) 245-0987

E-mail: [cicbiscs@FLDOE.org](mailto:cicbiscs@FLDOE.org)

Web site: <http://www.fldoe.org/ese/>

# FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

T. WILLARD FAIR, *Chairman*

*Members*

PETER BOULWARE

DR. AKSHAY DESAI

ROBERTO MARTÍNEZ

JOHN R. PADGET

KATHLEEN SHANAHAN

LINDA K. TAYLOR

Dr. Eric J. Smith  
Commissioner of Education



August 5, 2009

Mr. Eric Gaines, Chief  
Bureau of Program Services  
Florida Department of Corrections  
2601 Blair Stone Road  
Tallahassee, Florida 32399-2500

Dear Mr. Gaines:

We are pleased to provide you with the final report of the monitoring of the Department of Corrections' exceptional student education programs at selected correctional facilities. Bureau staff members have worked with John Howle, Administrator of Special Education Programs, and his staff to develop an improvement plan to address the single area of concern identified during the visit. The improvement plan is included as a part of this final report. The final report will be placed on the Bureau of Exceptional Education and Student Services' Web site and may be viewed at <http://www.fldoe.org/ese/mon-home.asp>.

If you have any questions regarding this report, please contact me or Patricia Howell, Program Director, Monitoring and Compliance. Ms. Howell may be reached at (850) 245-0476, or via electronic mail at [Patricia.Howell@fldoe.org](mailto:Patricia.Howell@fldoe.org).

Thank you for your continuing commitment to improve exceptional education services in the Department of Corrections.

Sincerely,

A handwritten signature in black ink that reads "Bambi J. Lockman".

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

Enclosure

cc: John Howle  
Amy Yarbrough-Coltharp  
Patricia Howell  
Vicki Eddy

**BAMBI J. LOCKMAN**  
*Chief*

*Bureau of Exceptional Education and Student Services*



**Department of Corrections  
Final Report: On-Site Compliance Monitoring**

**June 30 – July 2, 2009**

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



# Department of Corrections

## Final Report: On-Site Compliance Monitoring

June 30 – July 2, 2009

### Table of Contents

Authority .....	1
Monitoring Process .....	1
Background Information .....	1
On-Site Monitoring Activities .....	2
Results .....	3
Promising Practices .....	3
Recommendations .....	3
Resources .....	4
Appendix: Glossary of Acronyms .....	5



**Department of Corrections  
On-Site Compliance Monitoring  
June 30 – July 2, 2009**

**Final Report**

**Authority**

The Florida Department of Education, Bureau of Exceptional Education and Student Services, 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 ss. 1001.42 and 1003.57, F.S. Through these monitoring activities, the Bureau examines and evaluates procedures, records, and ESE programs; provides information and assistance to school districts; and otherwise assists school districts in operating effectively and efficiently. One purpose of the Individuals with Disabilities Education Act (IDEA) is to assess and ensure the effectiveness of efforts to educate children with disabilities (s. 300.1(d) of Title 34, Code of Federal Regulations (CFR)), and districts are required to make a good faith effort to assist children with disabilities to achieve their stated goals and objectives in the least restrictive environment. In accordance with IDEA, the Department 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 the Department's commitment to provide assistance, service, and accountability to school districts, including the Department of Corrections (DOC), 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**

In most cases, decisions regarding the type and extent of monitoring activities, including the need for on-site visits, are based on the most current data available for a given local educational agency (LEA). Due to the unique nature of educational programs implemented in correctional settings, on-site monitoring of special education services in DOC facilities is conducted annually. This schedule allows Bureau staff to verify correction of previous noncompliance and to more effectively target technical assistance for DOC. DOC also participated in the 2008-09 self-assessment process.

**Background Information**

From June 30 through July 2, 2009, the Bureau conducted on-site reviews of the ESE programs in three DOC facilities. John Howle, Special Education Administrator, and Amy Yarbrough-Coltharp, Special Education Program Specialist, served as the coordinators and points of contact

for DOC during the monitoring visit. The Bureau monitoring team consisted of Ken Johnson, Program Specialist, who served as the team leader, and Patricia Howell, Program Director, Monitoring and Compliance. On-site visits were conducted to Columbia Correctional Institution (CCI), Florida State Prison (FSP), and Lake City Correctional Facility (LCCF).

Through the 2008-09 self-assessment monitoring process, DOC was required to evaluate implementation of 28 standards or regulations related to individual educational plans (IEPs). The self-assessment revealed no findings of noncompliance. In addition, during the planning process for this monitoring visit, as well as through technical assistance contacts with the Bureau throughout the past year, DOC staff reported considerable efforts during the past year directed toward providing in-service training to ESE and basic educational staff, particularly in the development of appropriate IEPs. Based on this information, a decision was made to focus the 2009-10 on-site monitoring activities on verification of corrective actions and/or improvement activities implemented as a result of the 2008-09 on-site visit. The primary areas to be addressed were:

- 34 CFR § 300.320(a)(4) and (7) – Accommodations
  - The IEP must include a statement of program modifications or classroom accommodations, if needed, including location and anticipated initiation, duration, and frequency.
- 34 CFR § 300.322(b)(2) – Secondary Transition
  - The notice to the IEP meeting must include a statement that a purpose of the meeting was the consideration of postsecondary goals and transition services, must indicate that the student was invited, and must indicate any agency likely to provide or pay for services during the current year would be invited.
- 34 CFR § 300.320(a)(2); Rule 6A-6.03028(7)(b), FAC. – Annual goals and short-term objectives or benchmarks.
  - The IEP form designates a space to document annual goals, but not a corresponding space for short-term objectives or benchmarks. IEP teams had incorporated all required content regarding short-term objectives and/or benchmarks into the annual goals section.

### **On-Site Monitoring Activities**

The following were conducted as part of the 2008-09 on-site monitoring of DOC facilities:

<b>Activity</b>	<b>Number</b>
IEP/Record Reviews	12
Focus Groups	3
Case Studies	3
Classroom Visits and/or Observations	33
Interviews	
Central Office Agency Staff	2
Institutional Administration	3
ESE Teachers	10
General/Vocational Education Teachers	23
ESE Students	17
Total Interviews	55

## **Results**

Information generated through record reviews, focus group interviews, individual interviews, case studies, and classroom visits is summarized below. Individual and systemic findings of noncompliance as well as concerns are included in reports of on-site monitoring. To be determined systemic in nature, an item must be found noncompliant in at least 25 percent of the records reviewed or through equivalent support from interviews or other sources. For the DOC on-site monitoring conducted in 2009-10, at least three of the IEPs must have been noncompliant on a given item for a finding to be considered systemic.

Verification of activities related to the areas of concern noted in the October 2008 on-site monitoring revealed the following:

- The form used by DOC in the development/revision of IEPs for inmates with disabilities has been revised as required and includes all requirements.
- No noncompliance was identified regarding the implementation of accommodations. Record reviews and examination of work samples for individual inmates with disabilities, conducted concurrently with classroom observations, indicated that the accommodations specified on the IEP(s) were being provided for individual inmates.

A concern was noted at LCCF where vocational teachers who were interviewed were not aware of the ways in which the specific disabilities of their students might affect the students' progress.

## **Promising Practices**

Promising practices were noted during the on-site monitoring visits. DOC is encouraged to continue to promote an atmosphere where teachers and other staff can share these practices. Some of the reported promising practices are listed below.

- Classification Officers and Security Officers are included in IEP team meetings; staff members report that their input is valued, particularly regarding the student's present level of functioning related to self-management.
- At each of the institutions visited, general education, special education, and vocational education staff meet monthly to monitor and discuss educational progress of individual students.
- Institutions using the general population security model allow students to be enrolled in academic and vocational programming simultaneously.
- Each institution implements curricula and service delivery models to meet the specific educational needs of the students.

## **Recommendations**

There were no findings of noncompliance during the 2009-10 on-site monitoring visit; therefore, no corrective action is required. However, in response to the concern noted above, DOC has voluntarily developed an improvement plan in consultation with the Bureau. By October 2009, DOC plans to provide training and/or technical assistance to vocational instructors at LCCF regarding specific disabilities and the resulting instructional implications.

The following additional recommendations are proposed for the DOC to consider:

- Continue to develop training modules to address developing appropriate individualized IEPs.
- Continue to base targeted technical assistance and in-service training on the results of the compliance self-assessment.
- Use the Professional Development section of the Bureau’s General Supervision Plan Website to conduct periodic compliance self-assessments in addition to the annual requirements.

## Resources

Bureau staff members are available for assistance on a variety of topics. The following is a partial list of contacts:

### **ESE Program Administration and Quality Assurance** (850) 245-0476

Kim Komisar, Ph.D., Administrator  
[Kim.Komisar@fldoe.org](mailto:Kim.Komisar@fldoe.org)

Patricia Howell, Program Director – Monitoring  
[Patricia.Howell@fldoe.org](mailto:Patricia.Howell@fldoe.org)

Demetria Harvell, Program Director – Dispute Resolution  
[Demetria.Harvell@fldoe.org](mailto:Demetria.Harvell@fldoe.org)

Vicki Eddy, Program Specialist – DOC Bureau-District Monitoring Liaison  
[Vicki.Eddy@fldoe.org](mailto:Vicki.Eddy@fldoe.org)

### **Clearinghouse Information Center** (850) 245-047

Kathy Dejoie, Supervisor  
[cicbises@FLDOE.org](mailto:cicbises@FLDOE.org)

### **ESE Program Development and Services** (850) 245-0478

Heather Diamond, Program Specialist – Specific Learning Disabilities  
[Heather.Diamond@fldoe.org](mailto:Heather.Diamond@fldoe.org)

Sheila Gritz, Transition Specialist  
[Sheila.Gritz@fldoe.org](mailto:Sheila.Gritz@fldoe.org)

Shannon Hall-Mills, Program Specialist – Speech/Language Disabilities  
[Shannon.Hall-Mills@fldoe.org](mailto:Shannon.Hall-Mills@fldoe.org)

Martha Murray, Program Specialist – Emotional/Behavioral Disorders  
[Martha.Murray@fldoe.org](mailto:Martha.Murray@fldoe.org)

Sheryl Sandvoss, Program Specialist – Intellectual Disabilities  
[Sheryl.Sandvoss@fldoe.org](mailto:Sheryl.Sandvoss@fldoe.org)

**Appendix:**  
**Glossary of Acronyms**



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

**Glossary of Acronyms**

Bureau	Bureau of Exceptional Education and Student Services
CFR	Code of Federal Regulations
DOC	Department of Corrections
DOE	Department of Education
ESE	Exceptional student education
F.A.C.	Florida Administrative Code
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
LEA	Local educational agency
OCR	Office for Civil Rights
OSEP	Office of Special Education Programs



**Florida Department of Education**  
*Dr. Eric J. Smith, Commissioner*  
ESE 312985D