

# FLORIDA DEPARTMENT OF EDUCATION



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June 20, 2008

Dr. W. Daniel Boyd, Jr.  
Alachua County School District  
620 East University Avenue  
Gainesville, Florida 32601-5498

Dear Dr. Boyd:

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

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

As indicated in prior communication with district ESE staff, it was anticipated that there might be an increase in the number of findings of noncompliance over previous monitoring activities due to the design of the self-assessment protocols and sampling system. While any incident of noncompliance is of concern, it is important to note that, in accordance with the language in SPP Indicator 15, the Bureau's current monitoring system considers the timeliness of correction of noncompliance to be of greatest significance.

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

**BAMBI J. LOCKMAN**

*Chief*

*Bureau of Exceptional Education and Student Services*

the district participated in a validation review to ensure the accuracy of the self-assessment data. Your district's validation review revealed no inconsistencies in the original report of data.

In accordance with guidance from the Office of Special Education Programs (OSEP), U.S. Department of Education, a finding of noncompliance is identified by the standard (i.e., regulation or requirement) that is violated, not by the number of times the standard is violated. While each *incident* of noncompliance must be corrected for the individual student affected, multiple incidents of noncompliance regarding a given standard that occur within a school district are reported as a single *finding* of noncompliance for that district. These results are included in the Bureau's annual reporting to OSEP.

Districts were required to correct all student-specific noncompliance no later than April 25, 2008, and to provide evidence to the Bureau no later than April 30, 2008. All individual incidents of noncompliance were timely corrected with verifying documentation provided to the Bureau on June 9, 2008.

Alachua County was required to assess 161 standards. One or more incidents of noncompliance were identified on 27 of those standards (17%). The following is a summary of Alachua County School District's correction of student-specific incidents of noncompliance:

**Correction of Noncompliance by Student**

	<b>Number</b>	<b>Percentage</b>
Records Reviewed/Protocols Completed	30	—
Total Items Assessed	937	—
Noncompliant	40	4%
Timely Corrected	40	100%

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

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The results of district self-assessments conducted during 2007-08 will be used to inform future monitoring activities, including the selection of districts for on-site monitoring, and in the local educational agency (LEA) determinations required under section 300.603, Title 34, Code of Federal Regulations, which result in districts being identified as “meets requirements,” “needs assistance,” “needs intervention,” or “needs substantial intervention.”

We understand that the implementation of this self-assessment required a significant commitment of resources, and appreciate the time and attention your staff has devoted to the process thus far. We look forward to receiving the district’s report on the results of its corrective action plan, due to the Bureau no later than **December 22, 2008**. If you have questions regarding this process, please contact your assigned district liaison for monitoring or Dr. Kim C. Komisar, Administrator, at [kim.komisar@fldoe.org](mailto:kim.komisar@fldoe.org) or via phone at (850) 245-0476.

Sincerely,



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

Attachments

cc: Kathy Black  
Jan Benet  
Frances Haithcock  
Kim C. Komisar  
Laura Harrison  
Sheila Gritz

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

**ESE Self-Assessment  
2007 – 08**

**Alachua District Summary Report: Findings of Noncompliance by Standard**

This report provides a summary of the district's results and must be used when developing a corrective action plan. Results are reported by standard, with systemic noncompliance (occurrence in  $\geq 25\%$  of possible incidents) indicated as appropriate. See the *Student Report: Incidents of Noncompliance* for student-specific findings. Results are based on the following:

Number of IE protocols completed: 10  
 Number of standards per IE: 18  
 Number of IEP protocols completed: 14  
 Number of standards per IEP: 38  
 Number of MD protocols completed: 4  
 Number of standards per MD: 9  
 Number of STB protocols completed: 2  
 Number of standards per STB: 28  
 Number of DD disabilities completed: 2  
 Number of standards per DD: 6  
 Number of EBD disabilities completed: 1  
 Number of standards per EBD: 11  
 Number of LI disabilities completed: 2  
 Number of standards per LI: 7

Number of OHI disabilities completed: 1  
 Number of standards per OHI: 5  
 Number of SI disabilities completed: 1  
 Number of standards per SI: 9  
 Number of SLD disabilities completed: 5  
 Number of standards per SLD: 14  
 Number of VI disabilities completed: 2  
 Number of standards per VI: 6

Total number of protocols: 30  
 Total number of standards: 937  
 Total number of incidents of noncompliance (NC): 40  
 Overall % incidents of noncompliance: 4%

Percent of noncompliance is calculated as the # of incidents of noncompliance for a given standard divided by the # of protocols reviewed for that standard, multiplied by 100.

\* Correctable for the student(s): A finding for which immediate action can be taken to correct the noncompliance.

\*\* Individual CAP: For a finding which cannot be corrected for an individual student, a corrective action plan (CAP) is required to address how the district will ensure future compliance; this plan will be limited in scope, based on the nature of the finding.

\*\*\* Systemic CAP: For a finding of noncompliance on a given standard that occurs in  $\geq 25\%$  of possible incidents, a corrective action plan (CAP) is required to ensure future compliance; this plan must address the systemic nature of the finding and will be broader in scope than an individual CAP.

Note: In the event that there is a systemic finding of noncompliance on a standard that requires an individual CAP, only a systemic CAP is required.

**ESE Self-Assessment  
2007 – 08**

**Alachua District Summary Report: Findings of Noncompliance by Standard**

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		2	100.0%	X
STB-11	There is/are annual goal(s) or short-term objectives or benchmarks that reasonably enable the student to meet the postsecondary goals. (34 CFR 300.320(a)(2))	X		1	50.0%	X
STB-12	There are transition services on the IEP that focus on improving the academic and functional achievement of the student to facilitate the student's articulation to post-school. (34 CFR 300.320(b)(2))	X		1	50.0%	X
IEP-5	The parents were provided notice of the IEP team meeting a reasonable amount of time prior to the meeting, at least one attempt to invite the parent was through a written notice, and a second attempt was made if no response was received from the first notice. (34 CFR 300.322(a)(1))		X	1	7.1%	
IEP-9	The parents were members of any group making decisions about the educational placement of the student. If neither parent was able to attend the IEP meeting, there is documentation of attempts to ensure parent participation. (34 CFR 300.322 (c)-(d); 300.328; and 300.501(c))		X	1	7.1%	
IEP-11	The parent <b>consented</b> to the excusal of an IEP team member when that person's curriculum/related service area <b>was</b> being discussed. (34 CFR 300.321(e)(2))		X	2	14.3%	
IEP-13	The IEP for a school-age student includes a statement of present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general curriculum, as well as a statement of the remediation needed to achieve a passing score on the general statewide assessment. For a prekindergarten student, the IEP contains a	X		3	21.4%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	statement of how the disability affects the student's participation in the appropriate activities. (34 CFR 300.320(a)(1); Rule 6A-6.03028(7)(a), FAC.)					
IEP-14	The IEP includes measurable annual goals, including academic and functional goals, and short-term objectives or benchmarks, designed to meet the student's needs that result from the disability to enable the child to be involved in and make progress in the general curriculum and meet the student's other needs that result from the disability. (34 CFR 300.320(a)(2))	X		3	21.4%	
IEP-21	The IEP contains a statement of appropriate accommodations necessary to measure academic achievement and functional performance on state or district-wide assessments. (34 CFR 300.320(a)(6)(i))	X		1	7.1%	
IEP-22	The parent provided consent for the student to receive instructional accommodations not permitted on statewide assessments and acknowledged the implications of such accommodations. (Section 1008.22(3)(c)6, F.S.; Rule 6A-6.03028(7)(e), FAC.)	X		2	14.3%	
IEP-23	If the IEP team determined that the student will not participate in a particular state or district-wide assessment; the IEP contains a statement of why that assessment is not appropriate, why the particular alternate assessment is appropriate, and shows notification to the parent of the implications of nonparticipation. (34 CFR 300.320(a)(6)(ii); Section 1008.22(3)(c)6, F.S.; Rule 6A-6.03028(7)(e), FAC.)	X		1	7.1%	
IEP-25	The IEP contains descriptions of how progress toward annual goals will be measured including how often parents will be regularly informed of their child's progress. Parents of disabled students must be informed of this progress at least as often as parents of nondisabled students. (34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)	X		1	7.1%	
IEP-27	The concerns of the parents for enhancing the education of their child were considered in developing the IEP. (34 CFR 300.324(a)(1)(ii))	X		1	7.1%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
IEP-28	The IEP team considered, in the case of a student whose behavior impedes his or her learning, the use of positive behavior interventions and supports, and/or other strategies to address the behavior. (34 CFR 300.324(a)(2)(i))	X		1	7.1%	
IEP-33	The IEP team considered the extended school year needs of the student. (34 CFR 300.106(a))	X		2	14.3%	
IEP-34	The student is provided access to the same physical education (PE) program as nondisabled students. If the student needs specially designed PE, this is included on the IEP. (34 CFR 300.108)	X		1	7.1%	
IEP-35	If the current IEP represents a change of placement/change of FAPE from the previous IEP, or the district refused to make a change that the parent requested, the parent received appropriate prior written notice. (34 CFR 300.503)		X	3	21.4%	
IEP-36	The report of progress was provided as often as progress was reported to the nondisabled population and described the progress towards annual goals and the extent to which that progress was sufficient to enable the student to achieve such goals by the end of the year. (34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)	X		1	7.1%	
MD-1	Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, or prior to a long-term removal that may or may not represent a change of placement, the district conducted a manifestation determination. (34 CFR 300.530(e); Rule 6A-6.03312(3) and (4)(b), FAC.)	X		2	50.0%	X
MD-2	The district notified the parent of the removal decision and provided the parent with a copy of the notice of the procedural safeguards on the same day as the date of the removal decision. (34 CFR 300.530(h); Rule 6A-6.03312(4)(a), FAC.)		X	2	50.0%	X
MD-8	If the student had a BIP, the IEP team reviewed the plan as part of the manifestation determination process and revised it as needed. (34 CFR 300.530(f)(1)(ii))		X	1	25.0%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
IE-2	Anecdotal records or behavioral observations conducted by at least two individuals, one of whom is the student's teacher, were reviewed. (Rule 6A-6.0331(2)(b), FAC.)		X	1	10.0%	
IE-10	The date of referral for a formal individual evaluation was no more than ten (10) working days after the date of receipt of parent consent. (Section II.E of the Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students SP&P)		X	2	20.0%	
IE-13	The evaluation was conducted within 60 school days of the receipt of referral for evaluation and parental consent for evaluation. (Rule 6A-6.0331(4)(b), FAC.)		X	1	10.0%	
EBD-1	The functional behavioral assessment (FBA) previously completed to assist in the development of individual interventions was reviewed. (Section III.G., Policies and Procedures for the Provision of Specially Designed Instruction and Related Services (SP&P))	X		1	100.0%	X
SI-5	The student has a disorder in fluency. (Rules 6A-6.03012(2)(c), FAC.; Section III.C, SP&P)	X		1	100.0%	X
SI-6	The student has a disorder in voice. (Rules 6A-6.03012(2)(d), FAC.; Section III.C, SP&P)	X		1	100.0%	X

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

**ESE Self-Assessment  
2007 – 08**

**Alachua County School District Corrective Action Plan**

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
STB-10	<p>The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))</p>	<ol style="list-style-type: none"> <li>1. Reconvene IEPs for MH students over 16 years old at schools with non-compliant findings to include measurable IEP goals based on current transition assessments.</li> <li>2. Convene IEPs for all other ESE students over 16 years old at schools with non-compliant findings to include measurable IEP goals based on current transition assessments.</li> <li>3. Provide guidance on suggested transition assessments at three levels of student functioning: mildly impaired students, significantly impaired functional students, and moderately impaired students who may be standard or special diploma.</li> <li>4. Provide training and technical assistance on translating assessment data to measurable post-secondary goals to staffing specialists and department chairs.</li> <li>5. Provide training and technical assistance on translating assessment data to measurable post-secondary goals to ESE teachers.</li> <li>6. Revise the form for the transition page of IEP to clarify requirements for writing measurable goals that are linked to the transition services areas.</li> </ol>	<ol style="list-style-type: none"> <li>1. May 30, 2008</li> <li>2. December 2008</li> <li>3. May 15, 2008</li> <li>4. May 15, 2008</li> <li>5. December, 2008</li> <li>6. May 30, 2008</li> </ol>	<p>DOE PowerPoint on Transition Services and Transition Assessments</p> <p>Transition supervisor and specialists</p> <p>FDLRS trainers for Transition 101</p> <p>ESE Compliance Self-Assessment Manual</p> <p>Quality IEP Handbook</p> <p>District's online module for writing measurable goals</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
STB-11	<p>There is/are annual goal(s) or short-term objectives or benchmarks that reasonably enable the student to meet the postsecondary goals. (34 CFR 300.320(a)(2))</p>	<ol style="list-style-type: none"> <li>1. Reconvene IEPs for MH students over 16 years old at schools with non-compliant findings to include measurable IEP goals based on current transition assessments.</li> <li>2. Convene IEPs for all other ESE students over 16 years old at schools with non-compliant findings to include measurable IEP goals based on current transition assessments.</li> <li>3. Provide guidance on suggested transition assessments at three levels of student functioning: mildly impaired students, significantly impaired functional students, and moderately impaired students who may be standard or special diploma.</li> <li>4. Provide training and technical assistance on translating assessment data to measurable post-secondary goals to staffing specialists and department chairs.</li> <li>5. Provide training and technical assistance on translating assessment data to measurable post-secondary goals to ESE teachers.</li> <li>6. Revise the form for the transition page of IEP to clarify requirements for writing measurable goals that are linked to the transition services areas.</li> </ol>	<ol style="list-style-type: none"> <li>1. May 30, 2008</li> <li>2. December 2008</li> <li>3. May 15, 2008</li> <li>4. May 15, 2008</li> <li>5. December, 2008</li> <li>6. May 30, 2008</li> </ol>	<p>DOE PowerPoint on Transition Services and Transition Assessments</p> <p>Transition supervisor and specialists</p> <p>FDLRS trainers for Transition 101</p> <p>ESE Compliance Self-Assessment Manual</p> <p>Quality IEP Handbook</p> <p>District's online module for writing measurable goals</p>	
STB-12	<p>There are transition services on the IEP that focus on improving the academic and functional achievement of the student to facilitate the student's articulation to post-school. (34 CFR 300.320(b)(2))</p>	<p>Provide training and technical assistance on identifying transition services in school that are appropriate for each student's outcome statement.</p> <p>Provide training and technical assistance on identifying transition services from other agencies that are appropriate for each student's outcome statement.</p> <p>Provide opportunities for teacher, parents and staff to have direct contact with transition agencies as potential sources for services on TIEPs (Showcase on Wheels)</p>	<p>May 14, 2008</p> <p>May 14, 2008</p> <p>April 24, 2008</p>	<p>FDLRS Transition 101 Trainer</p> <p>Excel Council Members</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
MD-8	<p>If the student had a BIP, the IEP team reviewed the plan as part of the manifestation determination process and revised it as needed. (34 CFR 300.530(f)(1)(ii))</p>	<p>Targeted inservice and technical assistance for teachers and staff at schools with non-compliant findings: Training for ESE teachers in conducting manifestation determinations, completing functional behavior assessments, and designing and revising behavior improvement plans.</p> <p>Technical assistance on timelines for same day notice of removals, with rights, and manifestation determined within 10 days.</p> <p>(Includes activities for MD-1 and MD-2)</p> <p>Update FBA/BIP packets and suggested materials.</p> <p>Put resources and references on our rapidly expanding district website.</p>	<p>April 23 &amp; 30 for ESE teachers at targeted middle school.</p> <p>May 2008 for ESE teachers at targeted high school.</p>	<p>District Supervisors</p> <p>Behavior specialists</p> <p>FBA/BIP "packets"</p>	
EBD-1	<p>The functional behavioral assessment (FBA) previously completed to assist in the development of individual interventions was reviewed. (Section III.G., Policies and Procedures for the Provision of Specially Designed Instruction and Related Services (SP&amp;P))</p>	<p><b>For the one record that was reviewed with this protocol (the targeted schools at the time of the sampling had not placed any new EBD this school year), eligibility had been determined on 6/1/06. No option to check N/A was available on the protocol for this standard.</b></p> <p><b>Add N/A to the protocol for EBD-1 for use if placed EH/SED prior to 7/1/07.</b></p> <p>Intervention forms have been revised to provide the details and data required for a functional behavioral assessment to be utilized in designing and tracking behavioral interventions prior to referral. Prereferral intervention forms also provide data for a functional assessment to be done as part of the initial evaluation by the psychologist, if not before.</p> <p>Track all new referrals and placements for EBD made after 7/1/07 for required FBA component of eligibility.</p> <p>Conduct targeted survey of EPT teams at schools for how they are addressing the EBD eligibility requirement and trainings they would need.</p>	<p>Prereferral behavioral intervention forms were revised 2/14/08</p> <p>Review pending new placements with staffing specialists at monthly training, beginning April 2008.</p> <p>Track all new EBD placements quarterly (March, June, Oct, and Dec) to verify use of FBA during interventions prior to referral and/or at time or evaluation.</p> <p>Survey May 2008.</p>	<p>Psychologists, behavior specialists, staffing specialists, counselors, and supervisors.</p> <p>Data base queries.</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
		<p>Training for Educational Planning Teams (child study, prereferral) in understanding functional behavior assessments and criteria for eligibility for EBD.</p>	<p>At least one hour session for each of targeted groups, counselors, BRTs, deans prior to December 2008.</p>		
SI-5	<p>The student has a disorder in fluency. (Rules 6A-6.03012(2)(c), FAC.; Section III.C, SP&amp;P)</p>	<p><b>Review student records, protocol and instructions. Should have been marked N/A. Criteria for fluency were not applicable.</b> For the one record that was used for this standard, the protocol had been incorrectly completed, due to an incorrect interpretation of the protocol. The criteria for fluency were indeed not met, however, the student HAD been properly found eligible for articulation. Page 197 in CSA Manual and SI-5 was clarified with the reviewer and with the staffing specialists. SLPs were also made aware of this distinction when using the protocol.</p> <p>Protocol rating was changed to N/A.</p>	<p>Protocol corrected by reviewer on 2/28/08.</p> <p>Staffing Specialists reviewed protocol and instructions at monthly training on 3/14/08.</p> <p>SLPs reviewed relevant protocols and instructions at meeting on 2/20/08.</p>	<p>ESE CSA: Processes and Procedures Manual</p> <p>SLP Specialist</p>	
SI-6	<p>The student has a disorder in voice. (Rules 6A-6.03012(2)(d), FAC.; Section III.C, SP&amp;P)</p>	<p><b>Review student records, protocol and instructions. Should have been marked N/A. Criteria for voice were not applicable.</b> For the one record that was used for this standard, the protocol had been incorrectly completed, due to an incorrect interpretation of the protocol. The criteria for voice were indeed not met, however, the student HAD been properly found eligible for articulation. Page 197 in CSA Manual and SI-6 was clarified with the reviewer and with the staffing specialists. SLPs were also made aware of this distinction when using the protocol.</p> <p>Protocol rating was changed to N/A.</p>	<p>Protocol corrected by reviewer on 2/28/08.</p> <p>Staffing Specialists reviewed protocol and instructions at monthly training on 3/14/08.</p> <p>SLPs reviewed relevant protocols and instructions at meeting 2/20/08.</p>	<p>ESE CSA: Processes and Procedures Manual</p> <p>SLP Specialist</p>	