

# FLORIDA DEPARTMENT OF EDUCATION



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June 20, 2008

Ms. Paula T. Barton, Superintendent  
Baker County School District  
392 S. Boulevard East  
Macclenny, Florida 32063-2799

Dear Ms. Barton:

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 Baker 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. We are pleased to report that Baker County School District completed the required corrective actions and submitted the verifying documentation and CAP within the established timeline.

Baker County was required to assess 131 standards. One or more incidents of noncompliance were identified on 15 of those standards (11%). The following is a summary of Baker 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	39	—
Total Items Assessed	999	—
Noncompliant	40	4%
Timely Corrected	40	100%

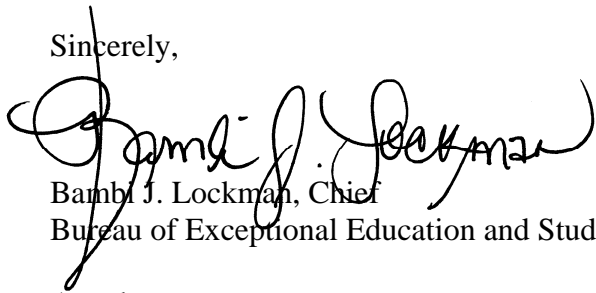
The *Baker District Summary Report: Findings of Noncompliance by Standard* (Attachment 1) contains a summary of the findings reported by the individual standard or regulation assessed. These data include revisions to the preliminary report that resulted from the validation review. Systemic findings are 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. Baker 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: Debra Melvin  
Frances Haithcock  
Kim C. Komisar  
Ken Johnson  
Sheila Gritz  
Elise Lynch  
Marilyn Hibbard

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

**ESE Self-Assessment  
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**Baker 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 EX protocols completed: 12  
 Number of standards per EX: 33  
 Number of IE protocols completed: 2  
 Number of standards per IE: 18  
 Number of LRE protocols completed: 12  
 Number of standards per LRE: 28  
 Number of MD protocols completed: 1

Number of standards per MD: 9  
 Number of STA protocols completed: 6  
 Number of standards per STA: 6  
 Number of STB protocols completed: 6  
 Number of standards per STB: 28  
 Number of SI disabilities completed: 2  
 Number of standards per SI: 9

Total number of protocols: 39  
 Total number of standards: 999  
 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  
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**Baker District Summary Report: Findings of Noncompliance by Standard**

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
EX-2	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 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.)	X		1	8.3%	
EX-3	The IEP includes measurable annual goals, including academic and functional goals, and short-term objectives or benchmarks, designed to meet the student's needs that result from the disability to enable the child to be involved in and make progress in the general curriculum and meet the student's other needs that result from the disability. (34 CFR 300.320(a)(2))	X		1	8.3%	
EX-9	There is alignment among the present level of academic and functional performance statement, the annual goals and short term objectives/benchmarks, and the services identified on the IEP. (34 CFR 300.320(a))	X		1	8.3%	
EX-12	The IEP contains an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class. (34 CFR 300.320(a)(5))	X		6	50.0%	X
EX-24	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.	X		5	41.7%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	(S. 1003.26(1), F.S.)					
EX-31	If the student did not have a functional behavioral assessment (FBA) developed and a behavior intervention plan (BIP) implemented prior to the removal, within 10 days the IEP team developed an assessment plan and completed the FBA and developed a BIP as soon as practicable. (34 CFR 300.530(d) and (f)(1)(i); Rule 6A-6.03312(4)(d), FAC.)	X		1	8.3%	
STB-9	There is a measurable postsecondary goal or goals in the designated areas (i.e., education/training and employment; where appropriate, independent living). (34 CFR 300.320(b)(1))	X		3	50.0%	X
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		2	33.3%	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		2	33.3%	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	16.7%	
STB-16	The IEP includes coordinated, measurable, annual IEP goals and transition service that will reasonably enable the student to meet the postsecondary goals. (34 CFR 300.320(b))	X		3	50.0%	X
LRE-7	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 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.)	X		2	16.7%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
LRE-8	The IEP includes measurable annual goals, including academic and functional goals, and short-term objectives or benchmarks, designed to meet the student's needs that result from the disability to enable the child to be involved in and make progress in the general curriculum and meet the student's other needs that result from the disability. (34 CFR 300.320(a)(2))	X		2	16.7%	
LRE-17	The IEP contains an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class. (34 CFR 300.320(a)(5))	X		9	75.0%	X
MD-7	If the student did not have a functional behavioral assessment (FBA) developed and a behavior intervention plan (BIP) implemented prior to the removal, within 10 days the IEP team developed an assessment plan and completed the FBA and developed a BIP as soon as practicable. (34 CFR 300.530(d) and (f)(1)(i); Rule 6A-6.03312(4)(d), FAC.)	X		1	100.0%	X

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

**ESE Self-Assessment  
2007 – 08**

**Baker County School District Corrective Action Plan**

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
EX-12 & LRE-17	The IEP contains an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class. (34 CFR 300.320(a)(5))	<p>Activity #1: Revise A3 computerized forms to include LRE statement as a compliance item and adding transition sections for post-secondary goals and transition goals/objectives and statements.</p> <p>Activity #2: To measure effectiveness of activities, district ESE personnel will do monthly random checks of at least 10% of submitted IEPs, attend random IEP meetings and develop an IEP compliance checklist for ESE counselors to use when developing IEPs.</p>	<p>May, 2008</p> <p>April, 2008 - Ongoing</p>	A3 Educational Software Personnel, District Staff, IDEA Part B Funds	
EX-24	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. (S. 1003.26(1), F.S.).	Activity #1: ESE district personnel to meet with guidance counselors and attendance personnel to establish procedures and monitoring system for ESE student attendance to ensure compliance with rules.	April – August, 2008	ESE District Staff, School Staff, Attendance Officer	



#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
STB-9	There is a measurable postsecondary goal or goals in the designated areas (i.e., education/training and employment; where appropriate, independent living). (34 CFR 300.320(b)(1))	Activities apply to all 4 areas:  Activity #1: Plan and hold staff development training for ESE guidance counselors and ESE teachers on developing quality IEPs, including writing measurable annual, transition, and post-secondary goals, transition components including, but not limited to, transition assessments.	April-October, 2008	District ESE personnel, , ESE guidance counselors and teachers, contracted services, IDEA Part B Funds, ISRD, FDLRS	
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))				
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))	Activity #2: Transition portfolios will be developed and maintained for each student at age 14 to document transition activities and results.	September, 2008 – Ongoing		
STB-16	The IEP includes coordinated, measurable, annual IEP goals and transition service that will reasonably enable the student to meet the postsecondary goals.	Activity #3: To measure effectiveness of activities, district personnel will do monthly random checks of at least 10% of submitted IEPs, attend random IEP meetings and develop an IEP compliance checklist for counselors to use when writing IEPs.	April, 2008 - Ongoing		
MD-7	If the student did not have a functional behavioral assessment (FBA) developed and a behavior intervention plan (BIP) implemented prior to the removal, within 10 days the IEP team developed an assessment plan and completed the FBA and developed a BIP as soon as practicable. (34 CFR 300.530(d) and (f)(1)(i); Rule 6A-6.03312(4)(d),FAC).	Activity #1: Plan and hold staff development activities for training for school based staff responsible for developing and implementing FBA/BIPs to include school level administrators, discipline personnel, and ESE personnel. Our Dropout Indicator 2 SPP Plan supports and is supported by this activity. Reference Activities #2, #3, and #5.  Activity #2: District ESE staff will work with school personnel to revise procedures for FBA/BIP development and or implementation and create forms for tracking and documenting the process. This activity also supports and is supported by the SPP Indicator Plan as referenced above.	April – August, 2008	District ESE personnel, Behavior Specialist, ESE guidance counselors and teachers, contracted services, IDEA Part B Funds, SEDNET, ISRD, FDLRS, Dropout Indicator 2 SPP Plan	