

# FLORIDA DEPARTMENT OF EDUCATION



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June 20, 2008

Mr. James McCalister, Superintendent  
Bay County School District  
1311 Balboa Avenue  
Panama City, Florida 32401-2080

Dear Mr. McCalister:

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 Bay 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*

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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 Bay County School District completed the required corrective actions and submitted the verifying documentation and CAP within the established timeline.

Bay County was required to assess 84 standards. One or more incidents of noncompliance were identified on 37 of those standards (44%). The following is a summary of Bay 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	54	–
Total Items Assessed	1672	–
Noncompliant	118	7%
Timely Corrected	118	100%

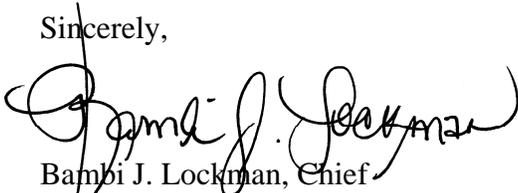
The *Bay District Summary Report: Findings of Noncompliance by Standard* (Attachment 1) contains a summary of the findings reported by the individual standard or regulation assessed. These data include revisions to the preliminary report that resulted from the validation review. Systemic findings are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

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

**ESE Self-Assessment  
2007 – 08**

**Bay 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 IEP protocols completed: 16  
 Number of standards per IEP: 38  
 Number of LRE protocols completed: 22  
 Number of standards per LRE: 28  
 Number of STB protocols completed: 16

Number of standards per STB: 28  
 Total number of protocols: 54  
 Total number of standards: 1672  
 Total number of incidents of noncompliance (NC): 118  
 Overall % incidents of noncompliance: 7%

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**

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

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
STB-1	<p>The notice to the IEP team meeting included:</p> <ul style="list-style-type: none"> <li>• A statement that a purpose of the meeting was the development of a statement of the student's transition services needs (beginning at age 14) or the consideration of the postsecondary goals and transition services (beginning at age 16)</li> <li>• A statement that the student would be invited</li> <li>• Indication that any agency likely to provide or pay for services during the current year would be invited.</li> </ul> <p>(34 CFR 300.322(b)(2); Rule 6A-6.03028(3)(b), FAC.)</p>		X	12	75.0%	X
STB-2	<p>The student was invited to the IEP meeting. (34 CFR 300.321(b)(1); Rule 6A-6.03028(4)(h), FAC.)</p>	X		1	6.3%	
STB-3	<p>The student's strengths, preferences, and interests were taken into account. If the student was unable to attend the meeting, other steps were taken to ensure the student's preferences and interests were considered. (34 CFR 300.43 and 300.321(b)(2); Rule 6A-6.03028(4)(h), FAC.)</p>	X		1	6.3%	
STB-4	<p>For students aged 14 and older:</p> <ul style="list-style-type: none"> <li>• The IEP contains a statement of the student's desired post-school outcome</li> <li>• A statement of the student's transition service needs is incorporated into applicable components of the IEP</li> <li>• The IEP team considered the need for instruction in the area of self determination.</li> </ul>	X		6	37.5%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	(Rule 6A-6.03028(7)(i), FAC.)					
STB-5	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(7)(h), FAC.)	X		1	6.3%	
STB-7	The transition IEP for a 17-year-old includes a statement that the student has been informed of the rights that will transfer at age 18. (34 CFR 300.320(b); 34 CFR 300.520(a)(1))		X	1	6.3%	
STB-8	A separate and distinct notice of the transfer of rights was provided closer to the time of the student's 18th birthday. (34 CFR 300.320(c), 300.520(a)(1))		X	1	6.3%	
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		9	56.3%	X
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		12	75.0%	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		8	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		6	37.5%	X
STB-13	The transition services include course(s) of study that focus on improving the	X		5	31.3%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	academic and functional achievement of the student to facilitate the student's articulation from school to post-school. (34 CFR 300.320(b)(2))					
STB-15	The district <b>obtained consent</b> from the parent or from the student whose rights have transferred prior to inviting to the IEP team meeting a representative of an agency likely to provide or pay for transition services. (34 CFR 300.321(b)(3))		X	2	12.5%	
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		6	37.5%	X
LRE-3	The notice to the IEP team meeting contained the time, location and purpose of the meeting. (34 CFR 300.322(b))		X	1	4.5%	
LRE-5	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	4.5%	
LRE-6	The appropriate team members were present at the IEP meeting. (34 CFR 300.321(a)-(b))	X		2	9.1%	
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		5	22.7%	
LRE-15	The student participates in nonacademic and extracurricular services and activities with nondisabled students to the maximum extent appropriate. (34 CFR 300.107 and 300.117)	X		1	4.5%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
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		1	4.5%	
LRE-18	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		2	9.1%	
LRE-20	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	4.5%	
LRE-26	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	4.5%	
IEP-3	The IEP was current at the beginning of the school year. (34 CFR 300.323(a))		X	1	6.3%	
IEP-4	The parents were invited to the IEP meeting. (34 CFR 300.501 (b))	X		1	6.3%	
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	6.3%	
IEP-6	The notice to the IEP team meeting contained the time, location and purpose of the meeting. (34 CFR 300.322(b))		X	7	43.8%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
IEP-7	The notice contained a listing of persons invited to the meeting, by title and position. (34 CFR 300.322(b))		X	1	6.3%	
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	2	12.5%	
IEP-12	The appropriate team members were present at the IEP meeting. (34 CFR 300.321(a)-(b))	X		5	31.3%	X
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	18.8%	
IEP-18	The IEP contains a statement of program modifications or classroom accommodations, including location and anticipated initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7) and Rule 6A-6.03028(7)(c), FAC.)	X		1	6.3%	
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		1	6.3%	
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	6.3%	
IEP-27	The concerns of the parents for enhancing the education of their child were	X		5	31.3%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	considered in developing the IEP. (34 CFR 300.324(a)(1)(ii))					
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		2	12.5%	
IEP-37	The IEP had been reviewed at least annually, and revised as appropriate, to address: any lack of progress toward the annual goals; any lack of progress in the general curriculum, if appropriate; the results of reevaluation; information about the student provided by the parent; and/or, the student's anticipated needs. (34 CFR 300.324(b)(1))	X		1	6.3%	

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

**ESE Self-Assessment  
2007 – 08**

**Bay County School District Corrective Action Plan**

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
STB-1	<p>The notice to the IEP team meeting included:</p> <ul style="list-style-type: none"> <li>• A statement that a purpose of the meeting was the development of a statement of the student's transition services needs (beginning at age 14) or the consideration of the postsecondary goals and transition services (beginning at age 16)</li> <li>• A statement that the student would be invited</li> <li>• Indication that any agency likely to provide or pay for services during the current year would be invited.</li> </ul> <p>(34 CFR 300.322(b)(2); Rule 6A-6.03028(3)(b), FAC.)</p>	<ol style="list-style-type: none"> <li>1. The "Bay District Schools Exceptional Student Education Meeting Participation Form" will be revised to meet IDEA and State Rule content requirements regarding the purpose of the transition IEP meeting, student involvement, and agency invitation and participation.</li> <li>2. Bay District ESE Teachers and ESE Records Clerks will receive training and information regarding the revised "Meeting Participation Form" to ensure that there is a clear understanding regarding STB-1 compliance procedures.</li> <li>3. ESE Resource Teachers will conduct a random review of the Transition IEPs at each middle and high school to ensure 100% compliance of STB-1.</li> </ol>	<ol style="list-style-type: none"> <li>1. February - March 2008</li> <li>2. May – September 2008 and as needed for new staff.</li> <li>3. May – November 2008</li> </ol>	<ol style="list-style-type: none"> <li>1. Horizon Excent Software; staff time; DOE/BEESS; IDEA Part B Funds</li> <li>2. Staff time; consultant time; Bay District's <u>Manual for the Admission and Placement of Students with Special Needs</u></li> <li>3. Staff time</li> </ol>	
STB-4	<p>For students aged 14 and older:</p> <ul style="list-style-type: none"> <li>• The IEP contains a statement of the student's desired post-school outcome</li> <li>• A statement of the student's transition service needs is incorporated into applicable</li> </ul>	<ol style="list-style-type: none"> <li>1. The Transition IEP form will be revised to better reflect content requirements and transition standards as specified in IDEA and State Board Rule.</li> </ol>	<ol style="list-style-type: none"> <li>1. August – October 2007</li> </ol>	<ol style="list-style-type: none"> <li>1. Staff time; Horizon Excent Software; DOE/BEESS; IDEA Part B Funds</li> </ol>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	<p>components of the IEP</p> <ul style="list-style-type: none"> <li>The IEP team considered the need for instruction in the area of self determination.</li> </ul> <p>(Rule 6A-6.03028(7)(i), FAC.)</p>	<p>2. Develop and train teachers regarding "IEP Team Help Pages for Transition Services Components" that delineates instructions, suggestions, and examples designed to assist IEP Team Members as they complete the Transition Services Components pages of IEP's for students ages 14-22.</p> <p>3. Develop an ESE Transition Resource Manual for school and agency personnel that includes:</p> <ul style="list-style-type: none"> <li>Appropriate transition services, activities, curriculum, and agency supports for each age level;</li> <li>Sample post school outcomes, and transition goals and objectives appropriate for age/grade levels and diploma options;</li> <li>Comprehensive information about agencies in Bay County to include eligibility criteria, application procedures, services and delivery requirements, contact information, and websites;</li> <li>Information about self-advocacy and self-determination to include recommended instructional resources and materials;</li> <li>Explanation of diploma options and curriculum/courses; and</li> <li>Information about job exploration, training, placement, and follow-up to include job coach services.</li> </ul> <p>4. Distribute a document to all ESE Teachers and ESE Resource Teachers that outlines the initial Bay ESE Self Assessment findings and includes preliminary corrective actions to be immediately implemented.</p>	<p>2. October – December 2007</p> <p>3. September 2007- May 2008</p> <p>4. February 2008</p>	<p>2. DOE/BEESS; Staff time; IDEA Part B funds; ESE consultant</p> <p>3. Staff time, DOE/BEESS, IDEA Part B funds; ESE Consultant, Partners in Transition Team; Interagency Council</p> <p>4. Staff time</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
		<p>5. Provide a series of staff development opportunities for ESE teachers and appropriate staff to include "Bay County IEP Team Help Pages for Transition Services Components", "Bay County ESE Transition Resource Guide," "Transition PDA-ESE" module, "What Everyone Needs to Know about Implementing Transition Services" training; DOE Powerpoint presentation; BEESS Transition IEP samples; "Measurable Goals" training; and training regarding appropriate curricula and instructional resources.</p> <p>6. Through regularly scheduled meetings, keep ESE Teachers, school administrators, ESE Resource Teachers, ESE Clerks, School Counselors and ESE Department Chairpersons updated regarding Transition requirements as specified in IDEA and State Rule content.</p> <p>7. Implement an ongoing self-assessment plan to randomly review student records to determine the effectiveness of the specified activities in the Corrective Action Plan with a goal of 100% compliance across standards.</p>	<p>5. February 2008 – Ongoing</p> <p>6. Ongoing</p> <p>7. April – December 2008</p>	<p>5. DOE BEESS; Staff time; FDLRS staff and materials; IDEA Part B funds; ESE Newsletter; ESE Lending Library</p> <p>6. Staff time; DOE/BEESS</p> <p>7. ESE Resource Teachers; IDEA Part B funds; ESE Administrators</p>	
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))	Please see STB-4			
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	Please see STB-4			
STB-11	There is/are annual goal(s) or short-term objectives or benchmarks that reasonably enable the student to meet the	Please see STB-4			

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	postsecondary goals. (34 CFR 300.320(a)(2))				
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))	Please see STB-4			
STB-13	The transition services include course(s) of study that focus on improving the academic and functional achievement of the student to facilitate the student's articulation from school to post-school. (34 CFR 300.320(b)(2))	Please see STB-4			
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))	Please see STB-4			
IEP-6	The notice to the IEP team meeting contained the time, location and purpose of the meeting. (34 CFR 300.322(b))	<p>1. Distribute a document to all ESE Teachers and ESE Resource Teachers that outlines the initial Bay District ESE Self-Assessment findings regarding the non-compliant IEP standards and includes preliminary corrective actions to be immediately implemented.</p> <p>2. Revise the "Bay District Exceptional Student Education Meeting Participation Form" to meet IDEA and State Rule content requirements regarding meeting purpose and meeting participants and train ESE Teachers and ESE Clerks in the correct use of form.</p>	<p>1. February 2008</p> <p>2. April – October 2008</p>	<p>1. Staff time</p> <p>2. Staff time; IEP Software; DOE/BEES</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
		<p>3. Implement an ongoing self-assessment/monitoring plan to randomly review student records to determine effectiveness of corrective actions with a goal of 100% compliance of the standards.</p>	<p>3. April – December 2008</p>	<p>3. ESE Resource Teachers; ESE Administrators; IDEA Part B funds</p>	
IEP-12	<p>The appropriate team members were present at the IEP meeting. (34 CFR 300.321(a)-(b))</p>	<p>Please see IEP-6</p>			
IEP-27	<p>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))</p>	<p>1. Distribute a document to all ESE Teachers and ESE Resource Teachers that outlines the Bay District ESE Self-Assessment finding regarding parent concerns and includes preliminary corrective actions to be implemented immediately.</p> <p>2. Revise Bay District Schools <u>Manual for the Admission and Placement of Students with Special Needs</u> to better reflect the requirement to consider parent concerns and input in IEP development, suggestions for gaining parent input, and appropriate ways to notate this information on the IEP form.</p> <p>3. Implement an ongoing self-assessment/monitoring plan to randomly review student records to determine effectiveness of corrective action strategies with a goal of 100% compliance of this standard.</p>	<p>1. February 2008</p> <p>2. June – August 2008</p> <p>3. April – December 2008</p>	<p>1. Staff time</p> <p>2. ESE Consultant; IDEA Part B funds; ESE Staff</p> <p>3. ESE Resource Teachers; ESE Administrators; IDEA Part B funds</p>	