

# FLORIDA DEPARTMENT OF EDUCATION



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June 20, 2008

Ms. MaryEllen Elia, Superintendent  
Hillsborough County School District  
P.O. Box 3408  
Tampa, Florida 33601-3408

Dear Ms. Elia:

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 Hillsborough 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. As a result of the validation review, additional incidents or findings of noncompliance requiring correction were identified.

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

Hillsborough County was required to assess 155 standards. One or more incidents of noncompliance were identified on 26 of those standards (17%). The following is a summary of Hillsborough 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	1432	–
Noncompliant	62	4%
Timely Corrected	62	100%

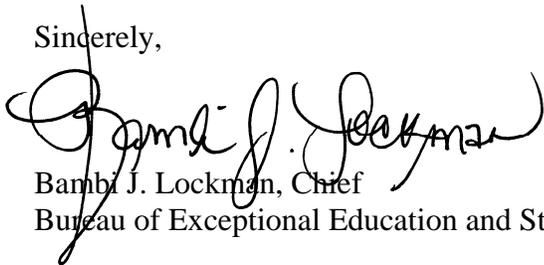
The *Hillsborough District Summary Report: Findings of Noncompliance by Standard* (Attachment 1) contains a summary of the findings reported by the individual standard or regulation assessed. These data include revisions to the preliminary report that resulted from the validation review. Systemic findings 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. Hillsborough 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: Wynne Tye  
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**

**Hillsborough 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: 18  
 Number of standards per IE: 18  
 Number of IEP protocols completed: 18  
 Number of standards per IEP: 38  
 Number of MD protocols completed: 9  
 Number of standards per MD: 9  
 Number of STA protocols completed: 5  
 Number of standards per STA: 6  
 Number of STB protocols completed: 4  
 Number of standards per STB: 28  
 Number of DD disabilities completed: 1  
 Number of standards per DD: 6

Number of EBD disabilities completed: 2  
 Number of standards per EBD: 11  
 Number of LI disabilities completed: 3  
 Number of standards per LI: 7  
 Number of MH disabilities completed: 2  
 Number of standards per MH: 9  
 Number of SI disabilities completed: 4  
 Number of standards per SI: 9  
 Number of SLD disabilities completed: 7  
 Number of standards per SLD: 14

Total number of protocols: 54  
 Total number of standards: 1432  
 Total number of incidents of noncompliance (NC): 62  
 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**

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

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
STA-2	The student was invited to the IEP meeting. (34 CFR 300.321(b)(1); Rule 6A-6.03028(4)(h), FAC.)	X		1	20.0%	
STB-1	The notice to the IEP team meeting included: <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> (34 CFR 300.322(b)(2); Rule 6A-6.03028(3)(b), FAC.)		X	2	50.0%	X
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	75.0%	X
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		3	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		3	75.0%	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		4	100.0%	X
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	X		2	50.0%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	articulation from school to post-school. (34 CFR 300.320(b)(2))					
STB-14	If transition services are likely to be provided or paid for by another agency, a representative of the agency <b>was invited</b> to participate in the IEP. (34 CFR 300.321(b)(3))	X		3	75.0%	X
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	1	25.0%	X
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	75.0%	X
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 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		3	16.7%	
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		2	11.1%	
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	11.1%	
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	X		1	5.6%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	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.)					
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		3	16.7%	
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	1	5.6%	
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		4	22.2%	
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	22.2%	
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		5	55.6%	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	11.1%	
MD-9	For subsequent removals that do not constitute a change in placement, the IEP team met to review the BIP and revise it as needed. (Rule 6A-6.03312(4)(e), FAC.)		X	3	33.3%	X
IE-2	Anecdotal records or behavioral observations conducted by at least two		X	2	11.1%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	individuals, one of whom is the student's teacher, were reviewed. (Rule 6A-6.0331(2)(b), FAC.)					
IE-3	<p>For a school-aged student, existing data in the student's educational record related to the following were reviewed:</p> <ul style="list-style-type: none"> <li>• Social</li> <li>• Psychological</li> <li>• Medical</li> <li>• Achievement</li> <li>• Attendance</li> </ul> <p>For a PreK student, existing data related to the following were reviewed:</p> <ul style="list-style-type: none"> <li>• Social</li> <li>• Psychological</li> <li>• Medical</li> </ul> <p>(Rule 6A-6.0331(1)(b)1 and (2)(c) and (d), FAC.)</p>		X	2	11.1%	
IE-5	A minimum of two general education interventions or strategies were implemented. (Rule 6A-6.0331(2)(f), FAC.)		X	1	5.6%	
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	4	22.2%	
DD-5	The eligibility staffing committee has made a determination concerning the effects of the environment, cultural differences, or economic disadvantage. (Rule 6A-6.03027(2)(c), FAC.)	X		1	100.0%	X

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

**ESE Self-Assessment  
2007 – 08**

**Hillsborough 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>	<p>Training provided to Transition Specialists, Staffing Specialists, ESE Specialists, Program Coordinators, IEP Trainers, and Teachers.</p> <p>Provided IEP Assistants to each school site to assist with IEP Scheduling/Coordinating and Reviewing/Updating (See Attachment Labeled <u>Document #1</u>)</p> <p>Distributed IEP Checklist</p> <p>Revised: District Compliance Manual, IEP Manual, MO-12, and J Screen</p> <p>Worked individually with agencies to streamline invitation process.</p> <p>Reviewing and Assessing Training Effectiveness (<b>See Attachment Labeled Document # 2</b>)</p> <ul style="list-style-type: none"> <li>• <b>Selected one high school in each District Area</b></li> <li>• <b>Randomly select student IEP's completed after the implementation of the new IEP template from trained Case Manager's case load</b></li> <li>• <b>Transition Specialist will review the selected IEP's at the site using the state self-assessment checklist</b></li> <li>• <b>Out of compliance documents will be forwarded to Area ESE Supervisors</b></li> </ul>	<p>2007-2008 to present</p> <p>On-going</p> <p>February 2008 to April 2008</p>	<p>Powerpoint Presentations</p> <p>Newsletters</p> <p>Meetings</p> <p>Trainings</p> <p>Hardcopy/Online Manuals</p> <p align="center">↑</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
		<ul style="list-style-type: none"> <li>• Area team members will work with case managers to revise out of compliance documents</li> <li>• Area Supervisors will submit revised documents to District ESE Specialist for verification of corrective action</li> <li>• Case Managers with out of compliance documents will be asked to attend a follow-up training</li> <li>• Training procedures will be reviewed and adjusted to improve overall effectiveness</li> </ul>			
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))	See applicable STB-1 Activities  Developed quality examples of postsecondary goals for training purposes.  Revised electronic IEP template.	2007-2008 to present  On-going		
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	See STB-9 Activities  Created and implemented Transition Assessment Library Checkout Form	2007-2008 to present  On-going		
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))	See STB-9	2007-2008 to present  On-going		
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.	See STB-1 / STB 9	2007-2008 to present  On-going		

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	(34 CFR 300.320(b)(2))				
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))	See STB-1 / STB-9	2007-2008 to present  On-going		
STB-14	If transition services are likely to be provided or paid for by another agency, a representative of the agency <b>was invited</b> to participate in the IEP. (34 CFR 300.321(b)(3))	See STB-1	2007-2008 to present  On-going		
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))	Revised Transition Consent Form  Revised J Screen	October 2007  On-going		
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))	See STB-1 / STB-9	2007-2008 to present  On-going	↓	
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.)	Revising procedures to address required time frames.  Trained applicable District, Area, and school site personnel	March 2008 to October 2008  On-going	Policies and Procedures  Hardcopy and Online Manuals  Area/District Personnel  FDLRS	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
MD-9	For subsequent removals that do not constitute a change in placement, the IEP team met to review the BIP and revise it as needed. (Rule 6A-6.03312(4)(e), FAC.)	FBA/PBIP Training  Review procedures with ESE Specialists/Leads/Contacts and applicable District and Area personnel, school principals, and assistant principals	2007-2008 to present  On-going	↓	
DD-5	The eligibility staffing committee has made a determination concerning the effects of the environment, cultural differences, or economic disadvantage. (Rule 6A-6.03027(2)(c), FAC.)	Revising procedures to include a statement regarding the referenced effects for all Developmentally Delayed students at their Initial Eligibility Staffing.  Training for applicable District, Area, and school site personnel	March 2008 to October 2008  On-going	Policies and Procedures  Hardcopy and Online Manuals  Area/District Personnel	