

# FLORIDA DEPARTMENT OF EDUCATION



## STATE BOARD OF EDUCATION

---

T. WILLARD FAIR, *Chairman*

### Members

DR. AKSHAY DESAI

MARK KAPLAN

ROBERTO MARTÍNEZ

JOHN R. PADGET

KATHLEEN SHANAHAN

SUSAN STORY

Dr. Eric J. Smith  
Commissioner of Education



July 12, 2010

Mr. Tim McGonegal, Superintendent  
Manatee County School District  
P.O. Box 9069  
Bradenton, Florida 34206-9069

Dear Superintendent McGonegal:

The Bureau of Exceptional Education and Student Services is in receipt of your district's response to the preliminary findings of its 2009–10 Exceptional Student Education (ESE) Compliance Self-Assessment. This letter and the attached document comprise the final report for Manatee County School District's 2009–10 Spring Cycle Level 2 self-assessment monitoring process.

The self-assessment system is designed to address the major areas of compliance related to the State Performance Plan (SPP)/Annual Performance Report (APR) required under the Individuals with Disabilities Education Act (IDEA). SPP Indicator 15, Timely Correction of Noncompliance, requires that the state identify and correct noncompliance **as soon as possible, but in no case later than one year from identification**. While any incident of noncompliance is of concern, 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.

The results of district self-assessments are included in the State's APR and are used to inform oversight activities, including the selection of districts for on-site monitoring, and the local education 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."

On April 19, 2010, the preliminary report of findings from the 2009-10 Spring Cycle Level 2 self-assessment process was released to your district's ESE Director. The preliminary report detailed student-specific incidents of noncompliance that required immediate correction. Districts were required to correct all student-specific noncompliance and to provide evidence to the Bureau no later than June 18, 2010. In addition, the preliminary report identified any standards for which the noncompliance was considered systemic (i.e., evident in  $\geq 25\%$  of the records reviewed).

**BAMBI J. LOCKMAN**  
*Chief*

*Bureau of Exceptional Education and Student Services*

Superintendent McGonegal  
July 12, 2010  
Page 2

**Your district had systemic findings for which a corrective action plan (CAP) was required.** Manatee County School District's CAP was submitted to the Bureau for review and approval. We look forward to receiving the district's report on their results no later than **February 21, 2011**. Your district's adherence to this schedule is required in order to ensure correction of systemic noncompliance within a year as required by the Office of Special Education Programs (OSEP) and Florida's SPP.

*In its 2009–10 Spring Cycle Level 2 self-assessment, Manatee County School District assessed 64 standards. One or more incidents of noncompliance were identified on 12 of those standards (18.8%). The following is a summary of the district's timely correction of student-specific incidents of noncompliance:*

**Correction of Noncompliance by Student**

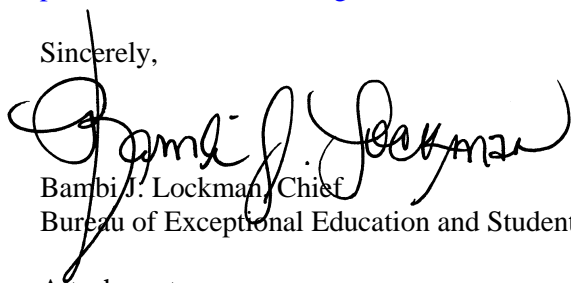
	<b>Number</b>	<b>Percentage</b>
Records Reviewed/Protocols Completed	22	-
Total Items Assessed	704	-
Noncompliant	21	3%
Timely Corrected	21	100%

The attached *Manatee County District Summary Report: Findings of Noncompliance by Standard* contains a summary of the findings reported by the individual standard or regulation assessed. In the event there were systemic findings of noncompliance on specific standards that required the development of a CAP, those items are designated by shaded cells.

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.

If you have questions regarding this process, please contact your assigned district liaison for monitoring or Patricia Howell, Program Director, at (850) 245-0476 or via electronic mail at [patricia.howell@fldoe.org](mailto:patricia.howell@fldoe.org).

Sincerely,



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

Attachment

cc: Ron Russell  
Kathy Ronan  
Frances Haithcock  
Mary Jane Tappen  
Kim C. Komisar  
Patricia Howell  
Vicki L. Eddy  
Sheila Gritz  
Sheryl Sandvoss

Florida Department of Education  
Bureau of Exceptional Education and Student Services

2009 – 2010 Self-Assessment  
Spring Cycle Level 2  
Manatee County 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 D protocols completed: 11  
Number of standards per D: 32  
Number of IE protocols completed: 11  
Number of standards per IE: 21  
Number of EBD disabilities completed: 11  
Number of standards per EBD: 11

Total number of protocols: 22  
Total number of standards: 704  
Total number of incidents of noncompliance (NC): 21  
Overall % incidents of noncompliance: 3%

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.

Florida Department of Education  
Bureau of Exceptional Education and Student Services

**2009 – 2010 Self-Assessment  
Spring Cycle Level 2  
Manatee County District Summary Report: Findings of Noncompliance by Standard**

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
D-11	The parent provided consent for the student to receive instructional accommodations not permitted on statewide assessments and acknowledged the implications of such accommodations. (S. 1008.22(3)(c)6, F.S.; Rule 6A-6.03028(3)(h), F.A.C.)	X		2	18.2%	
D-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		1	9.1%	
D-14	The IEP team considered the strengths of the student; the academic, developmental and functional needs of the student; the results of the initial evaluation or most recent evaluation; and the results of the student's performance on any statewide or districtwide assessment. (34 CFR 300.324(a)(1))	X		1	9.1%	
D-15	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); 300.322(c)-(d); and 300.305(a))	X		2	18.2%	
D-21	The student's progress toward meeting the annual goals was measured, and the report of progress was provided as often as progress was reported to the nondisabled population. (34 CFR 300.320(a)(3))	X		3	27.3%	X
D-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	X		3	27.3%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	does not resolve the problem, interventions must be implemented. (S. 1003.26(1), F.S.)					
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> <li>• Anecdotal</li> <li>• Assessments</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)(c) and (2)(a), F.A.C.)</p>		X	2	18.2%	
IE-4	Screening for hearing and vision were conducted for a PreK or school-age student for the purpose of ruling out sensory deficits. Additional screenings to assist in determining interventions may be conducted, as appropriate. (Rule 6A-6.0331(1)(d) and (2)(b), F.A.C.)		X	2	18.2%	
IE-13	The evaluation was conducted within 60 school days (cumulative) that the student is in attendance after the district's receipt of parental consent for evaluation. (Rule 6A-6.0331(3)(d), F.A.C.)		X	1	9.1%	
IE-18	The IEP, or possibly an individualized family support plan (IFSP) for a child aged three through five, was developed prior to the provision of special education and related services and within 30 calendar days following the determination of eligibility. (34 CFR 300.323(c)(1); Rules 6A-6.03028(3)(f)1 and 6A-6.0331(6)(c), F.A.C.)		X	1	9.1%	

<b>Noncompliance (NC)</b>		<b>*Correctable for the Student(s)</b>	<b>**Individual CAP</b>	<b># NC</b>	<b>% NC</b>	<b>***Systemic CAP</b>
EBD-3	Educational data was reviewed and an academic evaluation was conducted if determined necessary. (Part II, Section B.5, SP&P)	X		1	9.1%	
EBD-6	The student demonstrates an inability to maintain adequate performance in the educational environment that cannot be explained by physical, sensory, socio-cultural, developmental, medical, or health (with the exception of mental health) factors. (Rule 6A-6.03016(4), F.A.C.)	X		2	18.2%	