

# Palm Beach County School District

## Final Report: On-Site Monitoring Exceptional Student Education Programs

May 10-12, 2011



Bureau of Exceptional Education and Student Services  
Florida Department of Education

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July 11, 2011

Mr. Bill Malone, Superintendent  
Palm Beach County School District  
3340 Forest Hill Boulevard, C-316  
West Palm Beach, Florida 33406

Dear Superintendent Malone:

We are pleased to provide you with the *Final Report: On-Site Monitoring of Exceptional Student Education Programs* for the Palm Beach County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district May 10–12, 2011, including student record reviews, interviews with school and district staff, and classroom observations. The final report will be posted on the Bureau of Exceptional Education and Student Services' website and may be accessed at <http://www.fldoe.org/ease/mon-home.asp>.

The Palm Beach County School District was selected for an on-site visit due to a pattern of poor performance over time as indicated in the State Performance Plan (SPP) Indicator one, percent of youth with individual educational plans (IEPs) graduating with a standard diploma within four years, and SPP Indicator two, percent of youth with IEPs dropping out of high school. In addition, the district's implementation of restraint and seclusion reporting and monitoring was reviewed.

Ms. Laura Pincus, Exceptional Student Education (ESE) Director, and her staff were very helpful during the Bureau's preparation for the visit and during the on-site visit. The Bureau's on-site monitoring activities identified some discrepancies that required corrective action as well as strengths related to the SPP Indicators one and two and reporting and monitoring the use of restraint and seclusion.

**BAMBI J. LOCKMAN, LL.D.**

Chief, Bureau of Exceptional Education and Student Services

Mr. Bill Malone  
July 11, 2011  
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Thank you for your commitment to improving services to exceptional education students in Palm Beach County. If there are any questions regarding this final report, please contact Patricia Howell, Program Director, Monitoring and Compliance, at (850) 245-0476 or via electronic mail at [Patricia.Howell@fldoe.org](mailto:Patricia.Howell@fldoe.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Bambi J. Lockman". The signature is written in a cursive style with a large initial "B".

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

Enclosure

cc: Laura Pincus  
Karen Denbroeder  
Patricia Howell  
Brenda Fisher

**Palm Beach County School District  
Final Report: On-Site Monitoring  
Exceptional Student Education Programs**

**May 10–12, 2011**

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



**Palm Beach County School District**

**Final Report: On-Site Monitoring**  
**SPP 1: Graduation and SPP 2: Dropout**  
**Restraint and Seclusion**  
**Exceptional Student Education Programs**  
**May 10–12, 2011**

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**Palm Beach County School District**  
**Final Report: On-Site Monitoring**  
**SPP 1: Graduation and SPP 2: Dropout**  
**Restraint and Seclusion**  
**Exceptional Student Education Programs**  
**May 10–12, 2011**

**Final Report**

**Authority**

The Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (Bureau), in carrying out its roles of leadership, resource allocation, technical assistance, monitoring, and evaluation, is required to oversee the performance of district school boards in the enforcement of all laws and rules related to exceptional student education (ESE) (sections 1001.03(8) and 1008.32, Florida Statutes [F.S.]). One purpose of the Individuals with Disabilities Education Act (IDEA) is to assess and ensure the effectiveness of efforts to educate children with disabilities (s. 300.1(d) of Title 34, Code of Federal Regulations [CFR]). In accordance with IDEA, the Bureau is responsible for ensuring that the requirements of the Act and the educational requirements of the State are implemented (34 CFR §300.149(a)(1) and (2)).

In fulfilling this requirement, the Bureau monitors ESE programs provided by district school boards in accordance with §§1001.42, 1003.57, and 1003.573, F.S. Through these monitoring activities, the Bureau examines and evaluates procedures, records, and ESE services; provides information and assistance to school districts; and otherwise assists school districts in operating effectively and efficiently. The monitoring system is designed to emphasize improved educational outcomes for students while ensuring compliance with applicable federal laws and regulations and state statutes and rules.

**Monitoring Process**

**District Selection**

Districts were selected for on-site monitoring during the 2010–11 school year based on the following criteria:

- Matrix of services:
  - Districts that report students for weighted funding at > 150 percent of the state rate for **at least one** of the following:
    - 254 (> 7.38 percent)
    - 255 (> 3.15 percent)
    - 254/255 combined (> 10.53 percent)

- Districts that report students for weighted funding at > 125 percent of the state rate for **two or more** of the following cost factors:
  - 254 (> 6.15 percent)
  - 255 (> 2.63 percent)
  - 254/255 combined (> 8.78 percent)
- Pattern of poor performance over time in one or more targeted State Performance Plan (SPP) indicators, as evidenced by demonstrated progress below that of other targeted districts, and at least one of the following:
  - Targeted for a given SPP indicator or cluster of indicators for three consecutive years
  - Targeted for two or more SPP indicators or clusters of indicators for two consecutive years
- Problem solving/response to intervention (PS/RtI)
  - Eligible for on-site monitoring based on matrix of services or a pattern of poor performance over time on SPP indicators
  - Status as a pilot district for PS/RtI implementation; extent of implementation thus far
- Restraint and seclusion monitoring procedures
  - Status as a pilot district for the Bureau’s review of reporting and monitoring procedures for restraint and seclusion

## **SPP Indicators 1 and 2**

In accordance with 34 CFR §300.157(a)(3), each state must have established goals in effect for students with disabilities that address graduation rates and dropout rates. In addition, there are established performance indicators to assess progress toward achieving the established goals. SPP Indicator 1 relates to the percent of youth with individual educational plans (IEPs) graduating from high school with a standard diploma within four years. SPP Indicator 2 relates to the percent of youth with IEPs dropping out of high school.

In a letter dated August 17, 2010, the Palm Beach County School District superintendent was informed that the district was selected for a Level 3 on-site visit due to a pattern of poor performance over time regarding SPP Indicators 1 and 2. In addition, the district was later selected for its implementation of restraint and seclusion monitoring procedures.

## **Restraint and Seclusion**

S. 1003.573, F.S., requires school districts to have in place policies and procedures that govern parent notification, incident reporting, data collection, and monitoring the use of restraint or seclusion for students with disabilities. The Palm Beach County School District was selected as a pilot district for review of the implementation of the district’s restraint and seclusion procedures.

## **On-Site Activities**

### ***Monitoring Team***

The following Bureau staff members participated in the on-site visit from May 10–12, 2011:

- Brenda Fisher, Program Specialist, Monitoring and Compliance (Team Leader)
- Patricia Howell, Program Director, Monitoring and Compliance
- Mary Sue Camp, Consultant, Exceptional Student Education (ESE)

- Liz Conn, Program Specialist, Monitoring and Compliance
- Jill Snelson, Program Specialist, Monitoring and Compliance
- Sheryl Sandvoss, Program Director, Program Development

### ***Schools***

The following schools were visited related to SPP 1 and SPP 2:

- Seminole Ridge Community High School
- Boynton Beach High School
- Pahokee Middle/Senior High School
- Indian Ridge School
- Palm Beach Lakes High School

Review of the implementation of required restraint and seclusion procedures was conducted at the following schools:

- H. L. Johnson Elementary School
- Indian Ridge School

### ***Student Focus Groups***

Ten students from two schools participated in student focus groups Bureau staff conducted related to SPP 1 and SPP 2. These students were selected from the group of students chosen for case studies. The students discussed their knowledge and experiences related to the following:

- IEP team meetings
- Current ESE services, including transition services
- Extracurricular activities
- Florida Comprehensive Assessment Test (FCAT) and diploma options
- Dropout prevention
- Suspension and expulsion
- Job training
- Postsecondary education

### ***Data Collection***

IEPs for 27 randomly selected students with disabilities enrolled in grades six through 12 in the Palm Beach County School District were reviewed. SPP 1 and SPP 2 activities included the following:

- District-level interview – 6 participants
- School-level interviews – 45 participants
- Student focus groups – 10 participants
- Case studies – 27 students

Restraint and seclusion on-site activities included the following:

- District-level interview – 3 participants
- School-level interviews – 5 participants
- Case studies – 5 students

### ***Review of Records***

The district was asked to provide the following documents for each student record selected for the SPP 1 and SPP 2 reviews:

- Current IEP
- Previous IEP
- Functional behavioral assessment (FBA)/behavioral intervention plan (BIP), if any
- Discipline record
- Attendance record
- Report cards
- Any other supporting documentation as needed

Information from each document was used to determine compliance with those standards most likely to impact ESE services provided to students not graduating from high school with a standard diploma and the percent of youth with IEPs dropping out of high school.

The district was also asked to provide records during the on-site visit related to the restraint and seclusion process for those students in two schools who had been identified after incident reports were submitted to the FDOE restraint and seclusion database. This information was used to examine the implementation of the district's restraint and seclusion procedures.

### **Results**

The following results reflect the data collected through the activities of the on-site monitoring as well as commendations, concerns, and findings of noncompliance.

#### **Commendations**

During the course of the on-site visits, it was noted that each of the schools was orderly and well organized, in addition to presenting a positive environment for learning. Principals were very supportive of students and staff. School staff members displayed a high level of professionalism and commitment, and were extremely accommodating to Bureau staff. All schools provided credit retrieval programs to older students (e.g., E20/20 credit recovery, Florida Virtual School). The ATOSS (Alternative to Out-of-School Suspension) program was available as an option for students receiving out-of-school suspension (OSS) for low-level disciplinary issues. With attendance at an off-campus ATOSS setting, students could make up class work for full credit, and their OSS would be considered an in-school suspension (ISS). For students receiving OSS and not participating in ATOSS, the 59 percent policy was implemented for completed work when suspended (rather than 0 grades).

In addition, the following specific strengths related to SPP 1 and SPP 2 were observed:

- Dream Days focus on postsecondary opportunities (Boynton Beach High School)
- Employment opportunities for students ages 18–22 (Boynton Beach High School)
- Opportunity Academy, drop out recovery program (Palm Beach Lakes High School)
- Mentoring provided for at-risk students (Palm Beach Lakes High School)

- School staff's extensive knowledge and use of data reports for instructional decisions and effective collaboration between general education and ESE teachers (Pahokee Middle/Senior High School)
- Comprehensive after-school program – Students Taking a Responsible Approach to Personal Progress and Educational Development (STRAPPED); (Pahokee Middle/Senior High School)
- Very small classes with strong focus on meeting individual student needs (Indian Ridge School)
- Effective use of technology in the classrooms and the school-based enterprises associated with vocational classes (Indian Ridge School)
- Various academies that provide certification as well as high school credits – creativity with scheduling to make sure that students who are required to take intensive reading or math continue to have an opportunity to participate in the academy of their choice (Seminole Ridge Community High School)
- Flip Flippen's Capturing Kids' Hearts program – all positive reinforcement (Seminole Ridge Community High School)

The following strengths related to restraint and seclusion were identified:

- Strong administrative support for students with disabilities was noted at both Indian Ridge School and H. L. Johnson Elementary School.
- Effective problem solving was evident at H. L. Johnson Elementary School as teams worked to reduce the need for physical restraint to prevent injury.
- Indian Ridge School noted that staff members receive annual recertification for Professional Crisis Management (PCM), and verbal de-escalation techniques are used prior to physical restraint.

### **Concerns**

The following concerns related to SPP 1 and SPP 2 were noted during the on-site visit:

- There was inconsistency in the documentation of parental permission for agency representatives to be invited to participate in transition meetings. The district's policy was to use a separate form; however, in some of the records reviewed, parental permission was documented on the notice of the meeting.
- The explanation of the extent to which the student will not participate with nondisabled peers was often included in the IEP section regarding the effect of the disability rather than in the section regarding the least restrictive environment (LRE).

### **Findings of Noncompliance**

#### ***SPP 1 and SPP 2***

Student-specific information needed for correction of noncompliance was provided to the district under separate cover.

During the records review related to SPP 1 and SPP 2, noncompliance with the following standards related to SPP indicator 13 (secondary transition) was identified:

- [For students age 14 or 15 and/or in the eighth grade while the IEP is in effect] The notice of the IEP team meeting included a statement that a purpose of the meeting was the identification of transition services needs of the student and that the student would be invited. (34 CFR §300.322(b)(2))
  - In one of the 27 records reviewed, the notice did not include a transition services consideration. The district did not identify the standard as noncompliant in this record.
- [For students age 16 or older while the IEP is in effect] The notice of the IEP team meeting included a statement that a purpose of the meeting was the consideration of postsecondary goals and transition services, that the student would be invited, and identified any agency that would be invited to send a representative. (34 CFR §300.322(b)(2))
  - In four of the 27 records reviewed, the notice did not include this transition statement. The district also identified the standard as noncompliant in these four records.
- There is a measurable postsecondary goal or goals in the designated areas (i.e., education/training, employment, and, where appropriate, independent living skills). (34 CFR §300.320(b)(1); Rule 6A-6.03028(3)(h)10.a., Florida Administrative Code [F.A.C.])
  - In 18 of the 27 records reviewed, the postsecondary goals were not measurable. The district also identified the standard as noncompliant in 17 of these records.  
**NOTE: The district corrected this noncompliance in two of the records prior to formal identification by the Bureau.**
- The measurable postsecondary goal was based on age-appropriate transition assessment. (34 CFR §300.320(b)(1); Rule 6A-6.03028(3)(h)10.a., F.A.C.)
  - In two of the 27 records reviewed, the postsecondary goal was not based on age-appropriate transition assessments. The district also identified the standard as noncompliant in one of these records.
- The IEP includes measurable annual goals (and short-term objectives/benchmarks, if applicable) that focus on improving the academic and functional achievement of the student related to the student's transition services needs. (34 CFR §300.320(a)(2); Rule 6A-6.03028(3)(h)2.-3., F.A.C.)
  - In three of the 27 records reviewed, the IEP did not include measurable annual goals that focused on the student's transition service needs. The district also identified the standard as noncompliant in these three records.
- The 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(c) and 300.520(a)(1); Rule 6A-6.03028(3)(h)11., F.A.C.)
  - In two of the 27 records reviewed, the statement was not provided. The district also identified the standard as noncompliant in one of these records.
- A separate and distinct notice of the transfer of rights was provided closer to the time of the student's 18<sup>th</sup> birthday. (34 CFR §§300.320(c) and 300.520(a)(1); Rule 6A-6.03311(8)(c), F.A.C.)
  - In one of the 27 records reviewed, the notice was not provided. The district also identified the standard as noncompliant in this record.

In addition, noncompliance with the following standards related to SPP indicator 2 (dropout rate) was identified:

- The IEP includes measurable annual goals, including academic and functional goals, 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 education curriculum and meet the student's other needs that result from the disability. Benchmarks or short-term objectives should be included for students with disabilities who take alternate assessments aligned to alternate achievement standards or any other student with a disability as determined by the IEP team. (34 CFR §300.320(a)(2))
  - In 10 of 27 records reviewed, the annual goals were not measurable. The district also identified the standard as noncompliant in seven of these records.
- 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 education curriculum. For a prekindergarten student, the IEP contains a statement of how the disability affects the student's participation in appropriate activities. (34 CFR §300.320(a)(1))
  - In one of the 27 records reviewed, the present levels statement was not sufficient. The district also identified the standard as noncompliant in this record.
- The IEP team considered the communication needs of the child, including, for a student who is deaf or hard-of-hearing, consideration of the student's opportunities for direct communication with peers and professional personnel in the student's mode of communication, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. (34 CFR §300.324(a)(2)(iv))
  - In two of the 27 records reviewed, the consideration of the communication needs of the student was not evident when applicable. The district also identified the standard as noncompliant in these two records.
- The IEP had been reviewed at least annually, and revised as appropriate, to address: any lack of progress in the general education curriculum, if appropriate; the results of reevaluation; information about the student provided to , or by the parent ;and /or the student's anticipated needs or other matters. (34 CFR §300.324(b)(1))
  - In four of the 27 records reviewed, the IEP had not been reviewed as often as required. The district also identified the standard as noncompliant in three of these records.  
**NOTE: The district corrected this noncompliance in one of the records prior to formal identification by the Bureau.**
- The student's progress toward meeting the annual goals was measured, and the report of progress was provided as often as stated on the IEP. (34 CFR §300.320(a)(3))
  - In two of the 27 records reviewed, the progress reports were not provided as often as stated on the IEP. The district also identified the standard as noncompliant in these two records.
- The district notified the parent on the same day as the date of the removal decision of any removal that constituted a change of placement and provided the parent with a copy of the notice of the procedural safeguards. (34 CFR §300.530(h))
  - In one of the 27 records reviewed, the parent had not been notified of the disciplinary change of placement as required. The district also identified the standard as noncompliant in this record.

- If the IEP team determined that the behavior was not a manifestation of the student's disability and the suspension/expulsion was applied, the student continued to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. (34 CFR §300.530(d))
  - In one of the 27 records reviewed, the student was not provided services as required. The district also identified the standard as noncompliant in this record.

### ***Restraint and Seclusion***

At the time of the on-site visit, parents were notified by phone or e-mail or both on the date of each incident of restraint; however, written notification was provided before the end of the next school day (s. 1003.573(1)(c), F.S.) The district changed this policy to meet the state requirement that written notification be provided to parents before the end of the school day on which the restraint occurred (first reading before the School Board on May 18, 2011).

### **Corrective Action**

**No later than September 7, 2011**, the Palm Beach County School District must reconvene the IEP teams to correct the noncompliance for the students for whom the identified noncompliance has not been corrected already. With the agreement of the parent and the district, an IEP may be amended without a meeting. If individual correction is not possible, the district must identify the policy, procedure, or practice that caused the noncompliance and provide evidence of the action taken to ensure future compliance.

In addition, **no later than June 9, 2012**, the district must demonstrate 100 percent compliance with the standards in question through review of a random sample of five IEPs developed after May 12, 2011. **No later than September 23, 2011**, the district shall submit to the Bureau a corrective action plan (CAP) detailing the activities, resources, and timelines the district will employ to ensure that the compliance target of 100 percent will be met within the required timeline. The CAP **must** include a periodic review of a random sample of five records developed after May 12, 2011, for the 14 standards of identified noncompliance to be conducted until such time as the district demonstrates 100 percent compliance.

*Note: In accordance with the reporting requirements of the Annual Performance Report for the State Performance Plan, these items will be counted as findings of noncompliance related to SPP indicator 2 (dropout rate), SPP indicator 13 (secondary transition), and IEP development. Documentation verifying completion of all components of the corrective action must be received in accordance with the timelines established above, but in no case longer than one year from the date of the corrective action letter (June 9, 2011) in order for the district to comply with the requirements of SPP indicator 15 (timely correction of noncompliance).*

*Notification of the use of restraint with students with disabilities is required by s. 1003.573, F.S.*

## Technical Assistance

Specific information for technical assistance, support, and guidance to school districts regarding IEP development can be found in the *Exceptional Student Education Compliance Manual 2010–11*. Technical assistance related to graduation rates and dropout prevention can be accessed through Project10: Transition Education Network at <http://www.project10.info/> and the National Secondary Transition Technical Assistance Center (NSTTAC) at <http://www.nsttac.org>.

## Bureau Contacts

The following is a partial list of Bureau staff available for technical assistance:

### **ESE Program Administration and Quality Assurance** (850) 245-0476

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

**Glossary of Acronyms and Abbreviations**

ATOSS	Alternative to Out-of-School Suspension
BIP	Behavioral intervention plan
Bureau	Bureau of Exceptional Education and Student Services
CAP	Corrective action plan
CFR	Code of Federal Regulations
ESE	Exceptional student education
F.A.C.	Florida Administrative Code
FBA	Functional behavioral assessment
FCAT	Florida Comprehensive Assessment Test
FDOE	Florida Department of Education
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
ISS	In-school suspension
LRE	Least restrictive environment
NSTTAC	National Secondary Transition Technical Assistance Center
OSS	Out-of-school suspension
PBS	Positive Behavior Support
PCM	Professional Crisis Management
PS/RtI	Problem solving/response to intervention
SPP	State Performance Plan
STRAPPED	Students Taking a Responsible Approach to Personal Progress and Educational Development



**Florida Department of Education**  
*John L. Winn, Commissioner*

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