

# FLORIDA DEPARTMENT OF EDUCATION



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June 20, 2008

Dr. Gail McKinzie, Superintendent  
Polk County School District  
P.O. Box 391  
Bartow, Florida 33831-0391

Dear Dr. McKinzie:

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

Polk County was required to assess 56 standards. One or more incidents of noncompliance were identified on 22 of those standards (40%). The following is a summary of Polk 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	40	—
Total Items Assessed	1120	—
Noncompliant	118	10%
Timely Corrected	118	100%

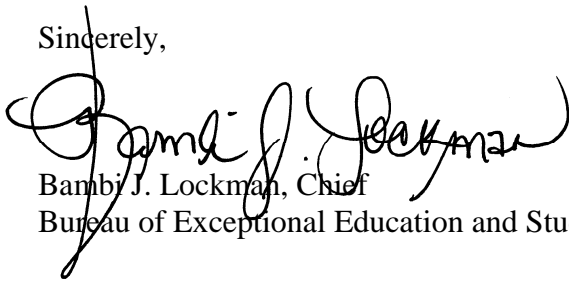
The *Polk District Summary Report: Findings of Noncompliance by Standard* (Attachment 1) contains a summary of the findings reported by the individual standard or regulation assessed. These data include revisions to the preliminary report that resulted from the validation review. Systemic findings are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

Florida Department of Education  
Bureau of Exceptional Education and Student Services

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**Polk 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 LRE protocols completed: 30  
Number of standards per LRE: 28  
Number of STB protocols completed: 10  
Number of standards per STB: 28

Total number of protocols: 40  
Total number of standards: 1120  
Total number of incidents of noncompliance (NC): 118  
Overall % incidents of noncompliance: 10%

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.

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

Noncompliance (NC)	*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
<p>STB-1 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	10	100.0%	X
<p>STB-3 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		2	20.0%	
<p>STB-4 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> <p>(Rule 6A-6.03028(7)(i), FAC.)</p>	X		5	50.0%	X

Noncompliance (NC)	*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
STB-6 If an agency likely to provide or pay for transition services is involved: <ul style="list-style-type: none"> <li>• A team member or designee was designated as responsible for follow-up with the agency</li> <li>• The IEP team was reconvened to identify alternative strategies if the agency failed to provide services as indicated on the IEP.</li> </ul> (34 CFR 300.324(c)(1); Rule 6A-6.03028(8)(d), FAC.)	X		2	20.0%	
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	10.0%	
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		10	100.0%	X
STB-10 The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		2	20.0%	
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		10	100.0%	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		10	100.0%	X
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		2	20.0%	
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.		X	3	30.0%	X

Noncompliance (NC)	*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
(34 CFR 300.321(b)(3))					
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		10	100.0%	X
LRE-4 The notice contained a listing of persons invited to the meeting, by title and position. (34 CFR 300.322(b))		X	1	3.3%	
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		26	86.7%	X
LRE-9 The IEP contains a statement of special education services/specially designed instruction, including location as well as initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		1	3.3%	
LRE-10 The IEP contains a statement of related services, including location and anticipated initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		1	3.3%	
LRE-12 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	3.3%	
LRE-14 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	3.3%	
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	3.3%	

<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>
LRE-25 The IEP team considered whether the student needs assistive technology devices and/or services. (34 CFR 300.324(a)(2)(v))	X		1	3.3%	
LRE-27 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	3.3%	
LRE-28 The student's general education teachers, ESE teachers, and related service providers were provided access and information regarding specific responsibilities for IEP implementation. (34 CFR 300.323(d))	X		17	56.7%	X



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

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**Polk 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>Meeting with District Excent (computerized IEP program) to coordinate changes on notice form.</p> <p>Meeting notice changed to include the information required</p> <p>Meet with District Staffing Specialists to demonstrate and show changes</p> <p>Meet with secondary school based personnel to demonstrate and show changes</p> <p>Sent out a districtwide e-mail to reflect changes</p> <p>IEP training to address statement and agency participation</p>	<p>March 2008</p> <p>March 2008</p> <p>March 2008</p> <p>April 2008</p> <p>April 2008</p> <p>August/September 2008</p>	<p>Excent Program</p> <p>Excent Program</p> <p>Monthly District Staffing Specialists mtg.</p> <p>School based LEA meeting</p> <p>e-mail</p> <p>Powerpoint training</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p> <p>Completed</p> <p>Completed</p>
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>	<p>Overview for district staffing specialists</p> <p>Overview to school based LEAs</p> <p>Develop powerpoint training on transition and self-determination</p>	<p>March 28, 2008 April 30, 2008</p> <p>April 16, 2008</p> <p>May-June, 2008</p>	<p>Powerpoint training</p> <p>Powerpoint</p> <p>ESE staff, FDLRS</p>	<p>Completed</p> <p>Completed</p>

#	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>Full day trainings for ESE teachers on the topic of transition</p> <p>Records review at selected middle/high schools</p>	<p>August – September 2008</p> <p>December, 2008</p>	<p>Powerpoint ESE staff, FDLRS</p> <p>Staffing Specialists</p>	
STB-9	<p>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))</p>	<p>Update powerpoint training on measureable goals to focus on transition</p> <p>Full day trainings for ESE teachers on the topic of transition</p> <p>Records review at selected middle/high schools</p>	<p>June – July, 2008</p> <p>August-September 2008</p> <p>December, 2008</p>	<p>ESE Staff, FDLRS</p> <p>Powerpoint ESE Staff,FDLRS</p> <p>Staffing Specialists</p>	
STB-15	<p>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))</p>	<p>Full day trainings for ESE teachers on the topic of transition</p> <p>Records review at selected middle/high schools</p>	<p>August-September, 2008</p> <p>December, 2008</p>	<p>Powerpoint, ESE Staff. FDLRS</p> <p>Staffing Specialists</p>	
STB-16	<p>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))</p>	<p>Full day trainings for ESE teachers on the topic of transition</p> <p>Records review at selected middle/high schools</p>	<p>August-September, 2008</p> <p>December, 2008</p>	<p>Powerpoint ESE Staff, FDLRS</p> <p>Staffing Specialists</p>	
LRE-8	<p>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.</p>	<p>PreK staff develop a bank of measurable goals</p> <p>PreK staff develop powerpoint</p> <p>Training for district staffing specialists</p> <p>Records review at selected PreK sites</p>	<p>March – April, 2008</p> <p>June- July, 2008</p> <p>August, 2008</p> <p>December, 2008</p>	<p>PreK Staff</p> <p>Powerpoint, PreK staff</p> <p>Powerpoint PreK staff</p> <p>ESE PreK</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	(34 CFR 300.320(a)(2))			Manager, Staffing Specialist	
LRE-28	The student's general education teachers, ESE teachers, and related service providers were provided access and information regarding specific responsibilities for IEP implementation. (34 CFR 300.323(d))	Excent program changed to reflect this statement on the IEP  Include as part of IEP training	March, 2008  Begin in March, 2008 and now ongoing	Excent IEP  Excent IEP training	Completed  Completed and ongoing