

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

T. WILLARD FAIR, *Chairman*

Members

DONNA G. CALLAWAY

DR. AKSHAY DESAI

ROBERTO MARTÍNEZ

PHOEBE RAULERSON

KATHLEEN SHANAHAN

LINDA K. TAYLOR

Dr. Eric J. Smith
Commissioner of Education



June 20, 2008

Mr. Richard A. Shirley, Superintendent
Sumter County School District
2680 West County Road 476
Bushnell, Florida 33513-3574

Dear Mr. Shirley:

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

Sumter County was required to assess 156 standards. One or more incidents of noncompliance were identified on 47 of those standards (30%). The following is a summary of Sumter County School District's correction of student-specific incidents of noncompliance:

Correction of Noncompliance by Student

	Number	Percentage
Records Reviewed/Protocols Completed	25	—
Total Items Assessed	688	—
Noncompliant	21	3%
Timely Corrected	21	100%

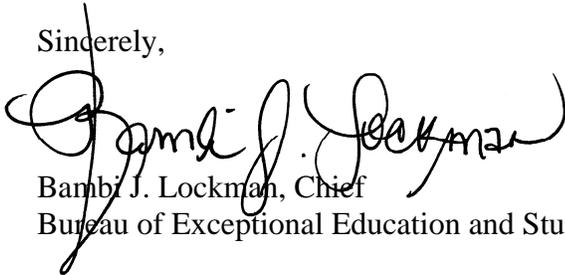
The *Sumter District Summary Report: Findings of Noncompliance by Standard* (Attachment 1) contains a summary of the findings reported by the individual standard or regulation assessed. These data include revisions to the preliminary report that resulted from the validation review. Systemic findings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

Mr. Richard A. Shirley
June 20, 2008
Page 3

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 or via phone at (850) 245-0476.

Sincerely,

A handwritten signature in black ink, appearing to read "Bambi J. Lockman". The signature is fluid and cursive, with the first name being the most prominent.

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

Attachments

cc: Mary Sue Camp
Frances Haithcock
Kim C. Komisar
Ken Johnson
Sheila Gritz
Elise Lynch

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

**ESE Self-Assessment
2007 – 08**

Sumter 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: 8
 Number of standards per IE: 18
 Number of IEP protocols completed: 9
 Number of standards per IEP: 38
 Number of MD protocols completed: 5
 Number of standards per MD: 9
 Number of STA protocols completed: 1
 Number of standards per STA: 6
 Number of STB protocols completed: 2
 Number of standards per STB: 28
 Number of DD disabilities completed: 3
 Number of standards per DD: 6
 Number of EBD disabilities completed: 1

Number of standards per EBD: 11
 Number of LI disabilities completed: 1
 Number of standards per LI: 7
 Number of SI disabilities completed: 5
 Number of standards per SI: 9
 Number of SLD disabilities completed: 1
 Number of standards per SLD: 14

 Total number of protocols: 25
 Total number of standards: 688
 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.

**ESE Self-Assessment
2007 – 08**

Sumter District Summary Report: Findings of Noncompliance by Standard

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
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		1	50.0%	X
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		1	50.0%	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		1	50.0%	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		1	50.0%	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		1	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 shows notification to the parent of the implications of nonparticipation.	X		1	11.1%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	(34 CFR 300.320(a)(6)(ii); Section 1008.22(3)(c)6, F.S.; Rule 6A-6.03028(7)(e), FAC.)					
IEP-28	The IEP team considered, in the case of a student whose behavior impedes his or her learning, the use of positive behavior interventions and supports, and/or other strategies to address the behavior. (34 CFR 300.324(a)(2)(i))	X		1	11.1%	
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		1	20.0%	
MD-2	The district notified the parent of the removal decision and provided the parent with a copy of the notice of the procedural safeguards on the same day as the date of the removal decision. (34 CFR 300.530(h); Rule 6A-6.03312(4)(a), FAC.)		X	5	100.0%	X
MD-3	The IEP team considered all relevant evaluation and diagnostic information to determine whether the behavior was a manifestation of the student's disability. (34 CFR 300.530(e)(1); Rule 6A-6.03312(3)(a), FAC.)		X	1	20.0%	
MD-4	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))		X	1	20.0%	
MD-5	If the IEP team determined that the behavior was a manifestation of the student's disability, the student was returned to the current placement, unless the parent and the district agree to a change in placement as part of the behavior intervention plan or unless the behavior is related to weapons, drugs, or serious bodily injury.		X	1	20.0%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	(34 CFR 300.530(f) and (g))					
MD-6	If the IEP team determined that any deficiencies related to the student's IEP or its implementation identified during the review under MD-4, those deficiencies were remedied. (34 CFR 300.530(e)(3))	X		1	20.0%	
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		1	20.0%	
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	20.0%	
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	1	20.0%	
EBD-1	The functional behavioral assessment (FBA) previously completed to assist in the development of individual interventions was reviewed. (Section III.G., Policies and Procedures for the Provision of Specially Designed Instruction and Related Services (SP&P))	X		1	100.0%	X

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

**ESE Self-Assessment
2007 – 08**

Sumter County School District Corrective Action Plan

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
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))	<ol style="list-style-type: none"> 1. Inservice for staffing specialist serving secondary schools 2. Inservice with high school ESE teachers 3. District review of records 	<p>February, 2008</p> <p>May, 2008</p> <p>October, 2008</p>	<p>Drew Andrews</p> <p>District Staff</p> <p>District Staff</p>	1. Completed 2/25/08
STB-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	<ol style="list-style-type: none"> 1. Inservice for staffing specialist serving secondary schools 2. Inservice with high school ESE teachers 3. District review of records 	<p>February, 2008</p> <p>May, 2008</p> <p>October, 2008</p>	<p>Drew Andrews</p> <p>District Staff</p> <p>District Staff</p>	1. Completed 2/25/08
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))	<ol style="list-style-type: none"> 1. Inservice for staffing specialist serving secondary schools 2. Inservice with high school ESE teachers 3. District review of records 	<p>February, 2008</p> <p>May, 2008</p> <p>October, 2008</p>	<p>Drew Andrews</p> <p>District Staff</p> <p>District Staff</p>	1. Completed 2/25/08
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))	<ol style="list-style-type: none"> 1. Inservice for staffing specialist serving secondary schools 2. Inservice with high school ESE teachers 3. District review of records 	<p>February, 2008</p> <p>May, 2008</p> <p>October, 2008</p>	<p>Drew Andrews</p> <p>District Staff</p> <p>District Staff</p>	1. Completed 2/25/08
MD-2	The district notified the parent of the	1. Inservice with district principals	Nov., 2007 & Jan, 2008	ESE Coordinator	1. Completed 1/17/08, & 11/8/07

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	removal decision and provided the parent with a copy of the notice of the procedural safeguards on the same day as the date of the removal decision. (34 CFR 300.530(h); Rule 6A-6.03312(4)(a), FAC.)	2. Staff training with staffing specialists 3. Memo to school personnel responsible for discipline at each school 4. Meeting with personnel responsible for discipline at each school 5. District review of records	March, 2008 Nov., 2007 April, 2008 October, 2008		2. Completed 3/20/08 3. Completed 11/27/07 4. 5.
EBD-1	The functional behavioral assessment (FBA) previously completed to assist in the development of individual interventions was reviewed. (Section III.G., Policies and Procedures for the Provision of Specially Designed Instruction and Related Services (SP&P))	1. Meeting with RtI facilitators (district staff). 2. Meeting with guidance counselors to review FBA and BIP development 3. District review of records	March, 2008 April, 2008 October, 2008	ESE Coordinator District Staff	1. Completed 3/14/08 2. 3.