

Florida Department of Corrections

Final Report: On-Site Monitoring Exceptional Student Education Programs

November 14, 2012



Florida Department of Education
Bureau of Exceptional Education and Student Services

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December 21, 2012

Ms. Tahnee Casanova, Bureau Chief
Florida Department of Corrections
Bureau of Re-Entry Program and Education
501 South Calhoun Street
Tallahassee, Florida 32399-2500

Dear Ms. Casanova:

We are pleased to provide you with the *Final Report: On-Site Monitoring of Exceptional Student Education Programs* for the Florida Department of Corrections (DOC). This report was developed using information related to an on-site monitoring visit to Apalachee Correctional Institution (ACI) – East Unit on November 14, 2012. Information sources included student record reviews, interviews with educational and central office staff, classroom observations, and feedback provided by the student focus group. 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/ese/mon-home.asp>.

Mr. John Howle, Special Education Administrator, and his staff were very helpful during the Bureau's preparation for the visit and during the on-site monitoring. In addition, the education supervisor and other staff members at ACI welcomed and assisted the monitoring team during the on-site visit. The Bureau's on-site monitoring activities identified strengths related to DOC's special education services as well as concerns, recommendations, and findings of noncompliance.

MONICA VERRA-TIRADO, Ed.D., CHIEF
Bureau of Exceptional Education and Student Services

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Thank you for your commitment to improving services to exceptional education students in DOC. If there are any questions regarding this final report, please contact Patricia Howell, Program Director, Monitoring and Compliance, at (850) 245-0476 or via email at Patricia.Howell@fldoe.org.

Sincerely,



Monica Verra-Tirado, Ed.D., Chief
Bureau of Exceptional Education and Student Services

Enclosure

cc: John Howle
Karen Denbroeder
Patricia Howell
Vicki L. Eddy

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Exceptional Student Education Programs**

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Florida Department of Corrections
On-Site Monitoring
Exceptional Student Education Programs
November 14, 2012

Final Report

Authority

The Florida Department of Education, 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 exceptional student education (ESE) laws and rules related to 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]). The Bureau is responsible for ensuring that the requirements of IDEA 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

Decisions regarding the type and extent of monitoring activities, including the need for on-site visits, are based on the most current data available for a given school district. Due to the unique nature of educational programs implemented in correctional settings, on-site monitoring of special education services in Florida Department of Corrections (DOC) facilities is conducted on a cyclical basis. This schedule allows Bureau staff to effectively target technical assistance to DOC staff. In addition, DOC participates in the Bureau's self-assessment process each year.

Background Information

The Florida Department of Corrections has approximately 1750 inmates with disabilities currently receiving special education services at 17 correctional institutions. Apalachee Correctional Institution (ACI) currently serves approximately 65 inmates with disabilities. ACI is an open population adult male facility that provides mental health services to inmates. Students with disabilities are assessed for academic programs using the Test of Adult Basic Education (TABE) which provides the student's proficiency level in sub-skills and grade-level scores in the areas of reading, math, and language, with academic programs individually selected for students based on their scores. ACI's academic programs include Literacy Program, Adult Basic Education, Pre-General Educational Development (GED) curriculum, and preparation for the GED test. In addition, special education teachers have access to the website *edHelper*, which provides supplemental curriculum based on a student's skill set in math, reading comprehension, language arts, science, and social studies. ACI also offers carpentry as a vocational program and provides exit certification at four separate occupational completion levels.

In June 2012, DOC's Special Education Administrator provided statewide training to 40 special education teachers, 20 general education teachers, education supervisors, and placement transition specialists from the 17 correctional facilities that serve students with disabilities. The educational staff members from ACI were in attendance. The training included the following: developing individual educational plans (IEPs) based on the student's current performance, strengths, and needs; writing measurable annual goals; and focusing on the academic progress of the student.

In a letter dated September 27, 2012, to the Chief of DOC's Bureau of Re-Entry Program and Education, DOC was informed that the Bureau would be conducting an on-site monitoring visit related to DOC's ESE programs for the 2012–13 school year. ACI was selected for the on-site visit as the last visit to ACI took place in November 2007. Based on the results of prior on-site visits to correctional facilities and the results of DOC's 2011–12 self-assessment, it was decided that the November 14, 2012, on-site monitoring activities at ACI would focus on the development and implementation of the IEPs.

On-Site Activities

Monitoring Team

The following Bureau staff members conducted the on-site monitoring visit:

- Patricia Howell, Program Director, Monitoring and Compliance
- Vicki Eddy, Program Specialist, Monitoring and Compliance

DOC Staff in Attendance during the Monitoring Visit

- John Howle, Special Education Administrator
- Miriam Sanders-Walker, Government Operation Consultant I

Student Focus Group

Nine students from ACI participated in a student focus group conducted by Bureau staff. These students were selected from the group of students chosen for case studies. The students who participated in the focus groups shared the following:

- They were knowledgeable of their IEPs
- The services on their IEPs were being offered during confinement
- The services on their IEPs assist the students to be more successful in school
- The ESE teachers were very helpful in meeting their individual needs
- They understand that earning an education will facilitate their employment upon their release
- They need individual assistance provided by the general education teacher rather than from the inmate peer tutors, stating that one of the teachers did not provide this
- They lacked awareness of receipt of the notice of procedural safeguards and knowledge regarding their rights as students with disabilities

Data Collection

Monitoring activities at ACI included the following:

- Record reviews – 12 students
- Observations – 4 classrooms
- Student focus group – 9 students
- Educational staff interviews:
 - Central Office – 1 participant
 - Education supervisor – 1 participant
 - Placement transition specialist – 1 participant
 - General education teachers – 4 participants
 - ESE teachers – 3 participants

Review of Records

DOC was asked to provide the following documents for each student selected for review:

- Previous IEP
- Current IEP (including the notice of conference)
- TABE scores
- Progress on annual goals
- Attendance roster
- Record of internal movement

Results

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

Commendations

ACI is to be commended for the following:

- Evidence of highly effective collaboration and respect among the entire team of general education and special education teachers
- Education team's passion and commitment to meet the educational needs of all of the students
- Positive, pleasant classroom atmospheres, with students actively engaged in the instructional activities
- Evidence of individual and small-group assistance being provided within each classroom that was observed
- Comments from focus group participants regarding the extra assistance provided by the special education teachers
- Education team's demonstration of the importance of capturing the students' attention and building motivation to give academic instruction another chance, particularly due to the number of students who have negative perceptions from previous academic experiences
- Priority for educational services given to students with disabilities with a release date prior to age 22, if there is limited space in the classrooms
- Seventy-five students, including 15 students with a disability, earning a GED last year between July 1, 2011, and June 30, 2012
- Inmate peer tutors assisting teachers in the classroom by working with students one on one
- One of ACI's general education teachers recently being selected as Teacher of the Year by DOC

Concerns

- Comments from most of the student focus group participants indicated their lack of awareness of receipt of the notice of procedural safeguards and knowledge regarding their rights as students with disabilities.
- Skill regression was apparently due to the number of days that students miss classes while in confinement and serving on disciplinary work squad assignments; missing classes this often appears to limit the academic progress of many of the students with disabilities. The students in the focus group indicated that it takes two weeks after their time is served before they can return to class.
- One student record reviewed did not include the student's exceptionality on the IEP.
- One student record had one exceptionality listed on the student's current IEP and two exceptionalities listed on the prior IEP, with no evidence of reevaluation or change in eligibility.
- For five students with behavioral needs, positive behavior interventions or strategies were not checked as special factors considered in the development of the IEP; however, there was evidence in these IEPs to indicate that the behavioral needs were addressed.
- An interactive Smart Board was available in the special education classroom, but not being used.

- Five student records reviewed for students who do not have an identified emotional or behavioral disability but miss their educational classes often due to serving time in confinement or on a disciplinary work squad showed that their IEPs do not address their behavioral needs.
- Some of the annual goals on the students' IEPs relied on information within the present level statement for specific materials to be used.
- Some IEPs were written with duration dates longer than a year; however, all of the IEPs had been reviewed annually as required.

Recommendations

- Provide explanation and instruction related to the procedural safeguards available to students with disabilities as part of the interventions provided by the special education teachers.
- Schedule daily classes (possibly a shortened schedule) for students with disabilities who are assigned to disciplinary work squads in addition to the disciplinary work assignment in order to provide needed time for academic instruction.
- The classification department may need to review their practices on reassignment of students back to the classroom who have been confined or on disciplinary work squad.
- The IEP team should provide positive behavior interventions, strategies, or behavior goals for students with disabilities who do not have an identified emotional or behavioral disability and miss educational classes often due to violations of behavior resulting in confinement and disciplinary work assignment.
- Discontinue the practice of writing IEPs with duration dates longer than a year
- Provide training for the ESE teachers regarding the use of the interactive Smart Board.

Findings of Noncompliance

Bureau staff members identified 17 incidents of noncompliance on six standards in the 12 student records reviewed. Identifying information regarding the 12 students reflecting the findings of noncompliance was provided to DOC prior to the dissemination of this report.

| | Standard/Identified Noncompliance | Supporting Data |
|----|---|---|
| 1. | The notice contained a listing of persons invited to the meeting, by name or position. (34 CFR §§300,321(a)–(b) and 300.322(b)) | For one student record, the meeting notice did designate all the required IEP team members. |
| 2. | The parent was provided a copy of the procedural safeguards. (Rule 6A-6.03311(2), Florida Administrative Code (F.A.C.)) | For 11 student records, there is no evidence that a copy of the <i>Notice of Procedural</i> |

| | Standard/Identified Noncompliance | Supporting Data |
|----|---|---|
| | | <i>Safeguards for Parents of Students with Disabilities</i> was provided as required. |
| 3. | 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. (34 CFR §300.320(a)(1)) | For one student record, the effect of the student's disability on participation in the general education curriculum was not clear and specific. |
| 4. | 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 student to be involved in and make progress in the general education curriculum and meet the student's other needs that result from the disability and contains a statement of special education services/specially designed instruction, including location as well as initiation, duration and frequency. (34 CFR §300.320(a)(2)) | For two student records, one of the annual goals was vague and unclear how it would be measured. |
| 5. | The IEP team considered, in the case of a student whose behavior impedes his or her learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior. (34 CFR §300.324(a)(2)(i)) | For one student record, the IEP indicated that the student's behavior impeded learning; however, the behavior was not addressed in the IEP. |
| 6. | 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)) | For one student record, two of the three progress reports did not include information for one of the annual goals. |

Prior to the release of this report, a revised version of the meeting notice was provided to the Bureau on November 9, 2012, which included additional language to show evidence that the student was provided a copy of the procedural safeguards. According to Rule 6A-6.03311(8)(d), F.A.C., for a student with a disability who is incarcerated in a state correctional facility, all rights accorded to the parent under this rule transfer to the student, including the right to notice.

Corrective Action

In a November 30, 2012, letter to DOC providing student-specific information, the Bureau required that **no later than January 29, 2013**, DOC must reconvene the students' IEP teams and amend the IEPs to correct the identified noncompliance related to present level statements, annual goals, consideration of special factors, and provision of progress reports. With the agreement of the parent (which, in these cases, is the student per Rule 6A-6.03311(8)(d), F.A.C.,) and the district, an IEP may be amended without a meeting. If individual correction is not possible (e.g., meeting notices and procedural safeguards notices), DOC must identify the policy, procedure, or practice that caused the noncompliance and provide evidence of the action(s) take to ensure future compliance.

In addition, DOC must demonstrate 100 percent compliance with the standards in question through review of a random sample of five IEPs developed at ACI after November 30, 2012. If DOC does not demonstrate correct implementation of the standards in question with the required sample of IEPs prior to January 29, 2013, DOC shall submit to the Bureau a corrective action plan (CAP) detailing the activities, resources, and timelines DOC 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 at ACI after November 30, 2012, for the six 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 (SPP), these items will be counted as findings of noncompliance related to IEP development. Documentation verifying completion of all components of the corrective action must be received in accordance with the timeline established above, but in no case longer than one year from the date of formal identification (November 30, 2013) in order for DOC to comply with the requirements of SPP indicator 15 (timely correction of noncompliance).

Technical Assistance

Specific information for technical assistance, support, and guidance regarding IEP development can be found in the *Exceptional Student Education Compliance Manual* located at <http://www.fldoe.org/ese/mon-home.asp> and in *Developing Quality Individual Educational Plans: A Guide for Instructional Personnel and Families* located at <http://www.fldoe.org/ese/pdf/QualityIEPs.pdf> on the Bureau's website. Explanatory information to help students understand the rights and responsibilities that go along with special education services can be found in "Chapter 8 – Procedural Safeguards (Rights and Responsibilities)" of *A Parent's Instruction to Exceptional Student Education in Florida* located at <http://www.fldoe.org/ese/pdf/ESEParent.pdf>. This document is also available in Spanish and Creole on the Bureau's website.

Bureau Contacts

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

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

Glossary of Acronyms and Abbreviations

| | |
|--------|--|
| ACI | Apalachee Correctional Institution |
| Bureau | Bureau of Exceptional Education and Student Services |
| BRIC | Bureau of Exceptional Education and Student Services Resource and Information Center |
| CAP | Corrective action plan |
| CFR | Code of Federal Regulations |
| DOC | Florida Department of Corrections |
| ESE | Exceptional student education |
| F.A.C. | Florida Administrative Code |
| F.S. | Florida Statutes |
| GED | General Educational Development |
| IDEA | Individuals with Disabilities Education Act |
| IEP | Individual educational plan |
| LEA | Local educational agency |
| SPP | State Performance Plan |
| TABE | Test for Adult Basic Education |



Florida Department of Education
Pam Stewart, Interim Commissioner

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