

Department of Corrections

Final Report: On-Site Compliance Monitoring

Exceptional Student Education Programs

October 2008



Bureau of Exceptional Education and Student Services
Florida Department of Education

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February 4, 2009

Mr. Blake Heidelberg, Chief
Bureau of Program Services
Florida Department of Corrections
2601 Blair Stone Road
Tallahassee, Florida 32399-2500

Dear Mr. Heidelberg:

We are pleased to provide you with the final report of the monitoring of the Department of Corrections' exceptional student education programs at selected correctional facilities. Bureau staff have worked with John Howle, Administrator of Special Education Programs, and his staff to develop a corrective action plan that includes strategies and activities to address the single finding of noncompliance identified during the visit. The plan also incorporates improvement activities for an area of concern. The corrective action plan has been approved and is included as a part of this final report. The final report will be placed on the Bureau of Exceptional Education and Student Services' Web site and may be viewed at <http://www.fldoe.org/ese/mon-home.asp>.

The first scheduled update on the corrective action plan is due on March 4, 2009. If you have any questions regarding the implementation of this plan, please contact me or Patricia Howell, Program Director, Monitoring and Compliance. Ms. Howell may be reached at (850) 245-0476, or via electronic mail at Patricia.Howell@fldoe.org.

Thank you for your continuing commitment to improve exceptional education services in the Department of Corrections.

Sincerely,

A handwritten signature in black ink that reads "Bambi J. Lockman".

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

Enclosure

cc: John Howle
Amy Yarbrough-Coltharp
Patricia Howell
Ken Johnson

BAMBI J. LOCKMAN
Chief

Bureau of Exceptional Education and Student Services

**Department of Corrections
Final Report: On-Site Compliance Monitoring**

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**Department of Corrections
On-Site Compliance Monitoring
October 2008**

Final Report

Authority

The Florida Department of Education, Bureau of Exceptional Education and Student Services, 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 (Sections 1001.03(8) and 1008.32, Florida Statutes (F.S.)). In fulfilling this requirement, the Bureau conducts monitoring activities of the exceptional student education (ESE) programs provided by district school boards, in accordance with Sections 1001.42 and 1003.57, F.S. Through these monitoring activities, the Bureau examines and evaluates procedures, records, and ESE programs; provides information and assistance to school districts; and otherwise assists school districts in operating effectively and efficiently. One purpose of the Individuals with Disabilities Education Act of 2004 (IDEA) is to assess and ensure the effectiveness of efforts to educate children with disabilities (Section 300.1(d) of Title 34, Code of Federal Regulations (CFR)), and districts are required to make a good faith effort to assist children with disabilities to achieve their stated goals and objectives in the least restrictive environment. In accordance with the IDEA the Department is responsible for ensuring that its requirements are carried out and that each educational program for children with disabilities administered in the state meets the educational requirements of the state (34 CFR §§300.120, 300.149, and 300.600).

The monitoring system reflects the Department's commitment to provide assistance, service, and accountability to school districts and DOC, and is designed to emphasize improved educational outcomes for students while continuing to conduct those activities necessary to ensure compliance with applicable federal laws and regulations and state statutes and rules. In addition, these activities serve to ensure implementation of corrective actions, such as those required subsequent to monitoring by the U.S. Department of Education (USDOE), Office of Special Education Programs (OSEP), and by the Office for Civil Rights (OCR), as well as other quality assurance activities of the Department.

Monitoring Process

The purpose of the monitoring process is to implement a methodology that targets the Bureau's monitoring intervention on key data indicators identified as significant for educational outcomes for students. Through this process, the Bureau uses data to guide monitoring decisions, thereby implementing a strategic approach to intervention and commitment of resources that will improve student outcomes. In general, 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 local educational agency (LEA). Due to the unique nature of educational programs

implemented in correctional settings, on-site monitoring of special education services in DOC facilities is conducted annually. This schedule allows for Bureau staff to verify correction of previous noncompliance and to more effectively target technical assistance to DOC staff. DOC also participated in the self-assessment process in 2008.

Background Information

From October 27-31, 2008, the Bureau conducted on-site reviews of the ESE programs in DOC facilities. John Howle, Special Education Administrator, and Kristina J. Hartman, Special Education Program Specialist, served as the coordinators and points of contact for DOC during the monitoring visit. The Bureau monitoring team consisted of Ken Johnson, Program Specialist, who served as the team leader, and Program Specialists Brenda Fisher and Jill Snelson. On-site visits were conducted to Brevard Correctional Institution (CI), Charlotte CI, and Indian River CI.

Through the 2007-08 self-assessment monitoring process, DOC was required to evaluate implementation of 66 standards or regulations related to individual educational plans (IEPs). The self-assessment revealed no findings of noncompliance. In addition, during the planning process for this monitoring visit, as well as through technical assistance contacts with the Bureau throughout the past year, DOC staff reported considerable efforts during the past year directed toward providing in-service training to ESE and basic educational staff, particularly in the development of appropriate individual educational plans (IEPs). Based on this information, a decision was made to focus the 2008-09 on-site monitoring activities on verification of corrective actions and/or improvement activities implemented as a result of the 2007-08 on-site visit. The primary areas to be addressed were:

- 34 CFR 300.504 – Procedural Safeguards
 - The notice of procedural safeguards provided to students was not the most recent and did not reflect IDEA 2004.
- 34 CFR 300.320(a)(4) and (7) - Accommodations
 - The IEP must include a statement of program modifications or classroom accommodations, if needed, including location and anticipated initiation, duration, and frequency
 - The accommodations identified on the IEP were not consistently implemented at one institution.
- 34 CFR 300.320(a)(2); Rule 6A-6.03028(7)(b), FAC. – Annual goals and short-term objectives or benchmarks.
 - The IEP form designates a space to document annual goals, but not a corresponding space for short-term objectives or benchmarks. While the IEP teams had incorporated all required content regarding short-term objectives and/or benchmarks into the annual goals section, the IEP form itself might lead less knowledgeable IEP teams to develop IEPs without required short-term objectives or benchmarks

On-Site Monitoring Activities

The table below documents the October 2008 on-site monitoring activities of DOC facilities.

On-Site Monitoring Activities – 2008-09

Activity	Number			
IEP/Record Reviews	12			
Focus Groups	Total groups: 3 Total student participants: 5			
Individual student case studies (2 per institution)	6			
Classroom Visits and/or Observations	38			
Interviews				
Central office agency staff				2
School staff, by institution	BCI	CCI	IRCI	Total
Education Supervisors	1	1	1	3
Placement and Testing Specialists	1	1	1	3
ESE teachers	7	3	5	15
General education teachers	9	4	6	19
Vocational education teachers	5	-	2	7
ESE students	8	7	8	23
			Total:	70

Results

Information generated through record reviews, focus group interviews, individual interviews, case studies, and classroom visits is summarized below. Individual and systemic findings of noncompliance as well as concerns are included in reports of on-site monitoring. To be determined systemic in nature, an item must be found noncompliant in at least 25% of the records reviewed or through equivalent support from interviews or other sources. For the DOC on-site monitoring conducted in 2008-09, at least three of the IEPs must have been noncompliant on a given item for a finding to be considered systemic.

Verification of activities related to the areas of concern noted in 2007-08 revealed the following:

- Regarding the provision of a notice of procedural safeguards, the current version was observed to be provided.
- Regarding implementation of accommodations, no noncompliance was identified.
- Regarding the IEP form not including a section designated for short-term objectives or benchmarks, it was noted that the IEP form used by DOC had not been revised to include this. However, the IEP teams had incorporated all required content regarding short-term objectives and/or benchmarks into the annual goals section on 12 of 12 IEPs reviewed (100%). In addition, it should be noted that Rule 6A-6.03028, FAC., has since been revised to no longer require short-term objectives or benchmarks.

In addition to the specific areas of concern noted above, general IEP compliance reviews were completed. The following noncompliance was identified, and determined to be systemic:

- 34 CFR 300.322(b)(2) and State Board of Education Rule 6A-6.03028(3)(b), FAC.
 - Beginning not later than the first IEP to be in affect when the student turns 16, or younger if determined appropriate by the IEP team, the notice to the IEP meeting for the student must include a statement that a purpose of the meeting will be the consideration of postsecondary

goals and transition services, that the student would be invited, and indicate any agency likely to provide or pay for services during the current year be provided.

- 4 of 12 records (33%) did not include the required information

Promising Practices

During the on-site monitoring visit promising practices were noted by DOC and school staff and by Bureau monitors. Some of the reported promising practices were specific to the institution or program while others were the results of Department-wide initiatives. DOC is encouraged to continue to promote an atmosphere where teachers and staff can share these practices. Some of the reported promising practices are listed below.

- Classification Officers and Security Officers are included in IEP meetings; staff report that their input is valued and they provide information regarding the student's present level of functioning, particularly in the area of strengths and weaknesses related to self-management.
- At all three institutions receiving an on-site visit, staff in all academic disciplines (general education, special education, and vocational education) meet once a month to monitor and discuss educational progress of individual students.
- Options are available at most institutions for students to be enrolled in academic and vocational programming simultaneously.

DOC Response

The sole finding of noncompliance during the 2008-09 on-site monitoring visit included procedures related to the IEP team meeting notice. As this cannot be corrected for an individual student, correction of noncompliance must reflect actions taken to ensure that all future notices contain the required information. Because the finding was systemic, the correction was required to be in the form of a corrective action plan (CAP) addressing the district-wide nature of the issue.

In response to the finding noted above, DOC developed a CAP in consultation with the Bureau. This CAP can be found at the end of the report and includes activities and strategies intended to address specific findings, as well as measurable evidence of change (e.g., summary report of record reviews conducted post-training to assess application of the skills and content targeted through professional development), and a schedule for verification of correction of noncompliance.

Recommendations

The following recommendations are proposed for the DOC to consider when implementing the corrective action plan and determining strategies that are most likely to effect change. The list is not all-inclusive, and is intended only as a starting point for discussion:

- Continue to develop training modules to address developing appropriate individualized IEPs.
- Continue to base targeted technical assistance and in-service training on the results of the compliance self-assessment.
- Access the Professional Development section of the Bureau's General Supervision Plan Web-site to conduct periodic compliance self-assessments outside of the annual requirement.
- If DOC establishes a policy of including short-term objectives or benchmarks on IEPs, revise the current form to include designated spaces.

Resources

Bureau staff are available for assistance on a variety of topics and may be contacted for assistance in the development and/or implementation of improvement planning activities. The following is a partial list of contacts:

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

Bambi.Lockman@fldoe.org

(850) 245-0475

**ESE Program Administration and
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(850) 245-0476

Kim Komisar, Ph.D., Administrator

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Ken Johnson, Program Specialist –
DOC Bureau-District Monitoring Liaison

Ken.Johnson@fldoe.org

ESE Program Development and Services

(850) 245-0478

Cathy Bishop, Administrator

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Sheryl Sandvoss, Program Specialist –
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Martha Murray, Program Specialist –
Emotional/Behavioral Disorders

Martha.Murray@fldoe.org

**Special Programs Information,
Clearinghouse, and Evaluation**

(850) 245-0475

Karen Denbroeder, Administrator

Karen.Denbroeder@fldoe.org

Clearinghouse Information Center

cicbiscs@FLDOE.org

(850) 245-0477

**Department of Corrections
Corrective Action Plan
2008-09**

Finding of Noncompliance/Citation	Activities/Outcome Measurements	Timelines	Resources	Outcome
IEP Notice				
<p>The notice of the IEP team meeting includes a statement that a purpose of the meeting was the consideration of postsecondary goals and transition services, that the student will be invited, and indicates any agency likely to provide or pay for services during the current year will be invited. (34 CFR 300.322(b)(2))</p>	<p>Training and/or technical assistance regarding meeting notices will be provided. Agenda and materials to be provided to DOE.</p> <p>The notice of IEP meeting form will be accurately completed to include all requirements. DOC self-assessment goal - Compliance with targeted elements for 100% of TP/IEPs reviewed.</p>	<p>All activities - June 2009</p>	<p>FDOE-Bureau staff FDLRS</p>	
Area of Concern/Citation: IEP Content				
<p>The IEP must include 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 curriculum and meet the student's other needs that result from the disability. For students assessed on alternate achievement standards, or at IEP team discretion, the IEP must include short-term objectives or benchmarks. (34 CFR 300.320(a)(2))</p>	<p>Based on DOC policy, the IEP form will be revised to include a designated space for short-term objectives or benchmarks.</p> <p>Training and/or technical assistance regarding development of annual goals and short-term objectives or benchmarks will be provided. Agenda and materials to be provided to DOE.</p> <p>Staff will conduct quarterly review of a sampling of TP/IEPs (≥ 20 records). After analyzing self-assessment results, DOC staff will provide additional training if required.</p> <p>DOC self-assessment goal - Compliance with targeted elements for 100% of TP/IEPs reviewed.</p>	<p>All activities - June 2009</p>	<p>FDOE-Bureau staff FDLRS</p>	<p>Form revised January 2009</p>

Glossary of Acronyms

BTU	Basic Training Unit
Bureau	Bureau of Exceptional Education and Student Services
CAP	Corrective Action Plan
CFR	Code of Federal Regulations
DOC	Department of Corrections
DOE	Department of Education
E/BD	Emotional/Behavioral Disability
EMH	Educable Mentally Handicapped
ESE	Exceptional Student Education
FAC.	Florida Administrative Code
FAPE	Free Appropriate Public Education
FBA	Functional Behavioral Assessment
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual Educational Plan (for students with disabilities)
LEA	Local Educational Agency
OCR	Office for Civil Rights
OSEP	Office of Special Education Programs



Florida Department of Education
Dr. Eric J. Smith, Commissioner
ESE 312968B