

FINAL REPORT: MONITORING
EXCEPTIONAL STUDENT EDUCATION PROGRAMS

DEPARTMENT OF CORRECTIONS

AUGUST 2005

BROWARD CORRECTIONAL INSTITUTION
DESOTO ANNEX CORRECTIONAL INSTITUTION
FLORIDA STATE PRISON
INDIAN RIVER CORRECTIONAL INSTITUTION
LAKE CORRECTIONAL INSTITUTION
UNION CORRECTIONAL INSTITUTION



FLORIDA DEPARTMENT OF EDUCATION
BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

This is one of many publications available through the Bureau of Exceptional Education and Student Services, Florida Department of Education, designed to assist school districts, state agencies which support educational programs, and parents in the provision of special programs. For additional information on this publication, or for a list of available publications, contact the Clearinghouse Information Center, Bureau of Exceptional Education and Student Services, Florida Department of Education, Room 628, Turlington Bldg., Tallahassee, Florida 32399-0400.

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December 29, 2005

Mr. Bernard Cohen, Bureau Chief
Department of Corrections
2601 Blair Stone Road
Tallahassee, Florida 32399-2500

Dear Mr. Cohen:

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. The report from our visits during August 2005 includes a format for the system improvement plan to be developed and implemented by your office. The final report will be placed on the Bureau of Exceptional Education and Student Services' website and may be viewed at www.firn.edu/doe/commhome/mon-home.htm.

The Bureau has sent John Howle, Administrator of Special Education Programs, an electronic copy of the system improvement plan for development. Within 30 days of the receipt of this electronic copy, the Department of Corrections is required to submit the completed system improvement plan for review by our office. Bureau staff will work with you to develop the required system improvement measures, including strategies and activities to address the areas of concern and noncompliance identified in the report. After the system improvement plan has been approved, it also will be placed on the Bureau's website.

An update of outcomes achieved and/or a summary of related activities, as identified in your plan, must be submitted by May 30 and November 30 of each year for the next two years, unless otherwise noted on the plan.

BAMBI J. LOCKMAN
Chief

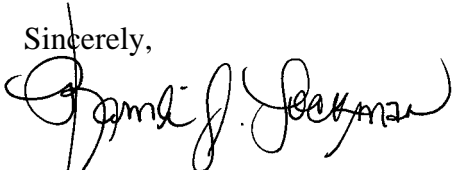
Bureau of Exceptional Education and Student Services

Mr. Bernard Cohen
December 29, 2005
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If my staff can be of any assistance as you implement the system improvement plan, please contact Eileen L. Amy, ESE Program Administration and Quality Assurance Administrator. Mrs. Amy may be reached at 850/245-0476, or via electronic mail at Eileen.Amy@fldoe.org.

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

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

Enclosure

cc: John Howle
Amy Yarbrough-Coltharp
Eileen Amy
Evy Friend
Kim Komisar

Florida Department of Corrections
Final Monitoring Report
August 2005

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Florida Department of Corrections
Final Monitoring Report
August 2005

Monitoring Process

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 and state agencies in accordance with Sections 1001.42 and 1003.57, F.S. Through these monitoring activities, the Bureau examines and evaluates procedures, records, and programs of exceptional student education (ESE); provides information and assistance to school districts and state agencies; and otherwise assists school districts and state agencies in operating effectively and efficiently. One purpose of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) 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 and agencies 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 (34 CFR §300.350(a)(2) and §300.556). In accordance with the IDEA 2004 the Department is responsible for ensuring that the requirements of the IDEA 2004 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 §300.600(a)(1) and (2)).

The monitoring system reflects the Department's commitment to provide assistance, service, and accountability to school districts and state agencies, 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, Office of Special Education Programs, (OSEP) and by the Office for Civil Rights (OCR), as well as other quality assurance activities of the Department.

Cyclical Monitoring

The purpose of the cyclical monitoring process is to implement a methodology that targets the Bureau's monitoring intervention on identified educational outcomes for students. Through this process, the Bureau uses data to inform the monitoring process, thereby implementing a strategic approach to intervention and commitment of resources that will improve student outcomes. A detailed description of the Bureau's monitoring processes is provided in the *Monitoring Work*

Papers and Source Book for Programs for Students with Disabilities Department of Corrections (2005). The protocols used by Bureau staff when conducting procedural compliance reviews are available in the same manual. These documents are available on the Bureau’s website at www.firn/doe/commhome/mon-home.htm.

Monitoring Activities

During the first two weeks of August 2005 the Florida Department of Education, Bureau of Exceptional Education and Student Services, conducted on-site reviews of the exceptional student education (ESE) programs in the Florida Department of Corrections (DOC). John Howle, Special Education Administrator, and Amy Yarbrough-Coltharp, Special Education Program Specialist, served as the coordinators and points of contact for the DOC during the monitoring visit. In its continuing effort to focus the monitoring process on student educational outcomes, special education services are reviewed at a minimum of five correctional institutions annually. The results of the monitoring process are reported under categories or related areas that are considered to impact or contribute to the provision of a free, appropriate public education (FAPE). In addition, information related to records and forms reviews, and supplementary compliance issues are reported.

Three Bureau staff members conducted site-visits to the following six correctional facilities:

- Florida State Prison
- Union Correctional Institution
- Lake Correctional Institution
- Indian River Correctional Institution
- DeSoto Annex Correctional Institution
- Broward Correctional Institution

A listing of Bureau staff who conducted the monitoring activities for this visit is included as appendix A.

The monitoring process includes interviews with administrators, teachers, and other service delivery providers, focus group interviews with students, case studies, classroom observations, and record reviews. A summary of the monitoring activities conducted is included in the table below.

Activity	Source	Number
Interviews	Central Office Agency staff	4
	Institution School staff	
	School administrators/noninstructional support	7
	• ESE teachers—disabilities	7
	• General education teachers	13
	• ESE students	<u>22</u>
	Total	53

Activity	Source	Number
Focus Groups	Indian River Correctional Institution	14
	DeSoto Annex Correctional Institution	<u>13</u>
	Total	<u>27</u>
Case studies	Individual student case studies	11
Classroom Visits	ESE and general education classrooms	9
Record Reviews	Transition Plans/Individual Educational Plans (TP/IEP)	24
	<ul style="list-style-type: none"> • Full desk-review • Targeted on-site review 	<u>40</u>
	Total	<u>64</u>

Reporting of Information

Findings based on data generated through record reviews: focus group interviews; individual interviews; case studies; classroom visits; and, the review of district forms are summarized in the reporting table that follows. In accordance with the Department’s agreement with the U.S. Department of Education, Office of Special Education Programs (OSEP), additional areas addressed during all monitoring visits include the following:

- the provision of counseling as a related service
- the communication needs of students with disabilities not eligible for programs for students who are speech or language impaired
- school to post-school transition

To the extent possible, this report focuses on systemic issues rather than on isolated instances of noncompliance or need for improvement. In accordance with established Bureau monitoring procedures, a finding of a systemic violation will be made if evidence of such a violation is found in 25% or more of the pertinent data sources. The text of the pertinent legal citations noted in the reporting table is provided as appendix B.

In response to the findings included in the reporting table, the district is required to develop a system improvement plan. This plan is developed in consultation with the Bureau, and must include activities and strategies intended to address specific findings, as well as measurable evidence of change. In developing the system improvement plan, every effort should be made to link the system improvement activities resulting from this cyclical monitoring report to the district’s continuous improvement plan. A draft system improvement plan is included following the promising practices, recommendations, and technical assistance section.

During the course of conducting the cyclical monitoring activities, including daily debriefings with the monitoring team and DOC staff, it is often the case that suggestions and/or recommendations related to interventions or strategies are proposed. In addition, during the site-visits numerous promising practices were noted by DOC staff and by Bureau monitors. Listings of these recommendations and promising practices, as well as specific discretionary projects and DOE contacts available to provide technical assistance to the district in the development and implementation of the plan, are included following the reporting table. The format for the system improvement plan, including findings that must be addressed and suggested activities and evidence of change measures also is included.

Florida Department of Corrections

Monitoring Reporting Table

Standards/Citations	Findings	Supporting Evidence	Concerns
Transition Plan/Individual Educational Plan (TP/IEP) Teams/Meetings			
<p>34 CFR 300.344 IEP team.</p> <p>34 CFR 300.345 Parent participation.</p> <p>34 CFR 300.517 Transfer of parental rights at age of majority.</p> <p>34 CFR 300.533 Determination of needed evaluation data.</p> <p>34 CFR 300.536 Reevaluation.</p>	<p>Students are not invited to participate in meetings related to their educational services (i.e., TP/IEPs; reevaluation).</p> <p>TP/IEP teams lack appropriate membership (i.e., LEA representative; student)</p> <p>Transition services not identified as a purpose of the meeting on the meeting notice.</p>	<p><i>Records:</i></p> <p>9 TP/IEPs did not include documentation of two attempts to involve the student in the development of the plan</p> <p>6 meetings to discuss reevaluation were conducted without inviting the student to attend</p> <p><i>Interviews:</i></p> <p>Two staff members, whose participation in TP/IEP team meetings was documented by their signatures as the LEA representatives for the meetings, reported not attending the meetings.</p>	<p>There is not clear documentation that the TP/IEP teams reviewed existing evaluation data (i.e., evaluations; information provided by the student; current classroom-based assessments; observations) as part of the reevaluation process.</p> <p>One third of students with disabilities interviewed reported that they were not aware of or did not understand their rights related to educational services.</p> <p>Students were unaware that special education services could be provided in conjunction with an on-the-job training (OJT) program.</p>

Standards/Citations	Findings	Supporting Evidence	Concerns
Content of TP/IEPs			
<p>34 CFR 300.346 Development, review, and revision of the IEP.</p> <p>34 CFR 300.347 Content of the IEP.</p> <p>34 CFR 300.520 Authority of school personnel.</p> <p>Rule 6A-6.03028, FAC, Development of Individual Educational Plans for Exceptional Students</p>	<p>Present level of educational performance statements, goals and objectives do not support services on the TP/IEP.</p>	<p><i>Records:</i></p> <p>For 7 of 24 records the statement of present level of educational performance, goals, and short-term objectives or benchmarks did not support the services on the TP/IEP.</p> <p>For 12 of 24 records there was not an adequate statement of how the disability affects progress in the general curriculum.</p>	
<p>Rule 6A-6.03312, FAC, Discipline Procedures for Students with Disabilities.</p>	<p>Behavioral interventions are not addressed for students exhibiting behavioral difficulties.</p>	<p><i>Records:</i></p> <p>For 12 of 24 records there was no evidence that the TP/IEP team considered the need for positive behavioral supports for students whose behavior impedes the learning of the student or of others.</p> <p><i>Interviews:</i></p> <p>5 of 7 students in confinement reported that their ESE teachers do not address the behaviors that resulted in confinement; it is unclear if the behaviors are addressed in the TP/IEPs.</p>	
	<p><i>Content related to counseling as a related service, communication, and transition services are addressed in designated sections below.</i></p>		

Standards/Citations	Findings	Supporting Evidence	Concerns
Implementation of TP/IEPs			
<p>34 CFR 300.350 IEP—accountability.</p>	<p>Special education and related services are not provided in accordance with students' TP/IEPs, especially for students in settings other than traditional classrooms (i.e., field squad; confinement; close management).</p>	<p><i>Interviews:</i></p> <p>7 of 12 general education teachers reported they did not provide classroom materials or assignments for students in confinement.</p> <p>2 of 2 students on the field squad reported not receiving services identified on their TP/IEPs when assigned to the squad; verified by the special education teacher.</p> <p>2 of 7 students in confinement reported not receiving assignments or instruction based on their TP/IEPs while in confinement.</p> <p>7 of 9 students in close management reported not being to complete their assignments due to not being provided writing utensils.</p> <p><i>Observations:</i></p> <p>4 of 4 classrooms visited at Indian River Correctional Institution (IRCI) did not have the materials or equipment needed to implement the students' TP/IEPs.</p> <p><i>Case Studies:</i></p> <p>Two student case studies revealed the students were not receiving the services identified on the TP/IEPs.</p>	<p>Access to vocational classes is based on students' achieving a specific score on the Test of Adult Basic Education (TABE); 16 of 28 students reported not being administered the TABE within the last six months.</p> <p>Instructional staff reported that they are not permitted to rearrange the existing classroom furniture in order to improve the educational environment and meet the needs of students with disabilities.</p>

Standards/Citations	Findings	Supporting Evidence	Concerns
	<p>Testing accommodations are not provided in accordance with the TP/IEPs.</p>	<p><i>Interviews:</i></p> <p>2 special education teachers reported that placement and testing specialists determine which testing accommodations are implemented during testing sessions, and that this is not based on the TP/IEP; FSP placement and testing specialist reported that accommodations must be approved by security prior to implementation.</p> <p>1 special education teacher reported that no accommodations are provided to students taking the GED test.</p>	
	<p>Instructional accommodations are not implemented in the general education classroom in accordance with students' TP/IEPs.</p>	<p><i>Interviews:</i></p> <p>6 of 19 students reported not receiving accommodations in the classroom.</p> <p><i>Focus Groups:</i></p> <p>Participants uniformly reported that general education teachers do not implement accommodations as identified on the TP/IEP.</p>	
	<p>Consultative services are not provided in a manner sufficient to address students' needs identified on the TP/IEPs.</p>	<p><i>Records:</i></p> <p>16 of 16 consultation logs for students receiving consultative services did not include evidence that the consultation addressed the goals and short-term objectives or benchmarks on the students' TP/IEPs.</p>	

Standards/Citations	Findings	Supporting Evidence	Concerns
		<p><i>Interviews:</i></p> <p>2 of 2 correctional officers reported consultative communications with education staff occurs only sporadically and not once every 30 days as identified on the TP/IEPs.</p> <p>4 of 7 special education teachers reported that consultation and/or collaboration with general education teachers most often is informal, and in many instances is not provided.</p>	
General Administration: Policies, Procedures, and Practices			
<p>34 CFR 300.2 Applicability of this part to State, local, and private agencies.</p> <p>34 CFR 300.136(f) Use of paraprofessionals and assistants.</p> <p>34 CFR §300.220 Consistency with State policies.</p> <p>34 CFR 300.230 Use of amounts.</p> <p>34 CFR 300.382 Improvement Strategies Rule 6A-6.03411, FAC,</p>	<p>Paraprofessional staff perform instructional tasks without supervision from qualified staff.</p>	<p><i>Interviews:</i></p> <p>1 special education teacher reported the teacher aide is responsible for providing and ensuring the implementation of accommodations.</p> <p>2 students identified the teacher aide as their teacher, and that this individual provided them with all of their instruction.</p> <p>2 of 3 teacher aides reported they routinely prepare work assignments and provide instruction without oversight or guidance from special education teachers.</p> <p>3 of 7 students in confinement indicated they would speak with the teacher aide for</p>	<p>There is not clear documentation for split-funded positions of the time and effort allocated to grant funded and general revenue funded duties.</p> <p>Special education caseloads at Indian River Correctional Institution are at least 50 students each.</p>

Standards/Citations	Findings	Supporting Evidence	Concerns
Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students.		<p>any educational needs, including refusing services or voiding a refusal of services.</p> <p><i>Focus Groups:</i></p> <p>Students from one institution reported that the teacher aide provides them with all of their instructional materials and all assistance.</p>	
	Staff development is not sufficient to meet the needs of teachers and staff working with students with disabilities.	<p><i>Interviews:</i></p> <p>Two correctional officers reported receiving no training on dealing with students with disabilities placed in OJT assignments.</p> <p>5 of 5 institutional administrative staff reported formal training for special education teachers and supervisors of special education programs has occurred only once this year.</p> <p>2 of 2 central office administrative staff reported no direct training on decision-making for placement or service provision within the last two years.</p> <p>4 of 7 special education teachers reported not being permitted to attend any workshops or training opportunities related to special education.</p>	<p>Staff reported that their requests for training have been answered with email messages containing teaching strategies and/or suggestions for improvement.</p> <p>Staff report that the Florida Corrections Distance Learning Network (CDLN) is not being used to provide access to staff development for special educators.</p>

Standards/Citations	Findings	Supporting Evidence	Concerns
Counseling as a Related Service			
<p>34 CFR 300.346 Development, review, and revision of the IEP.</p> <p>34 CFR 300.347 Content of the IEP.</p> <p>Rule 6A-6.03028, FAC, Development of Individual Educational Plans for Exceptional Students</p> <p>Rule 6A-6.03016, FAC, Special Programs for Students Who are Emotionally Handicapped.</p>	<p>Counseling as a related service is not provided to students eligible for the program for students who are severely emotionally disturbed (SED).</p> <p>Counseling as a related service is not provided to students who need it to benefit from their special education services.</p>	<p><i>Records:</i></p> <p>28 of 28 records of students eligible as severely emotionally disturbed (SED) did not include counseling as a related service.</p> <p>11 of 24 records indicated a need for counseling as a related service to be considered; no evidence that the TP/IEP team considered this need.</p> <p><i>Interviews:</i></p> <p>3 special education teachers reported that established procedures for requesting counseling services are not implemented (i.e., use of Staff Request/Referral DC4-529 (11/02) form).</p>	<p>Established procedures for requesting counseling services for any inmates who need it are not being implemented.</p>
Communication Services			
<p>34 CFR 300.346 Development, review, and revision of the IEP.</p> <p>34 CFR 300.347 Content of the IEP.</p> <p>Rule 6A-6.03028, FAC, Development of Individual Educational Plans for Exceptional Students</p>	<p>No findings of noncompliance in this area.</p>		

Standards/Citations	Findings	Supporting Evidence	Concerns
Transition Services			
<p>34 CFR 300.29 Transition Services.</p> <p>34 CFR 300.346 Development, review, and revision of the IEP.</p> <p>34 CFR 300.347 Content of the IEP.</p> <p>Rule 6A-6.03028, FAC, Development of Individual Educational Plans for Exceptional Students</p>	<p>TP/IEPs do not adequately address transition need and do not include all required transition components.</p>	<p><i>Records:</i></p> <p>24 of 24 TP/IEPs did not include evidence of consideration of the need for instruction in the area of self-determination</p> <p>24 of 24 TP/IEPs did not include designation of a member of the TP/IEP team or designee responsible for follow-up with agencies designated for transition</p> <p>24 of 24TP/IEPs did not consider the need for related services specific to transition.</p> <p>9 of 24 TP/IEPs did not address the need for community experiences.</p> <p>7 of 24 TP/IEPs did not address post-school adult living objectives</p> <p>6 of 24 TP/IEPs did not address the need for training in daily living skills</p> <p>6 of 24 meeting notices did not include transition as a purpose for the meeting and documentation of student preferences and interests related to transition when the student was not present at the TP/IEP meeting.</p> <p><i>Interviews:</i></p> <p>10 of 22 students reported not discussing or not recalling the discussion of transition services at their TP/IEP meetings.</p>	<p>Lack of documentation of participation of transition agencies (classification, medical and/or mental health staff) in TP/IEP meetings.</p>

Standards/Citations	Findings	Supporting Evidence	Concerns
Student Record Reviews			
<p>34 CFR §300.340-300.350 Individualized Educational Programs</p> <p>Rule 6A-6.03028, FAC, Development of Individual Educational Plans for Exceptional Students.</p>	<p>Nine findings of noncompliance resulted in funding adjustments (5 lack of change of placement, 2 lack of transition planning beginning at age 16, 2 lack of notice of TP/IEP meeting).</p> <p>46 TP/IEP teams must reconvene to address identified findings.</p>	<p>64 TP/IEPs were reviewed, in part or in whole.</p> <p>A detailed description of the findings related to student records can be found in Appendix C, page 35.</p>	

System Improvement Plan

In response to these findings, the DOC is required to develop a system improvement plan for submission to the Bureau. This plan must include activities and strategies intended to address specific findings, as well as measurable evidence of change. In developing the system improvement plan, every effort should be made to link the system improvement activities resulting from this cyclical monitoring report to the district's continuous improvement plan. Following is the format for the system improvement plan, including a listing of the critical issues identified by the Bureau as most significantly in need of improvement.

During the course of conducting the cyclical monitoring activities, including daily debriefings with the monitoring team and district staff, it is often the case that suggestions and/or recommendations related to interventions or strategies are proposed. Listings of these recommendations as well as specific discretionary projects and DOE contacts available to provide technical assistance to the agency in the development and implementation of the plan are included following the plan format.

Promising Practices, Recommendations and Technical Assistance

Promising Practices

During this visit numerous promising practices were noted by agency staff and by Bureau monitors. Some of the reported promising practices were institution-specific and others were agency-wide. The 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.

- Students are provided educational services in the general education academic settings.
- Teachers use general education standards for all students.
- Options are available at most institutions for students to be enrolled in academic and vocational programming simultaneously.
- Students at IRCI praised the educational services provided by special education teachers during pull-out instructional classes.
- Highly individualized educational services are evident at Florida State Prison/Union CI.
- Video conferencing has been instituted to increase "face-to-face" support of related services personnel responsible for statewide provision of services.
- A formal process exists for providing assistance to students exhibiting behavior difficulties; it includes observations, conducting a functional behavior assessment, and development of a behavior intervention plan.
- Focus group students report special education services are helping them to learn.
- Students reported receiving education materials while in confinement.
- All programmatic and work assignments areas serve as educational vehicles.
- The Transition Program is available to all students.
- Special education teachers work specifically with students with disabilities enrolled in the Transition Program.

Recommendations

Recommendations have been proposed for the DOC to consider when developing the system improvement 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 among the parties responsible for the development of the system improvement plan (SIP).

- Conduct periodic self-assessments of ESE programs across schools to ensure that TP/IEPs are being implemented and that all information (e.g., time with nondisabled) is reported accurately.
- Utilize Corrections Distance Learning System for staff training when travel is limited.
- Conduct periodic reviews of para-professional utilization to ensure appropriate oversight.
- Develop training modules to address the range of procedures related to the provision of services to students with disabilities.
- Develop training modules that address the importance of team membership and collaboration in the development of the TP/IEPs.

Technical Assistance

A partial listing of technical assistance resources also is provided. This information may be of assistance in the development and/or implementation of the system improvement plan. The following are some of the resources available through the Florida Department of Education. If there are additional topics or areas of concern that are not included, please contact the Bureau for assistance.

Student Support Services Project

Website: <http://sss.usf.edu>

The project purpose is to provide technical assistance, training and resources to Florida school districts and state agencies in matters related to student support (school psychology, social work, nursing, counseling, and school-to-work).

Project CENTRAL

Website: <http://www.reach.ucf.edu/~CENTRAL/>

This comprehensive, statewide project is designed to identify and disseminate information about resources, training, and research related to current and emerging effective instructional practices. The ultimate goals are to provide information leading to appropriate training, products and other resources that provide benefit and appropriate outcomes for all students.

Bureau of Exceptional Education and Student Services

In addition to the special projects described above, Bureau staff are available for assistance on a variety of topics. Following is a partial list of contacts:

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

Eileen Amy, Administrator
Eileen.Amy@fldoe.org

Kim Komisar, Program Director
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ESE Program Development and Services
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**Behavior/Discipline
EH/SED**

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Lee.Clark@fldoe.org

Assistive Technology

Karen Morris, Program Specialist
Karen.Morris@fldoe.org

Florida Department of Corrections

System Improvement Strategies

The DOC is required to provide system improvement strategies to address identified findings of noncompliance, which may include an explanation of specific activities the district has committed to implementing, or it may consist of a broader statement describing planned strategies. For each issue, the plan also must define the measurable evidence of whether or not the desired outcome has been achieved. Target dates that extend more than one year should include benchmarks in order to track interim progress. In addition findings of noncompliance, the report includes areas of concern that the DOC is encouraged to address, either through this system improvement plan or through other avenues. Resources, suggestions and/or recommended actions are provided following this plan format.

Findings of Noncompliance	Improvement Strategies/Interventions	Outcome Measures and Timeline
TP/IEP Team/Meetings		
<p>Students are not invited to participate in meetings related to their educational services (i.e., TP/IEPs; reevaluation).</p> <p>TP/IEP teams lack appropriate membership (i.e., LEA representative; student)</p> <p>Transition services not identified as a purpose of the meeting on the meeting notice.</p> <p><i>In addition, concerns were noted in this area.</i></p>	<p>Training and/or technical assistance regarding requirements of TP/IEP Team membership, invitation to participate, and transition services as a purpose will be incorporated into the general staff development activities for institution staff.</p> <p>Staff will conduct quarterly review of a sampling of TP/IEPs (≥ 20 records) of students for invitation to participate in meetings, TP/IEP team membership, and transition services identified as a purpose of the meeting.</p> <p>Following an analysis of the record review results, district staff will determine if additional training is required or targeted meet compliance.</p> <p><i>The District is encouraged to include strategies to address concerns noted in the body of this report.</i></p>	<p>District report of training date(s).</p> <p>District report of self-assessment reveals compliance with targeted elements for 100% of TP/IEPs reviewed.</p> <p>May 2006 November 2006</p>

Findings of Noncompliance	Improvement Strategies/Interventions	Outcome Measures and Timeline
Content of TP/IEPs		
<p>Present level of educational performance statements, goals and objectives do not support services on the TP/IEP.</p> <p>Behavioral interventions are not addressed for students exhibiting behavioral difficulties.</p> <p>Content related to counseling as a related service, communication, and transition services are addressed in designated sections below.</p>	<p>Training and/or technical assistance regarding present level statements, goals and objectives supporting the services and behavioral interventions will be incorporated into general staff development activities for ESE staff.</p> <p>Staff will conduct quarterly review of a sampling of TP/IEPs (≥ 20 records) of students to evaluate:</p> <ul style="list-style-type: none"> • present level statements, goals and objectives supporting services • behavioral interventions addressed for students exhibiting behavioral difficulties <p>Following an analysis of the record review results, district staff will determine if additional training is required or targeted meet compliance.</p>	<p>District report of training date(s).</p> <p>District report of self-assessment reveals compliance with targeted elements for 100% of TP/IEPs reviewed.</p> <p>May 2006 November 2006</p>
Implementation of TP/IEPs		
<p>Special education and related services are not provided in accordance with students' TP/IEPs, especially for students in settings other than traditional classrooms (i.e., field squad; confinement; close management).</p> <p>Testing accommodations are not provided in accordance with the TP/IEPs.</p> <p>Instructional accommodations are not implemented in the general education</p>	<p>Training and/or technical assistance regarding implementation special education and related services, provision of testing accommodations and instructional accommodations, and consultative services sufficient to address student needs will be incorporated into the general staff development activities for all education staff.</p> <p>Staff will conduct quarterly review of a sampling of TP/IEPs (≥ 20 records) of students to evaluate:</p> <ul style="list-style-type: none"> • implementation special education and related services 	<p>District report of training date(s).</p> <p>District report of self-assessment reveals compliance with targeted elements for 100% of TP/IEPs reviewed.</p> <p>May 2006 November 2006</p>

Findings of Noncompliance	Improvement Strategies/Interventions	Outcome Measures and Timeline
<p>classroom in accordance with students' TP/IEPs.</p> <p>Consultative services are not provided in a manner sufficient to address students' needs identified on the TP/IEPs.</p> <p><i>In addition, concerns were noted in this area.</i></p>	<ul style="list-style-type: none"> • provision of testing accommodations • provision of instructional accommodations • consultative services sufficient to address student needs <p>Following an analysis of the record review results, district staff will determine if additional training is required or targeted meet compliance.</p> <p><i>The District is encouraged to include strategies to address concerns noted in the body of this report.</i></p>	
General Administration: Policies, Procedures, and Practices		
<p>Paraprofessional staff perform instructional tasks without supervision from qualified staff.</p> <p>Staff development is not sufficient to meet the needs of teachers and staff working with students with disabilities.</p> <p><i>In addition, concerns were noted in this area.</i></p>	<p>Training and/or technical assistance regarding paraprofessional staff duties will be conducted for ESE staff and supervisors.</p> <p>The DOC is required to conduct a staff development survey to determine training needs of education staff at designated facilities.</p> <p>Utilizing identified training needs, training and/or technical assistance will be developed.</p> <p><i>The District is encouraged to include strategies to address concerns noted in the body of this report.</i></p>	<p>District report of training date(s).</p> <p>District report of survey completion (date) and top three training needs.</p> <p>May 2006 November 2006</p>

Findings of Noncompliance	Improvement Strategies/Interventions	Outcome Measures and Timeline
Counseling as a Related Service		
<p>Counseling as a related service is not provided to students eligible for the program for students who are severely emotionally disturbed (SED).</p> <p>Counseling as a related service is not provided to students who need it to benefit from their special education services.</p> <p><i>In addition, concerns were noted in this area.</i></p>	<p>The TP/IEP teams for the identified students will reconvene to determine if reevaluation of student is warranted and to ensure that all required services are documented and provided.</p> <p>Staff will review the TP/IEPs of all students identified as SED; the TP/IEP teams for any SED students whose TP/IEPs do not include counseling as a related service must reconvene to address this need.</p> <p><i>The District may choose to develop strategies to address concerns noted in the body of this report.</i></p>	<p>Partial documentation was submitted to and accepted by the Bureau on December 7, 2005. Completed documentation is to be submitted by January 15, 2006.</p> <p>District report of self-assessment reveals compliance with targeted elements for 100% of the TP/IEPs reviewed.</p> <p>May 2006 November 2006</p>
Communication		
No findings of noncompliance in this area.		
Transition Services		
<p>TP/IEPs do not adequately address transition need and do not include all required transition components.</p> <p><i>In addition, there were concerns noted in this area.</i></p>	<p>Training and/or technical assistance regarding transition planning procedures will be incorporated into the general staff development for all institutional staff.</p> <p>Staff will conduct periodic record reviews of a sampling of TP/IEPs</p> <p><i>The District may choose to develop strategies to address concerns noted in the body of this report.</i></p>	<p>District report of training date(s).</p> <p>District report of self-assessment reveals compliance with targeted elements for 100% of the TP/IEPs reviewed.</p>

Findings of Noncompliance	Improvement Strategies/Interventions	Outcome Measures and Timeline
		May 2006 November 2006
Student Record Reviews		
<p>Nine findings of noncompliance resulted in funding adjustments (5 lack of change of placement, 2 lack of transition planning beginning at age 16, 2 lack of notice of TP/IEP meeting).</p> <p>46 TP/IEP teams must reconvene to address identified findings.</p>	<p>The TP/IEP teams for the identified students will reconvene to address identified findings.</p> <p>The identified noncompliant elements will be targeted in the DOC's TP/IEP training.</p> <p>Using protocols developed by the Bureau, staff will conduct semi-annual compliance reviews of a random sample of 15 TP/IEPs.</p>	<p>Documentation submitted to the Bureau and accepted December 8, 2005.</p> <p>District report of self-assessment reveals compliance with targeted elements for 100% of the TP/IEPs reviewed.</p> <p>May 2006 November 2006</p>

Appendix A:
ESE Monitoring Team Participants

**Florida Department of Education
Bureau of Exceptional Education and Student Services
2005 Monitoring
Department of Corrections**

ESE Monitoring Team Participants

Department of Education Staff

Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services
Eileen L. Amy, Administrator, ESE Program Administration and Quality Assurance
Kim C. Komisar, Program Director, ESE Program Administration and Quality Assurance

Barbara McAnelly, Program Specialist, Team Leader
Denise Taylor, Program Specialist
Angela Nathaniel, Program Specialist

Appendix B:
Regulatory Citations

**Florida Department of Education
Bureau of Exceptional Education and Student Services
2005 Monitoring
Florida Department of Corrections**

Regulatory Citations

Requirements related to exceptional student education are found in the Individuals with Disabilities Education Act, its implementing regulations in Title 34 of the Code of Federal Regulations, Florida statutes, and the Florida State Board of Education rules. The following legal provisions apply to the issues referenced in this report:

Related to IEP Team/Meetings

Title 34 Section 300.344(a) and (b), Code of Federal Regulations (CFR), Special Education, IEP Team states “(a) General. The public agency shall ensure that the IEP team for each child with a disability includes -... (4) A representative of the agency who – (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (ii) Is knowledgeable about the general curriculum; and (iii) Is knowledgeable about the availability of resources of the public agency...” and “(1) Under paragraph (a) (7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of – (i) The student’s transition services needs under § 300.347 (b) (1);”

34 CFR §300.345(b)(2)(i) and (3)(i), Parent Participation states “Indicate that the purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b);...” and “Indicate the purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);”

34 CFR 300.517(a)(2) Transfer of parental rights at age of majority states “All rights accorded to parents under Part B of the Act transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.”

34 CFR 300.533(a) Determination of needed evaluation states “Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the Act, a group that includes the individuals described in §300.344, as appropriate, shall -- ”

34 CFR 300.536 Reevaluation states “Each public agency shall ensure – (a) That the IEP of each child with a disability is reviewed in accordance with §300.340-300.350; and (b) That a reevaluation of each child, in accordance with §§300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child’s parent or teacher requests a reevaluation, but at least once every three years.”

Related to Content of the TP/IEPs

34 CFR §300.346(a)(2)(i) Development, review, and revision of the IEP states “Consideration of special factors. The IEP team also shall— (i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.”

34 CFR 300.347(a)(1)(i) Content of IEP states “The IEP for each child with a disability must include... (1) A statement of the child’s present levels of educational performance, including – (i) How the child’s disability affects the child’s participation in appropriate activities”

34 CFR 300.520 (b)Authority of school personnel states “ (1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under § 300.519, including the action described in paragraph (a) (2) of this section – (i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan. (ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and modify the plan and its implementation as necessary, to address the behavior. (2) As soon as practicable after developing the plan described in paragraph (b) (1) (i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address those interventions.”

Rule 6A-6.03028 (7), FAC, Development of Individual Educational Plans for Students with Disabilities, states “ (c) A statement of the specially designed instruction and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the classroom accommodations, modifications or supports for school personnel that will be provided for the student to advance appropriately toward attaining the annual goals; to be involved and progress in the general curriculum in accordance with paragraph (7) (a) of this rule; to participate in extracurricular and other nonacademic activities; and to be educated and participate with other students with disabilities and nondisabled students in the activities described in this paragraph... (e) A statement of any individual accommodations in the administration of the state or district assessments of student achievement that are needed in order for the student to participate in state or district assessments. A parent must provide signed consent for a student to receive instructional accommodations that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. Accommodations that negate the validity of a statewide assessment are not allowable in accordance with Section 1008.22(3) (c) 6, Florida Statutes. If the IEP team determines that the student will not participate in the Florida Comprehensive Assessment Test (FCAT) or district assessment of student achievement or part of an assessment, a statement of why that assessment is not appropriate for the student and how the student will be assessed. If a student does not participate in the FCAT, the district must notify student’s parent and provide the parent with information regarding the implications of such nonparticipation in accordance with Section 1008.22 (3), 6 Florida Statutes.”

Rule 6A-6.03312 (4), FAC, Discipline Procedures for Students with Disabilities states “ (a) The school district must notify the parent of the removal decision and provide the parent with a copy of the notice of procedural safeguards as referenced in Rule 6A-6.03311,FAC., on the same day as the date of the removal decision; (b) An IEP meeting must be held immediately if possible but in no case later than ten (10) school days after the removal decision to conduct a manifestation determination review as described in subsection (3) of this rule; (c) Services consistent with subsection (5) of this rule must be provided; (d) Either before or not later than ten (10) business days after either first removing the student for more than ten (10) school days in a school year or beginning with a removal that constitutes a change in placement: 1. If the school district did not conduct a functional behavioral assessment (FBA) and implement a positive behavioral intervention plan (PBIP) for the student before the behavior that resulted in the removal, the IEP team must meet to develop an assessment plan. 2. As soon as practicable after developing the assessment plan and completing the FBA, as prescribed in subparagraph (4)(d) 1., of this rule, the IEP team must meet to develop an appropriate PBIP to address the behavior and shall implement the PBIP. 3. If the student has a PBIP, the IEP team shall meet to review the plan and its implementation and revise the plan and its implementation as necessary to address the behavior.”

Related to Implementation of the TP/IEPs

34 CFR §300.350 (a) IEP accountability states “Provision of services. Subject to paragraph (b) of this section, each public agency must –(i) Provide special education and related services to a child with a disability in accordance with this child’s IEP;”

Related to General Administration: Policies, Procedures, and Practices

34 CFR §300.2(b)(2) Applicability of this part to State, local and private agencies states “...The provisions of this part --...(2) Are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether the agency is receiving funds under Part B.”

34 CFR §300.136(f) Personnel standards states “Use of paraprofessionals and assistants. A state may allow paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, in meeting the requirements of this part to be used to assist in the provision of special education and related services to children with disabilities under Part B of the Act.”

34 CFR §300.220(a) Consistency with State policies states “General. The LEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures and programs that are consistent with the State policies and procedures under §§300.121-300.156.”

Rule 6A-6.03411(3)(a)1, FAC, Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students states “To the maximum extent appropriate, students with disabilities, including those in public and private institutions or other facilities are educated with students who are not disabled;”

Related to Counseling as Related Service

34 CFR 300.24 (a) Related services states “As used in this part, the term *related services* means transportation and such development, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology, audiology services, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services...”

Rule 6.03016 (4), FAC, Special Programs for Students Who Are Emotionally Handicapped states “Criteria for eligibility for programs for severely emotionally disturbed... (d) Provides extensive support services specifically designed for severely emotionally disturbed students. These services include but are not limited to: 1. individual or group counseling, 2. parent counseling or education, and 3. consultation from mental health, medical or other professionals.

Related to the Communication Needs of Students with Disabilities

34 CFR 300.346 (a) Development, review, and revision of IEP states “(1) in developing each child’s IEP, the IEP team shall consider... (2) Consideration of special factors. The IEP team shall consider... (iv) The communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child’s language and communication needs, opportunities for direct communications with peers, and professional personnel in the child’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child’s language and communication mode.”

34 CFR §300.347(a) (2)(i)(ii), Content of the IEP A statement of measurable annual goals, including short-term objectives, related to – (i) Meeting the needs of the child that result from the child’s disability to enable the child to be involved in and progress in the general curriculum (i.e. the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and (ii) Meeting each of the child’s other educational needs that result from the child’s disability.”

Rule 6A-6.03028 (6), FAC, Development of Individual Educational Plans for Students with Disabilities states “ The IEP team shall consider the following in IEP development, review, and revision: (g) The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student’s language and communication needs, opportunities for direct communications with peers and professional personnel in the student’s language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student’s language and communication mode.

Related to Transition from School to Post-school Living

34 CFR 300.344 (b), IEP Team states “(1) Under paragraph (a) (7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of – (3) (i) In implementing the requirements of § 300.347 (b) (2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.”

Rule 6A.6.03028 (3)(b)(2), FAC, Development of Individual Educational Plans for Students with Disabilities “For Students with a disability, beginning at age 16 (or younger if determined appropriate by the IEP team), the notice must indicate that a purpose of the meeting is the consideration of needed transition services for the student as required in paragraph (7)(i) and (j) of this rule, indicate that the school district will invite the student, and indicate any other agency that will be invited to send a representative.”

Related to the Student Record Reviews

Links to the full text of the following IDEA Regulations and State Board of Education Administrative Rules related to IEPs are available on the Bureau website at www.firn.edu/doe/commhome/linkhome.htm

34 CFR 300.340-300.350 describe the requirements related to IEPs for students with disabilities, including: §300.340, definitions related to IEPs; §300.341, responsibility of SEA and other public agencies for IEPs; §300.342, when IEPs must be in effect; §300.343, IEP meetings; §300.344, IEP team; §300.345, parent participation; §300.346, development, review, and revision of IEPs; §300.347, content of IEPs; §300.348, agency responsibilities for transition services; §300.349, private school placements by public agencies; and, §300.350, IEP accountability.

Rule 6A-6.03028, FAC, Development of Individual Educational Plans for Exceptional Students, states that “An Individual Educational Plan (IEP) or an Individual Family Support Plan (IFSP) must be developed, reviewed, and revised for each eligible child with a disability served by a school district or other state agency that provides special education and related services either directly, by contract, or through other arrangements, in accordance with this rule...” The rule includes requirements related to: (1) the role of parents; (2) definitions; (3) parent participation for students with disabilities; (4) IEP team participants; (5) timelines; (6) considerations in IEP development, review, and revision for students with disabilities; (7) contents of the IEP for students with disabilities; (8) transition services for students beginning at age sixteen (or younger, if determined appropriate by the IEP team); (9) transition of children with disabilities from the infants and toddlers early intervention program to prekindergarten programs that provide specially designed instruction and related services operated by the school district; (10) review and revision of the IEP; (11) IEP implementation and accountability; and, (12) students with disabilities placed in private schools or community facilities through contractual arrangements by the school district.

Appendix C:
Student Record Reviews

**Florida Department of Education
Bureau of Exceptional Education and Student Services
2005 Monitoring
Florida Department of Corrections**

Student Record Reviews

A total of 24 records of students with disabilities randomly selected from the population of ESE students were reviewed prior to the on-site visit. The records were from 17 institutions within the Department of Corrections. All 24 represented transition IEPs for students aged 14 or older. Targeted or partial reviews of 40 additional records were conducted on-site in conjunction with student case studies and to collect information related to additional compliance areas designated by the Bureau. For nine of the records reviewed, adjustments to federal funding will be made for lack of notice of TP/IEP meetings, lack of transition planning, and lack of notice of change of placement.

To be determined systemic in nature, an item must be found noncompliant in at least 25% of the records reviewed. For the DOC, at least seven of the TP/IEPs must have been noncompliant on a given item to be considered a systemic finding. For 11 of the 24 TP/IEPs more than 50% of the goals were not measurable, and TP/IEP teams must be reconvened to address this finding. The DOC was notified of the specific students requiring reconvened TP/IEP meetings in a letter dated September 14, 2005.

Systemic findings were made in the following areas:

- lack of evidence of consideration of the need for instruction in self-determination (24)
- lack of evidence of accessibility of IEP to teachers and service providers (24)
- lack of an identified IEP team member responsible for transition follow-up (24)
- lack of documentation related services specific to transition are addressed (24)
- lack of frequency for accommodations and/or modifications (14)
- lack of evidence of consideration of initial or most recent evaluation results (13)
- lack of notification of meeting participants (12)
- lack of a statement indicating how the student's disability affects involvement and progress in the general curriculum (12)
- lack of measurable annual goals (11)
- lack of two attempts to involve the student in the TP/IEP development (9)
- lack of community experiences addressed as a transition service (9)
- lack of post-school adult living services addressed as a transition service (7)
- lack of present levels of performance and annual goals and short-term objectives supporting services identified on the IEP (7)

Individual or non-systemic findings were noted in 25 additional areas.

In summary, there were nine student records for which federal funding adjustments will be made, 13 systemic findings of noncompliance on TP/IEPs for students with disabilities and non-systemic findings in an additional 25 areas.

Appendix D:
Glossary of Acronyms

Glossary of Acronyms

BIP	Behavior Intervention Plan
Bureau	Bureau of Exceptional Education and Student Services
CFR	Code of Federal Regulations
CI	Correctional Institution
CIP	Continuous Improvement Plan
CDLN	Corrections Distance Learning Network
DOC	Department of Corrections
DOE	Department of Education
EH	Emotionally Handicapped
ESE	Exceptional Student Education
F.S.	Florida Statutes
FAC	Florida Administrative Code
FAPE	Free Appropriate Public Education
FBA	Functional Behavioral Assessment
FCAT	Florida Comprehensive Assessment Test
FERPA	The Family Educational Rights and Privacy Act
FIN	Florida Inclusion Network
FSP	Florida State Prison
GE	General Education
GED	General Educational Development diploma
IDEA	Individuals with Disabilities Education Act
IEP	Individual Educational Plan (for students with disabilities)
IRCI	Indian River Correctional Institution
LEA	Local Educational Agency
OCR	Office of Civil Rights
OJT	On-the-Job Training
OSEP	Office of Special Education Programs
PBS	Florida's Positive Behavioral Support Project
SED	Severely Emotionally Disturbed
SIP	System Improvement Plan
S/L	Speech and Language
TABE	Tests of Adult Basic Education
TP/IEP	Transition Plan/Individual Educational Plan
USC	United States Code