

FINAL REPORT OF FINDINGS OF
EXCEPTIONAL STUDENT EDUCATION PROGRAMS IN

DEPARTMENT OF CORRECTIONS

JUNE AND JULY, 2004

BREVARD CORRECTIONAL INSTITUTION
CHARLOTTE CORRECTIONAL INSTITUTION
HAMILTON CORRECTIONAL INSTITUTION AND ANNEX
LAKE CITY CORRECTIONAL FACILITY
LOWELL CORRECTIONAL INSTITUTION



FLORIDA DEPARTMENT OF EDUCATION
BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES
ESE PROGRAM ADMINISTRATION AND QUALITY ASSURANCE

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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July 12, 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 Findings of Exceptional Student Education Programs at selected correctional facilities. The report from our visits during June and July of 2004 includes a format for the system improvement plan to be developed 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 31 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
July 12, 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 a large initial "B" and "L".

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

Enclosure

cc: John Howle
Evy Friend
Kim Komisar

Department of Corrections Monitoring Report

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

**Department of Corrections
Monitoring
June and July 2004**

Executive Summary

The Florida Department of Education, Bureau of Exceptional Education and Student Services, in collaboration with the Department of Corrections (DOC), conducted an on-site review of the exceptional student education programs at selected correctional facilities during June and July of 2004. The purpose of these monitoring visits was to ensure compliance with federal and state laws, rules, and regulations regarding exceptional student education programs, as well as to assess the implementation of procedures related to the requirements. In addition, the monitoring process is intended to assist in the development of improvement plans related to compliance and implementation of exceptional student education programs designed to promote student educational outcomes. Angela Nathaniel, Special Education Administrator at the time of the visit, and Amy Yarbrough-Coltharp, Special Education Program Specialist, provided assistance with the coordination and acted as the points of contact with the DOC during the monitoring visit.

Summary of Findings

General Supervision

- There were findings of noncompliance related to
 - exceeding the maximum student-to-teacher ratios for academic and vocational courses at some facilities
 - provision of prior written notice of change of placement
 - reevaluation process.
- A concern was noted that
 - not all students with disabilities were aware of or reported understanding their rights related to educational services.
- The DOC is required to
 - review its current staffing patterns; develop and implement a plan to ensure that sufficient staff are available to comply with student-to-teacher ratios in all classes
 - develop and implement a system of targeted technical assistance and self-assessment related to change of placement and the reevaluation process.
- The DOC is encouraged to
 - develop and implement a plan to ensure that students with disabilities understand their rights
 - develop and implement a program of professional development to address on-going training of staff regarding services to students with disabilities.

Special Education Services

- There were findings of noncompliance related to
 - services based administrative convenience rather than on the individual needs of the student
 - availability of necessary supports at on-the-job training (OJT) settings
 - scheduling of IEP meetings for inmates in close management that do not allow for student participation
 - IEPs not implemented for students in confinement.
- The DOC is required to
 - develop and implement a system of targeted technical assistance and self-assessment related to
 - development of IEPs that reflect the individual needs of the students; type and amount of services may not be based on administrative convenience
 - provision of necessary supports to students in OJT settings
 - ensuring IEP meetings are scheduled at a time and location that allows for participation by the student
 - provision of educational services to students held in confinement, sufficient to allow them to achieve their annual goals.

Curriculum

- There were findings of noncompliance related to
 - implementation of instructional and testing accommodations in accordance with the IEP
 - access to vocational programs
- A concern was noted that
 - there was no evidence that the need for accommodations was addressed by some IEP teams
- The DOC is required to
 - develop and implement a system of targeted technical assistance and self-assessment related to determining and implementing instructional and testing accommodations
 - review guidelines for enrollment in vocational programs; ensure that policies reflect enrollment based on student need and IEP team decision

Additional Compliance

- There were findings of noncompliance related to
 - communication needs of students (i.e., identification of need; documentation on the IEP)
 - counseling as a related service (i.e., identification of need; documentation on the IEP)
- The DOC is required to
 - develop and implement a system of targeted technical assistance and self-assessment related to
 - determining the need for instruction and/or assistance in communication, for students not eligible for speech or language impaired programs
 - determining the need for educationally relevant counseling as a related service

Instructional Assistants

- No findings of noncompliance or concerns were noted.

Student Record Reviews

- There were systemic findings of noncompliance (evident in 25% or more of records reviewed) on eight components of the IEP process
- There were individual or non-systemic findings of noncompliance on 25 additional components of the IEP process
- The DOC is required to
 - provide targeted technical assistance on all components of the IEP process, with particular attention to findings of noncompliance
 - conduct a self-assessment of 25 IEPs to determine compliance, using protocols developed by the Bureau.

Agency Forms Review

- Findings were noted on 11 forms, and recommendations were made regarding four forms.
- All required revisions were submitted to the Bureau and approved, prior to the dissemination of this report.

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. 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, is provided with this executive summary.

During the course of conducting the monitoring activities 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 DOC in the development and implementation of the plan are included at the end of this report.

Department of Corrections Monitoring System Improvement Strategies

This section includes the issues identified by the Bureau as most significantly in need of improvement. The DOC is required to provide system improvement strategies to address identified findings, which may include an explanation of specific activities the DOC 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 for more than one year should include benchmarks in order to track interim progress.

Category	Findings of Noncompliance	ESE	All	System Improvement Strategy	Evidence of Change (Including target date)
General Supervision	<p>The 21:1 student-to-teacher ratio in an academic class at Hamilton Correctional Institution Annex exceeded the allowable ratio of 18:1.</p> <p>The 29:1, 28:1 and 22:1 student-to-teacher ratio in academic classes at Brevard Correctional Institution exceeded the allowable ratio of 18:1.</p> <p>The 21:1 student-to-teacher ratio in the <i>Basic Cabinetmaking</i> class at Hamilton Correctional Institution exceeded the allowable ratio of 15:1.</p> <p>The 19:1 student-to-teacher ratio in the <i>Masonry</i> and <i>Electronics Technology</i> classes exceeded the allowable ratio of 15:1.</p>		X	<p>Review current staffing patterns and ESE populations; revise to ensure sufficient staff to meet the educational needs of students with disabilities in accordance with 34 CFR §300.550(b) and established DOC procedures found at 501.106, <i>Academic Education Programs</i>, and 502.001 <i>Workforce Development Programs for Inmates</i>.</p> <p>Develop and implement a system of targeted technical assistance and self-assessment related to the requirements related to the provision of informed notice of change of placement and the reevaluation process.</p>	<p>DOC report of self-assessment and report of staffing patterns reveals 100% compliance in targeted areas.</p> <p>November 2005 May 2006</p>

Category	Findings of Noncompliance	ESE	All	System Improvement Strategy	Evidence of Change (Including target date)
General Supervision (continued)	<p>The 28:1, 24:1 and 25:1 student-to teacher ration in academic classes at Lake City Correctional Facility</p> <p>Lack of prior written notice of change of placement</p> <p>Multiple findings of noncompliance regarding the timeliness, required participants, and procedures related to reevaluation.</p> <p>Recommendations in this area are included in the body of the report.</p>				
Special Education Services	<p>Amount of specially designed instruction and related services indicated on the IEP not consistently based on the individual needs of the student.</p> <p>Some students in OJT placements are not provided needed specially designed instruction and related services.</p> <p>IEP team meetings for students in close management at Charlotte Correctional Institution are not scheduled in a way to allow for student participation.</p>	X		<p>The DOC will develop and implement a system of targeted technical assistance and self-assessment related to</p> <ul style="list-style-type: none"> • provision of specially designed instruction and related services in accordance with individual student need; type and amount of services may not be based on administrative convenience • provision of sufficient special education services to support students with disabilities in OJT assignments 	<p>DOC to submit</p> <ul style="list-style-type: none"> • training agendas and materials • plan for routine monitoring and self-assessment of targeted areas. <p>DOC report of self-assessment (10 randomly selected IEPs per targeted area from facilities addressed in this report) reveals 100% compliance in targeted areas.</p> <p>November 2005 May 2006</p>

Category	Findings of Noncompliance	ESE	All	System Improvement Strategy	Evidence of Change (Including target date)
Special Education Services (continued)	Some students in confinement are not provided specially designed instruction and related services required by their IEPs.			<ul style="list-style-type: none"> • provision of educational services to students held in confinement to allow them to achieve their annual goals <p>IEP meetings for students in close management at Charlotte Correctional Institution will be held in locations where students with disabilities are able to attend.</p>	
Curriculum	<p>Lack of consistent implementation of instructional accommodations in accordance with the IEP</p> <p>Lack of consistent implementation of accommodations for standardized testing in accordance with the IEP.</p> <p>Access to vocational programs denied to some students based on achievement levels.</p>	X		<p>Develop and implement a system of targeted technical assistance and self-assessment related to the use of instructional and testing accommodations.</p> <p>Review guidelines for vocational program enrollment of students with disabilities and ensure policies reflect “open enrollment” based on student need and IEP team decision.</p>	<p>DOC to submit</p> <ul style="list-style-type: none"> • training agendas and materials. <p>DOC report of self-assessment (10 randomly selected IEPs per targeted area from facilities addressed in this report) reveals 100% compliance in targeted areas.</p> <p>November 2005 May 2006</p> <p>DOC report of vocational enrollment for the fiscal year will reflect an increase of 10% for each of the next two years.</p>

Category	Findings of Noncompliance	ESE	All	System Improvement Strategy	Evidence of Change (Including target date)
Additional Compliance	<p>Communication needs of students with disabilities are not consistently addressed (i.e., Lake City Correctional Facility) and are not consistently documented on the IEP.</p> <p>Counseling as a related service is not consistently documented on the IEPs of students who need and/or receive it.</p>	X		<p>Develop and implement a system of targeted technical assistance and self-assessment related to</p> <ul style="list-style-type: none"> • determining the need for the need for educationally relevant counseling as a related service; documenting this on the IEP • determining a student's need for assistance with communication; documenting this on the IEP 	<p>DOC to submit</p> <ul style="list-style-type: none"> • training agendas and materials. <p>DOC report of self-assessment (10 randomly selected IEPs per targeted area from facilities addressed in this report) reveals 100% compliance in targeted areas.</p> <p>November 2005 May 2006</p>
Instructional Assistants	No findings of noncompliance in this area.				
Record Reviews	<p>Systemic findings of noncompliance were identified in the following eight areas:</p> <ul style="list-style-type: none"> • interpreter of instructional implications not identified • inadequate present level of educational performance statements • functional vocational evaluation was not addressed in transition • more than 50% of the goals not measurable • lack of a location for accommodations • lack of frequency for accommodations 	X		<p>The DOC will be required to target these elements in its training on IEP development and conduct a self-evaluation using protocols developed by the Bureau to ensure compliance.</p>	<p>DOC report of self-assessment of 25 IEPs randomly selected from the facilities addressed in this report reveals 100% compliance in targeted areas.</p> <p>November 2005 May 2006</p>

Category	Findings of Noncompliance	ESE	All	System Improvement Strategy	Evidence of Change (Including target date)
Record Reviews (continued)	<ul style="list-style-type: none"> no evidence the IEP was provided to the student for students not in attendance at the IEP meeting behavioral strategies not considered for student whose behavior impedes learning <p>Individual or nonsystemic findings of noncompliance were identified in 25 additional areas.</p>				
Forms Review	<p>The following forms require revision to demonstrate compliance:</p> <ul style="list-style-type: none"> <i>Notification of Individualized Education Plan Meeting</i> <i>Notice and Consent for Initial Placement</i> <i>Informed Notice and Consent for Evaluation</i> <i>Informed Notice and Consent for Reevaluation</i> <i>Notification of Change of Placement</i> <i>Notification of Change of FAPE</i> <i>Informed Notice of Refusal</i> <i>Documentation of Staffing</i> <i>Informed Notice of Dismissal</i> <i>Notice of Ineligibility</i> <i>Annual Notice of Confidentiality</i> 	X		Revisions were made and forms were submitted to the Bureau for review prior to the dissemination of this report.	All forms submitted and approved by the Bureau in a letter dated December 16, 2004

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 and state agencies 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) services 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; 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 Act (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 and state agencies are required to make a good faith effort to assist students 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 the Bureau is responsible for ensuring that the requirements of the IDEA are carried out and that each educational program for students with disabilities administered in the state meets the educational requirements of the state (34 CFR 300.600(a)(1) and (2)).

During June and July of 2004, 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). Angela Nathaniel, Special Education Administrator at the time of the visit, 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.

The monitoring procedures reflect the Department of Education's continuing commitment to conduct those activities necessary to ensure compliance with applicable federal and state laws, rules, and regulations.

Monitoring Activities

The monitoring activities were conducted by Bureau staff. DOC staff assisted through the preparation of activities at each facility, recording the comments of focus group participants, and assisting in conducting interviews with inmates in close confinement. Separate focus groups were conducted for students with disabilities who were participating in academic or vocational education and for students with disabilities participating in on-the-job placement settings.

Interviews were conducted with four central office administrative staff, four education supervisors, four placement and testing specialists, 12 ESE teachers, 14 general education teachers, two paraprofessionals, and 20 students with disabilities, in addition to those students who participated in the focus groups.

Facilities were selected for on-site visits based on review of data related to the number of inmates with disabilities enrolled in academic, vocational and on-the-job training programs, number of inmates with disabilities receiving General Educational Development diplomas, grade level gains of inmates with disabilities, and the number of inmates receiving disciplinary referrals within the educational setting. DOC and Bureau staff collaborated in selecting the following correctional facilities for on-site visits:

- Brevard Correctional Institution
- Charlotte Correctional Institution
- Hamilton Correctional Institution and Annex
- Lake City Correctional Facility – Private
- Lowell Correctional Institution

Bureau staff members conducted a compliance review of student records that were randomly selected from the population of students with disabilities from the above noted institutions. A total of 31 student records were reviewed from the five facilities. An additional 20 records were reviewed during the site visits.

Reporting Process

Interim Reports

Preliminary findings and concerns are shared with DOC staff participating on the monitoring visit at the time of these visits. Within 30 days of the final site visits, Bureau administrative staff conducts a telephone conference with the Special Education Administrator to review major findings.

Preliminary Report

Subsequent to the on-site visit, Bureau staff prepare a written report. The report is sent to the DOC Special Education Administrator. The administrator will have the opportunity to discuss and clarify with Bureau staff any concerns regarding the report before it becomes final.

Final Report

Upon final review and revision by Bureau staff based on input from the Special Education Administrator, the final report is issued. The report is sent to the DOC, and is posted to the Bureau's website at www.firn.edu/doe/commhome/mon-home.htm.

Within 30 days of the DOC's receipt of the final report, the system improvement plan (SIP), including activities targeting specific findings, must be submitted to the Bureau for review. In collaboration with Bureau staff, the DOC is encouraged to develop methods that integrate activities in order to utilize resources, staff, and time in an efficient manner in order to improve outcomes for students with disabilities. Upon approval of the system improvement plan, the plan is posted on the website noted above.

Reporting of Information

General Supervision

This section provides information related to the development and implementation of policies and procedures designed to ensure compliance with all state and federal requirements regarding educational services to students with disabilities in correctional facilities operated by the Florida Department of Corrections (DOC). Areas addressed include: administration of educational programs; the use of qualified personnel; provision of the notice of procedural safeguards to eligible inmates with disabilities; and, established procedures for providing prior written notice and for conducting reevaluations.

Note: In accordance with 34 CFR 300.517(a)(2), all rights accorded to parents under Part B of the IDEA transfer to students who are incarcerated in an adult or juvenile, state or local correctional institution. For the purposes of this report, “incarcerated student” is used in discussions of regulations that include the term “parent” in the original.

Requirements

In accordance with Section 300.2(a)(1)(iv) of the Code of Federal Regulations, the requirements of the IDEA apply to state and local juvenile and adult correctional facilities. Information related to personnel standards is provided at 34 CFR 300.136, which requires suitable qualifications for personnel providing special education and related services under the IDEA. Florida’s requirements for instructional personnel, including staff training to ensure effective instruction, are addressed in Chapter 1012, FAC.

The DOC has established student-to-teacher ratios for academic and vocational programs. Department of Corrections Procedure 501.106, *Academic Education Programs*, allows for a student-to-teacher ratio of 18:1 in academic classes and Department of Corrections Procedure 502.001, *Workforce Development Education for Inmates*, allows for a student-to-teacher ratio in vocational classes of 15:1.

Section 944.801(3)(i), FAC, *Education for state prisoners*, requires that every inmate who has 2 years or more remaining to serve on his or her sentence at the time that he or she is received at an institution and who lacks basic and functional literacy skills as defined in section 1004.02, FAC., attends not fewer than 150 hours of sequential instruction in a correctional adult basic education program. The basic and functional literacy level of an inmate must be determined by the average composite test score obtained on a test approved for this purpose by the State Board of Education.

In addition, section 944.801(5), FAC, states that all inmates under 22 years of age who qualify for special educational services and programs pursuant to the IDEA and who request a due process hearing as provided by that act shall be entitled to such hearing before the Division of Administrative Hearings.

Section 300.504, Title 34, CFR, requires that a notice of procedural safeguards are provided, at a minimum, upon each notification of an IEP meeting, upon reevaluation, and upon receipt of a

request for a due process hearing. The notice must be written in language understandable to the general public and ensure that the notice is translated orally and that the incarcerated student understands the content of the notice (34 CFR 300.503(c)).

Prior written notice must be given to the incarcerated student a reasonable time before the agency proposes or refused to initiate or change the identification, evaluation, educational placement, or provision of FAPE to the student. Educational placement under the IDEA refers to time with nondisabled peers (i.e., the extent to which a student is removed from the general educational environment in order to receive specially designed instruction).

A reevaluation of a student with a disability served under the IDEA must be conducted at least every three years, or more often if determined necessary by the incarcerated student, or the student's teacher (34 CFR 300.536). The reevaluation process requires that a group of qualified professionals review existing data on the student and, with input from the student, determine if additional data is required to establish if the student continues to be a student with a disability and whether any additions or modifications to the special education and related services are needed (34 CFR 300.533). If it is determined that administration of a formal assessment is needed, then the student must provide written consent for that assessment. Written consent is not required prior to administering a test or other evaluation that is administered to all students (34 CFR 300.505).

Data

At the time of the visits, all ESE teachers at Brevard, Hamilton, and Lowell Correctional Institutions were reported to be certified in special education. Lake City Correctional Facility had two certified ESE teachers and one working out-of-field, while Charlotte Institution had two ESE teachers with temporary certification working towards permanent certification. Academic and vocational staff certification varied by institution from fully certified personnel to teachers in the process of receiving temporary certification.

DOC administrative staff reported that annual training targeting specific needs is provided (e.g., TP/IEP development), in addition to compliance monitoring updates. The majority of teachers interviewed reported participating in staff development activities (9 of 12 ESE [75%] and 10 of 13 general education [77%]). Some respondents, including teachers, education supervisors, and placement and testing specialists, indicated that fewer training opportunities were available during the 2003-04 fiscal year than had been available in previous years, due to travel restrictions and changes in administrative policy allowing for such training opportunities.

Education supervisors and general education teachers reported that ESE teachers provide strategies and support to assist them in meeting the needs of the students with disabilities, with communication among staff generally occurring through informal contacts (e.g., conversations over lunch or on an "as needed" basis). Respondents from all facilities visited reported a desire for more such opportunities, and general education teachers at Brevard Correctional Institution expressed concern that there is little time for collaboration among teachers and too few teachers for the number of students served.

The class enrollments at some facilities exceeded the allowable student-to-teacher ratios. Specifically:

- Hamilton Correctional Institution
 - 21:1 in *Basic Cabinetmaking* classroom
- Hamilton Correctional Institution Annex
 - 21:1 in *Mandatory Literacy Program (MLP)/Adult Basic Education (ABE)/General Educational Development (GED)* classroom
- Brevard Correctional Institution
 - 29:1 in *MLP/ABE* classroom
 - 28:1 in *MLP/ABE/GED* classroom
 - 22:1 in *ABE/GED* classroom
 - 19:1 in *Masonry* classroom
 - 19:1 in *Electronics Technology* classroom
- Lake City Correctional Facility
 - 29:1 in *MLP/ABE* classroom
 - 25:1 in *MLP/ABE/GED* classroom
 - 24:1 in *ABE/GED* classroom

A total of 51 records from among the five facilities visited were reviewed for compliance (31 selected at random prior to the visits and 20 reviewed on-site). All records (100%) included documentation of receipt of a notice of procedural safeguards by the students in question. In contrast, during the interview process nine of the 20 students interviewed (45%) reported that they did not receive an explanation of their rights and two (10%) reported receiving a copy of the notice without any explanation of the content. Conflicting information was reported from all institutions. Some of the students reported that they did not know they had any rights, others reported that they had been informed of their rights but did not understand them, and still others reported that their rights had been explained to them and that they understood them.

During interviews with facilities staff, the term “change of placement” commonly was used to refer to the student’s choice to be in academic or vocational classes, as opposed to a change in the amount of time the student is removed from the general educational environment. During the reviews of 51 IEPs conducted prior to and during the visits, there were 16 records that reflected a change in placement (i.e., time with nondisabled peers) for which no prior notice of change of placement was provided.

The Special Education Administrator reported that the reevaluation process needs to be addressed during training, as there is confusion among staff regarding the appropriate steps in the reevaluation process. This was supported by the review of records conducted prior to the visit, which included findings of noncompliance related to the required timeline for reevaluation, participants for the IEP team conducting the reevaluation, adult student participation in the process, consent for formal evaluation, and documentation of the results of assessment. A desk review of 31 records documented five without a reevaluation conducted within the appropriate timeline.

Findings

- **Findings of Noncompliance**
 - Multiple instances of violations of the required maximum student-to-teacher ratios for academic and/or vocational courses at Hamilton Correctional Institution Annex; Brevard Correctional Institution, Lake City Correctional Facility, and Hamilton Correctional Institution
 - Prior written notice of change of placement was not provided to students.
 - Multiple findings of noncompliance regarding the timeliness, required participants, and procedures related to reevaluation process.

- **Areas of Concern**
 - Not all students with disabilities were aware of or reported understanding their rights related to educational services.

- **Corrective Actions**
 - Review current staffing patterns and ESE populations; revise to ensure sufficient staff to meet the educational needs of students with disabilities in accordance with 34 CFR §300.550(b) and established Department of Corrections Procedures 501.106 Academic Education Programs and 502.001 Workforce Development Programs for Inmates.
 - Develop and implement a system of targeted technical assistance and self-assessment related to
 - provision of prior written notification of change of placement
 - implementation of the reevaluation process, including appropriate documentation.

- **Recommendations**
 - Develop and implement a plan to ensure that the rights of students with disabilities are explained to and understood by the students; include a system of documentation.
 - Develop and implement a program of professional development plan to ensure that the training and instructional needs of staff regarding services to students with disabilities are addressed.

Special Education Services

This section provides information regarding special education services provided to students with disabilities served through the DOC. This includes the manner in which decisions are made regarding the specific services to be provided (e.g., transition services), service delivery models, and placement.

Requirements

In accordance with 34 CFR 300.26 (a) special education is “(1)... specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including- (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings... (2) The term includes ... (iii) vocational education.” Specially designed instruction is defined at 34 CFR 300.26(b)(3)(ii) as “...adapting, as appropriate to the needs of an eligible

child, the content, methodology, or delivery of instruction...to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.” In addition, 34 CFR 300.305 requires that each public agency take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to all nondisabled students served by the agency.

Data

Services were provided to the majority students with disabilities through a consultative model at all facilities visited. ESE teachers consulted with the students as well as with the general education teachers. In addition, most facilities provided varying amounts of one-on-one and/or small group direct instruction. Sixteen of the 20 students with disabilities interviewed and the majority of students with disabilities participating in the focus groups reported that special education services and/or accommodations were helpful to them; however eight of those 16 students with disabilities did not know who their ESE teacher was and had no recollection of being provided specific individual instruction, small group instruction or consultative services.

Based on record reviews, Lake City Correctional Facility had the greatest amount of scheduled, direct instruction provided to students with disabilities. For the eight students at this facility whose IEPs were reviewed, the amount of services provided by an ESE teacher ranged from three hours per month to three hours per week of direct instruction. Interviews with teachers and students at this facility confirmed the provision of scheduled services. The sampling of records from Brevard Correctional Institution revealed the least amount of scheduled services, with the majority of IEPs reviewed providing for 15 minutes per month of consultation by an ESE teacher, regardless of student’s present level of performance and identified needs. Staff at Brevard Correctional Institution reported that on-going vacancies both for general education and special education teachers hinder the provision of services to students with disabilities. IEPs reviewed at both Charlotte and Hamilton Correctional Institutions included only one to two hours per month of direct instructional services by ESE teachers, although Hamilton Correctional Institution had one ESE teacher providing no direct or consultative services to students with disabilities.

Eleven of the 20 students with disabilities interviewed (55%) reported participating on-the-job (OJT) training assignments; five reported receiving special education assistance in the job setting, while six did not. One case study student had OJT with consultation as the special education service on the IEP; however, the student reported that he had never been to the education area to meet with the ESE teacher nor had the ESE teacher been to his job setting.

In addition to services documented on the IEPs, both staff and students reported that most ESE teachers have an “open door” policy and are available to assist students whenever they seek assistance. The practice of assisting students on an “as-needed” basis rather than committing to more extensive services on students’ IEPs raises the concern that IEP teams have not adequately identified the service needs of the students. The use of an “open door” services policy lends itself to conflicting documentation between identified services on the IEP and actual service provision.

With the exception of Charlotte Correctional Institution, most students with disabilities were present at their IEP meetings. At Charlotte Correctional Institution no student with a disability attended his IEP meeting. The ESE teachers reported that this was due to the nature of the close management units; however, the education supervisor reported that students with disabilities could be present, as the meetings could be held in the close management units. Focus group participants and students who were interviewed stressed that their wishes had been taken into consideration during the development of the IEP, although the most commonly identified request not addressed was participation in a vocational program. One student interviewed at Brevard Correctional Institution indicated that he wanted to be in school, academic or vocational, but was in an OJT setting and was not receiving any instructional services.

Thirteen of the 20 students interviewed reported having been placed in temporary confinement during the past year. Of those, seven reported receiving no assignments or instruction during the periods of confinement and four reported receiving assignments that were unrelated to the academic or vocational programs they were enrolled in prior to confinement. In contrast, ESE teachers reported routine visits to confinement with educational materials, but admitted that often students would be asleep and they would leave the materials without any discussion or review with the student.

Findings

- **Findings of Noncompliance**
 - Amount of specially designed instruction and related services indicated on the IEP not consistently based on the individual needs of the student.
 - Some students in OJT placements are not provided needed specially designed instruction and related services.
 - IEP team meetings for students in close management at Charlotte Correctional Institution are not scheduled in a way to allow for student participation.
 - Some students in confinement are not provided specially designed instruction and related services required by their IEPs.

- **Corrective Actions**
 - Develop and implement a system of targeted technical assistance and self-assessment related to
 - development of IEPs that reflect the individual needs of the students provision
 - provision of special education services to students with disabilities in OJT assignments
 - scheduling of IEP meetings at Charlotte Correctional Institution to be held in locations where students with disabilities are able to attend
 - provision of educational services to students held in confinement, sufficient to allow them to achieve their annual goals

Curriculum

This category refers to the course content available to students with disabilities served through the DOC. It includes the manner in which those students are provided access to academic and vocational curricula as well as to the resources provided to promote this access.

Requirements

In accordance with 34 CFR 300.26 (a) special education is “(1)... specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including- (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings... (2) The term includes ... (iii) vocational education.”

Specially designed instruction is defined at 34 CFR 300.26(b) as “...adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction (i) to address the unique needs of the child that result from the child’s disability...” Vocational education is defined as “...organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career...” (34 CFR 300.26(b)(5)).

In addition, 34 CFR 300.305 requires that each public agency take steps to ensure that students with disabilities have available to them the variety of educational programs and services available to all nondisabled students served by the agency.

Section 944.801(3)(i), FAC, *Education for State Prisoners*, requires that every inmate who has 2 years or more remaining to serve on his or her sentence at the time that he or she is received at an institution and who lacks basic and functional literacy skills as defined in section 1004.02, FAC., attends not fewer than 150 hours of sequential instruction in a correctional adult basic education program.

Section 1004.91, F.S., requires that “...(1) The State Board of Education shall adopt, by rule, standards of basic skill mastery for certificate career education programs. Each school district and community college that conducts programs that confer career credit shall provide career-preparatory instruction through which students receive the basic skills instruction required pursuant to this section.

Data

Staff and students reported that all students with disabilities participate in the general curriculum with nondisabled peers and that modifications to the general curriculum are made to meet students’ needs. Teachers at all facilities reported that they are informed about general curriculum standards and that they assist students with needs related to those standards. Curriculum for all students in the five facilities consists primarily of basic literacy, Adult Basic Education (ABE), and General Educational Development (GED) programs. Teachers indicated that curriculum programs follow the DOE Division of Community College and Workforce Innovation standards for ABE and GED instruction.

Interviewees reported that involvement by students with disabilities in vocational programs is limited; this was supported by the record reviews. Involvement in on-the-job (OJT) settings exceeded vocational program enrollment. Of the 51 IEPs reviewed (31 prior to the on-site visits; 20 during the on-site visits), 34 represented students in academic programs (67%), 10 represented students in OJT settings (20%), and seven represented students in vocational programs (13%). While vocational programs are offered at all facilities visited except Charlotte

Correctional Institution and staff at the remaining facilities reported that vocational programs are available to all students, focus group participants reported being told they needed to increase reading and math scores prior to placement in the vocational programs.

A wide variety of instructional accommodations were evident through observations and record reviews at all the facilities visited, with the exception of Charlotte Correctional Institution. IEPs at that facility generally reflected fewer accommodations due to the facility's security structure and the lack of general education classroom settings for the provision of education. Eight students reported not getting the accommodations listed on their IEPs (e.g., varied instructional materials, peer tutor, reduced distractions and written cues).

The students who were interviewed reported that the facilities do a good job of providing individualized material on the students' instructional level for all students, not just students with disabilities. General education teachers reported that they provide accommodations to students with disabilities. Classroom visits confirmed the use of accommodations in all general education classes. The general education teachers were knowledgeable about the students with disabilities assigned to their classes.

Students who were interviewed reported that they do better with their academic skills when instruction is provided in small groups and many reported that they do not meet frequently enough in small groups with their ESE teachers. When probed as to the reason they did not meet enough, most of the student respondents indicated there were not enough ESE teachers to meet as often as the students felt they needed. Eighteen of the students interviewed (90%) indicated that their ESE services were helping them to do better in school.

Regarding the use of assessment accommodations, most students' IEPs did not indicate students would receive accommodations during standardized tests (GED and TABE), and the testing accommodations that were documented on IEPs may not have been provided consistently, as only ten of the 20 students interviewed reported receiving accommodations during testing situations. Students indicated such accommodations as flexible schedules, frequent breaks, and flexible settings were not provided. However, almost all of the student interviewees and focus group students with disabilities indicated that they are allowed extra time to finish tests, if they asked for it.

Findings

- **Findings of Noncompliance**
 - Lack of consistent implementation of instructional accommodations in accordance with the IEP.
 - Lack of consistent implementation of accommodations for standardized testing in accordance with the IEP.
 - Access to vocational programs denied to some students based on achievement levels.

- **Areas of Concern**
 - Lack of evidence that assessment accommodations were considered by the IEP teams for some students.

- **Corrective Actions**
 - Develop and implement training for all instructional staff regarding the use of instructional and testing accommodations; conduct self-evaluation to ensure that accommodations are considered and IEPs are implemented.
 - Review guidelines for vocational program enrollment of students with disabilities and ensure policies reflect “open enrollment” based on student need and IEP team decision.

Additional Compliance

This section provides information related to supplementary categories of compliance including the provision of speech and language services to students with communication needs, counseling as a related service, and transition services.

Requirements

Currently, in Florida speech and language therapy are available for students who meet eligibility criteria for programs for students who are speech impaired or language impaired. In addition, students eligible for the programs for autism, traumatic brain injury, developmental delay, and deaf or hard of hearing may be eligible under the speech and language programs. However, speech and language services are not included in the list of related services included under Section 1003.01, F.S.

In accordance with 34 CFR 300.24, related services are “...developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and include speech-language pathology and audiology services,.... psychological services,...[and] counseling services...” In addition, to the need for speech or language services as related services, the IEP team must “consider the communication needs of the child.” during the development of the IEP (34 CFR 300.346(2)(iv). “Counseling services” are services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel. (34 CFR 300.24(b)(2) “Psychological services” includes the planning and management of a program of psychological services, including psychological counseling for children and parents. (34 CFR 300.24(b)(9)

Transition services are defined at 34 CFR 300.29(a)(1) as a “coordinated set of activities for a student with a disability that-... promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation...” Transition services are not required for students with disabilities convicted as adults under state law and incarcerated in adult prisons if the students’ eligibility under the IDEA will end, because of their age, prior to their release from prison. For all other students with disabilities, however, the transition requirements for IEPs found at 34 CFR 300.347(b) apply.

Data

Regarding the manner in which the communication needs of students with disabilities are addressed, all facilities indicated a student exhibiting difficulties in speech or language would be

referred to determine eligibility for the speech impaired or language impaired programs. However, not all staff reported that the student would receive assistance if found ineligible. Staff at Brevard, Charlotte, Hamilton, and Lowell Correctional Institutions indicated that the communication needs of students not eligible as speech impaired or language impaired would be addressed by the ESE teacher or the speech/language pathologist, and that it may or may not be included on the IEP as communication goals. Staff at Lake City Correctional Facility stated that speech and language services were provided only to students eligible for those programs.

The DOC has a full range of medical and mental health services in the majority of the facilities. Some facilities contract for those services, in which case the contractor is required to provide services according to DOC procedures. Fifteen of 16 staff (94%) interviewed indicated that counseling is considered when a student is in the referral process as well as in the development of the IEP. Counseling services described by staff included talking with the ESE teacher or the placement and transition specialist as well as referrals to the mental health staff located at each facility. Administrative staff indicated that participants from all disciplines should be working together in the development of the IEPs, but that it may need to be an area that needs training and readdressing. Five of 12 respondents indicated that counseling would not be on the IEP and two additional staff indicated it would only be on the IEP if it were being received by mental health service personnel.

The DOC has an extensive network of related service providers throughout the state. Transition services are most intensively addressed during the last 120 days of the student's sentence. The DOC staff includes a release officer whose responsibility it is to coordinate the transition services plan. Interagency agreements exist between the DOC and the Agency for Workforce Innovation to ensure that One Stop Centers assist those released with any transition services that may be needed.

Findings

- **Findings of Noncompliance**
 - Communication needs of students with disabilities are not consistently addressed (i.e., Lake City Correctional Facility) and are not consistently documented on the IEP.
 - Counseling as a related service is not consistently documented on the IEPs of students who need and/or receive it.
- **Corrective Actions**
 - Develop and implement a system of targeted technical assistance and self-assessment related to:
 - determining the need for the need for educationally relevant counseling as a related service; documenting this on the IEP
 - determining the need for assistance with communication; documenting this on the IEP

Instructional Assistants

This section provides information related to positions paid through IDEA funds and the duties and responsibilities required of those positions.

Requirements

In accordance with 34 CFR 300.136(f) “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.”

Data

Hamilton and Charlotte Correctional Institutions were the only two facilities which employed paraprofessionals paid through IDEA funds. Lowell and Brevard Correctional Institutions have funding for instructional assistants; however, both positions were vacant during the site visits. Both of the instructional assistants reported that they work directly with students with disabilities as well as assist with paperwork related to students with disabilities. The paraprofessional at Hamilton Correctional Institution reported that he performs the monthly safety inspections and on occasion assists with inventory of all equipment (IDEA funded, other grant funded and general revenue funded) at the main unit and annex.

Findings

- **Findings of Noncompliance**
 - None noted.
- **Corrective Actions**
 - None required.

Student Record Reviews

This section provides information related to the compliance of individual educational plans according to state and federal requirements. A total of 31 records of students with disabilities, randomly selected from the population of exceptional students, were reviewed from the five DOC facilities. Of the 31 records reviewed, all were transition IEPs. There were findings of noncompliance for 14 student records that required reconvening of the IEP teams. The DOC was notified of the specific students requiring reconvened IEP meetings in a letter dated August 20, 2004.

To be determined systemic, an item must be found noncompliant in at least 25% of the records reviewed. In the DOC, at least eight of the 31 records must have been noncompliant to be considered systemic. There were eight systemic findings of noncompliance, as follows:

- *no indication that a team member served as the interpreter of instructional implications (31)
- present level statements are inadequate to indicate the educational performance of the student and the affect of the disability on participation in general education (17)
- functional vocational evaluation was not addressed as a transition need (16)
- more than 50% of the goals not measurable (14)
- *lack of a location for the provision of accommodations (11)
- *lack of frequency for the provision of accommodations (11)
- no documentation of the IEP provided to the student for students not in attendance at the IEP meeting (8)

- lack of the consideration of behavioral strategies for student whose behavior impedes learning (8)

Three of the eight areas of noncompliance identified as systemic (see * above) are related to deficiencies in the forms. The forms used for these IEPs lacked the required components to ensure compliance with these elements.

In addition, there were individual or non-systemic findings of noncompliance on 25 other required elements or processes.

Findings

- **Findings of Noncompliance**
 - Systemic findings of noncompliance on eight components of the IEP process.
 - Individual or non-systemic findings of noncompliance on 25 components of the IEP process.
- **Areas of Concern**
 - Addressed in previous sections of the report.
- **Corrective Actions**
 - Provide targeted technical assistance on all components of the IEP process, with particular attention to findings of noncompliance.
 - Conduct a self-assessment of 25 IEPs to determine compliance using the Bureau's IEP Work Papers and Source Book.

Agency Forms Review

This section provides information related to district forms used to document specific procedures regarding the provision of specially designed instruction and related services for students with disabilities. Forms representing the 13 areas identified below were submitted to the Bureau for review to determine compliance with federal and state laws. Findings were noted in 11 forms, and revisions were required on those forms. Additionally, revisions to four forms were recommended. The district was notified of the specific findings via a separate letter dated July 8, 2004. All required revisions were made and submitted to the Bureau prior to the dissemination of this report. A detailed explanation of the specific findings may be found in the notification letter, included as appendix D.

- *Notification of Individual Education Plan (IEP) Meeting**
- *IEP forms+*
- *Notice and Consent for Initial Placement**
- *Informed Notice and Consent for Evaluation* +*
- *Informed Notice and Consent for Reevaluation**
- *Notification of Change of Placement* +*
- *Notification of Change of FAPE (Free Appropriate Public Education)**
- *Informed Notice of Refusal**
- *Documentation of Staffing * +*
- *Informed Notice of Dismissal**
- *Notice of Ineligibility**

- *Summary of Procedural Safeguards*
- *Annual Notice of Confidentiality**

*Forms requiring immediate revisions

+Forms with recommended revisions

Commendations and Concerns

Brevard Correctional Institution

Commendations:

- Variety of vocational programs
- All ESE teachers certified in special education

Concerns:

- Lack of sufficient education staff to provide special education, academic and vocational programs commensurate with the ESE population
- Contradiction between amount of services identified on IEP and actual services provided
- Students with disabilities in confinement not receiving services
- Students suggest that there is not enough small group instruction to meet their educational needs
- Lack of special education assistance in OJT assignments

Charlotte Correctional Institution

Commendations:

- Individual direct instruction
- Rethinking Personal Choice – cognitive behavior restructuring program

Concerns:

- Lack of participation by students with disabilities in the IEP team meeting
- Students suggest that there is not enough instruction
- Lack of understanding of the reevaluation process

Hamilton Correctional Institution and Annex

Commendations:

- Provision of scheduled, small-group direct instruction at the Annex
- Collaboration among ESE and general education teachers
- Use of peer tutors
- Students at the Annex reported a strong sense of dedication on part of the ESE teacher in assisting them
- All ESE teachers are certified

Concerns:

- Limited enrollment of students with disabilities in vocational programs
- Lack of sufficient general education staff to provide academic and vocational programs commensurate with the ESE population at the Annex
- Lack of special education assistance in OJT setting
- Students with disabilities in confinement not receiving services

Lake City Correctional Facility

Commendations:

- Provision of scheduled, small-group direct instruction

Concerns:

- Lack of special education assistance in OJT settings
- Incorrect implementation of the reevaluation process

Lowell Correctional Institution

Commendations:

- Provision of scheduled, small-group direct instruction
- ESE teachers is certified
- Consistent provision of services to students in confinement

Concerns:

- Lack of sufficient general education staff to provide academic and vocational programs commensurate with the ESE population
- Lack of understanding of the reevaluation process

Technical Assistance and Resources

As a result of the monitoring activities conducted in facilities operated by the Department of Corrections, the Bureau has identified required corrective actions and made recommendations in a variety of areas (see body of report). Bureau staff are available to provide assistance on a variety of topics. In order to assist the DOC in implementing these and other targeted staff development activities, a partial listing of contacts is provided.

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APPENDIX A:
Glossary of Acronyms

Glossary of Acronyms

ABE	Adult Basic Education
Bureau	Bureau of Exceptional Education and Student Services
CFR	Code of Federal Register
DOC	Department of Corrections
DOE	Department of Education
ESE	Exceptional Student Education
FAC	Florida Administrative Code
FAPE	Free Appropriate Public Education
FS	Florida Statutes
GED	General Education Development
IDEA	Individuals with Disabilities Act
IEP	Individual Educational Plan (for students with disabilities)
MLP	Mandatory Literacy Program
OJT	On-the-Job
SIP	System Improvement Plan
TABE	Tests of Adult Basic Education