



**2015-16 Exceptional Student Education
Monitoring and Assistance
On-Site Visit Report**

**Florida Department of Corrections
March 7-10, 2016**

This publication is produced through the Bureau of Exceptional Education and Student Services (BEESS), Division of K-12 Public Schools, Florida Department of Education, and is available online at <http://www.fldoe.org/ese/mon-home.asp>. For information on available resources, contact the BEESS Resource and Information Center (BRIC).

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November 28, 2016

Julie Jones, Secretary
Florida Department of Corrections
501 South Calhoun Street, 400C
Tallahassee, Florida 32399

Dear Secretary Jones:

The Bureau of Exceptional Education and Student Services (BEESS) is pleased to provide you with the 2015-16 Exceptional Student Education (ESE) Monitoring and Assistance On-Site Visit Report for the Florida Department of Corrections (FDC). This report was developed by integrating multiple sources of information related to an on-site monitoring visit to Lancaster Correctional Institution, Sumter Correctional Institution, Lake City Correctional Facility (private) and Lowell Correctional Institution on March 7-10, 2016. Those information sources included interviews with staff at the correctional facilities and the FDC Central Office, and feedback provided by the student focus groups.

The 2015-16 ESE Monitoring and Assistance process is designed to emphasize improved educational outcomes for students, while ensuring compliance with applicable federal laws and regulations and state statutes and rules.

Kristina Hartman, Bureau Chief of Programs; John Howle, Assistant Bureau Chief of Education; and Amy Coltharp, FDC Special Education Program Administrator, were very helpful to BEESS staff in preparing for and throughout the on-site visit. In addition, the wardens and other staff members at the correctional facilities welcomed BEESS staff and demonstrated a commitment to the education of students in FDC facilities. This report will be posted on the BEESS website and may be accessed at <http://www.fldoe.org/e/mon-home.asp>.

Thank you for your commitment to improving services to exceptional education students in FDC facilities. If there are any questions regarding this report, please contact me at 850-245-0475 or via email at monica.verra-tirado@fldoe.org.

Sincerely,



Monica Verra-Tirado, Ed.D., Chief

Enclosure

cc: Kristina Hartman Heidi Metcalf Amy Coltharp
John Howle Jerry Brown

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

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Authority

The Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (BEESS), in carrying out its roles of leadership, resource allocation, technical assistance, monitoring and evaluation, is required to oversee the performance of the Florida Department of Corrections (FDC) in the enforcement of all exceptional student education (ESE) laws and rules. One purpose of the Individuals with Disabilities Education Act (IDEA) is to “ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.” (Section 300.1 of Title 34, Code of Federal Regulations [CFR]). BEESS is responsible for ensuring that the requirements of IDEA and the educational requirements of the State are implemented (34 CFR §300.149).

In fulfilling this requirement, BEESS monitors ESE programs provided by FDC at correctional facilities that are designated special education sites, to ensure that a FAPE is available for students who have disabilities (s. 1003.571, Florida Statutes). Through these monitoring activities, BEESS examines and evaluates procedures, records and ESE services; provides information and assistance to correctional facilities; and otherwise assists FDC special education programs in operating effectively and efficiently. The monitoring system is designed to emphasize improved educational outcomes for students, while ensuring compliance with applicable federal laws and regulations and state statutes and rules.

ESE Monitoring and Assistance Process

Decisions regarding the type and extent of monitoring activities, including the need for on-site visits, are based on the most current data available. On-site monitoring of special education services in FDC facilities is conducted on a cyclical basis because of the unique nature of educational programs implemented in correctional settings. This schedule allows BEESS staff to effectively focus on technical assistance to FDC staff. In addition, FDC participates in the BEESS self-assessment process each year.

Background Information

As of May 2016, FDC had 794 inmates with disabilities currently receiving special education services at 21 correctional facilities. BEESS determined that Lancaster Correctional Institution (CI), Sumter CI, Lake City Correctional Facility (CF) and Lowell CI would be visited to monitor youthful offender programs. Within FDC, students with disabilities are assessed for academic programs using the Test of Adult Basic Education (TABE). The TABE assesses a student’s proficiency level in subskills and grade-level scores in the areas of reading, math and language, with academic programs individually selected for students based on their scores.

Lancaster CI is an open-population facility for adult males that includes youthful offenders between the ages of 17 and 21 years. At the time of the on-site visit, the facility was serving 177 students with disabilities. There were 132 students with disabilities at the main unit and 45 at the work camp. Academic programs offered include Adult Basic Education (ABE), GED®, Title I services, student education services and a volunteer literacy program. Lancaster CI, including the work camp, has a total of four academic teachers, six vocational teachers, six ESE teachers, one ESE aide, three Title I academic teachers and four Title I aides. Lancaster CI also offers vocational programs such as automotive services technology, carpentry, commercial foods and culinary arts, environmental services, printing and graphic arts, and technical system

support. FDC reported that 20 students with disabilities earned a professional certificate and seven earned a GED® from June 1, 2014, through June 30, 2015.

Sumter CI is an open-population facility for adult males. The main unit houses adult males and youthful offenders aged 18 years and older. In addition, Sumter CI has a boot camp and an annex for youthful offenders aged 17 years and younger. At the time of the on-site visit, the facility was serving 102 students with disabilities. Academic programs offered include ABE, GED®, special education services and a volunteer literacy program. Sumter CI has eight academic teachers, five vocational teachers, seven ESE teachers, one ESE aide, two Title I academic teachers and three Title I aides. Sumter CI also offers vocational programs such as landscape management for youthful offenders aged 17 years and younger, masonry for adult inmates and youthful offenders aged 18 years and older, and auto mechanics and electronic technology for adults. FDC reported that 14 students with disabilities earned a professional certificate and five earned a GED® from June 1, 2014, through June 30, 2015.

Lake City CF is an open-population correctional facility for males. This facility is managed by Corrections Corporation of America, under contract with the Florida Department of Management Services to maintain oversight of operations. FDC is responsible for providing special education services to students with disabilities that are eligible under IDEA. All of the youthful offenders housed at this facility are between the ages of 17 and 24 years. At the time of the on-site visit, the facility was serving 114 students with disabilities. Academic programs offered include ABE and GED®. Lake City CF has 10 academic teachers, five vocational teachers and two ESE teachers. Lake City CF also offers vocational programs such as commercial vehicle driving, commercial foods and culinary arts, tile setting, heating ventilation and air conditioning (HVAC), and barbering. FDC reported that seven students with disabilities earned a professional certificate and one earned a GED® from June 1, 2014, through June 30, 2015.

Lowell CI is for females only. The main unit is an open-population facility and the annex includes both open-population and close-management facilities. At the time of the on-site visit, the facility was serving 28 students with disabilities. Academic programs offered include ABE, GED®, Title I, special education services and a volunteer literacy program. Lowell CI has five academic teachers, five vocational teachers, two ESE teachers, one ESE aide, one Title I academic teacher and one Title I aide. Lowell CI also offers vocational programs for youthful offenders aged 17 years and younger, such as cosmetology, drafting, culinary arts, technical system support, equine care technology, HVAC and fashion design. FDC reported that there were no students with disabilities at Lowell CI who earned a GED® or a professional certificate from June 1, 2014, through June 30, 2015.

In a letter dated February 22, 2016, the secretary of FDC was informed that BEESS would be conducting an on-site monitoring visit at Lancaster CI, Sumter CI, Lake City CF and Lowell CI regarding ESE programs.

On-Site Activities

On-Site Monitoring Team

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

- Jerry Brown, Program Specialist, Dispute Resolution and Monitoring (DRM)
- Karin Gerold, Program Specialist, DRM

Florida Department of Corrections Central Office On-Site Participants

- Kristina Hartman, Bureau Chief of Programs
- Amy Coltharp, Special Education Program Administrator
- Lacey Griffis, Region III Program Manager
- Patricia Osbourne, Program Specialist

Data Collection

- FDC Central Office administrator interview – two participants
- Warden and assistant warden interviews – eight participants
- Educational staff interviews:
 - Education supervisors – four participants
 - Placement transition specialists – two participants
 - General education teachers – 16 participants
 - ESE teachers – nine participants
 - ESE aide – one participant
 - Speech and language pathologist (SLP) – one participant
- Student focus groups – 27 participants
- Classroom walk-through visits – multiple classrooms
- Record review of individual educational plans (IEPs) for all 27 student focus group participants

Interviews Conducted

Florida Department of Corrections Central Office Administrators

Members of BEESS conducted an interview with the FDC Central Office administrators prior to the on-site visit.

The following topics were discussed:

- The four facilities to be visited.
- The primary focus of the on-site monitoring visit, which would be educational programs available for youthful offenders, including the provision of FAPE.
- Academic and vocational programs offered at the four facilities for students with disabilities.
- Protocols for interviews with the wardens, educational staff and student focus groups.
- Youthful offender programs for each of the four facilities and how these students were separated at these facilities.
- Correctional facilities with high refusal rates by students with disabilities to receive special education services.

As a follow-up to the interview, on October 27, 2016, FDOE requested data from FDC regarding the number of students with disabilities who received and refused special education services.

Correctional Facility	Students Eligible to Receive ESE Services	Students Who Received ESE Services	Students Who Refused ESE Services	Percentage of Students Who Refused ESE Services	ESE Teachers
Lake City CF	245	149	96	39.2%	1*
Suwannee CI	27	26	1	3.7%	1
Sumter CI	70	69	1	1.4%	4
Marion CI	45	42	3	6.7%	2
Avon Park CI	49	44	5	10.2%	1
Charlotte CI	32	29	3	9.4%	1
Desoto Annex	82	69	13	15.9%	2

*At the time of the monitoring visit there were two ESE teachers.

Wardens and Assistant Wardens

Members of BEESS conducted interviews with wardens and assistant wardens at Lancaster CI, Sumter CI, Lake City CF and Lowell CI.

Themes that emerged from the interviews included the following:

- Education is a priority and is mandatory for youthful offenders entering a facility without a high school diploma or GED®.
- Vocational opportunities are offered to all students, including students with disabilities.
- Lancaster CI offers a character awareness and motivation program, which targets youthful offenders who display repetitive or violent behaviors. The goal of the program is to divert youthful offenders from being placed in confinement or sent to a close-management facility.
- Some of the major concerns include the motivation of reluctant learners and the tendencies of youthful offenders to be more reactive, which may result in behavior issues.
- Behavior issues and peer pressure tend to manifest outside the classroom environment.
- During graduation ceremonies at Sumter CI, students wear caps and gowns and are allowed to toss their caps in the air as in a traditional graduation ceremony. In addition, the students are allowed to select three visitors that, if approved, are invited to attend.
- Sumter CI developed positive behavior rewards and is working toward offering movie nights and video game time.
- At most facilities, a “hat system” is in place, which is a positive behavior rewards program where different colored hats, worn by youthful offenders, signify different levels of reward. The highest level of reward is to earn a “blue” hat.
- Sumter CI conducts monthly staff meetings that all staff members attend. The focus of these meetings is to emphasize education as a way to facilitate changes in culture and staff attitudes. The message communicated to staff includes opportunities to affect youthful offenders’ lives through positive interactions. Creating a more positive environment is recognized as a slow process.
- Sumter CI’s boot camp is a court-ordered program that offers youthful offenders the opportunity to serve a reduced sentence and have their criminal records expunged.
- Another concern is the fate of youthful offenders when they are released back into their home communities and do not have adequate supports in place within those communities.
- At Lake City CF, the number of educational and vocational programs offered is limited because of a limited amount of space.

- At Lowell CI, the population of youthful offenders under the age of 17 is physically separated from the adult inmates.

Educational Staff

Members of BEESS conducted interviews with various educational staff from the facilities, including the SLP who serves all FDC facilities that provide special education services.

Themes that emerged from the educational staff interviews included the following:

- All educational staff, including ESE and Title I, under the direction of the education supervisor, work to meet the educational needs of every student.
- The placement transition specialist at Lancaster CI is in the process of developing a multi-tiered system of supports and response to intervention document to be used to track progress and interventions for all students.
- There is evidence at Lancaster CI that teachers use differentiated instruction (e.g., small-group and one-on-one instruction).
- At Lancaster CI, students that participate in the work camp program during the day are provided education during the evening.
- At Sumter CI, peer tutoring works well.
- At Sumter CI, the 100-Hour Transition class has a transition teacher that works with youthful offenders on skills needed to transition from the facility back into the community after release.
- At Lancaster CI and Lake City CF, there is a need for more classroom space in order to offer small-group instruction.
- At Lake City CF, there is a need for more staff to help with the current case load and meet the students' individual academic needs.
- At Lake City CF, the special education teachers do not provide educational services directly to the students; instead, the special education teachers provide consultation to general education teachers on instructional strategies.
- At Lowell CI, security concerns at the facility often interrupt the educational programs.
- At Lowell CI, placing students in confinement often impedes their academic progress because students can only receive special education services once every 10 days during confinement as stated on their IEP; however, staff shared that these students are not being provided services once every 10 days when placed in confinement.
- At Lowell CI, the instructional aides provide special education services to adult inmates and youthful offenders.
- The SLP who serves students with speech and language goals on their IEPs communicated the following information to FDOE staff:
 - A typical caseload of students with speech and language goals is approximately 80 students.
 - If services on an IEP of an adult inmate or a youthful offender require more support, the SLP requests that the individual be transferred closer to the SLP's location.
 - Students who need speech and language services would be better served if there were at least two SLPs.
 - The SLP serves more students with language impairments than with speech impairments. For many adult inmates and youthful offenders with language goals, the SLP consults monthly with the ESE teachers at the various sites via telephone and gathers information from the general education teachers. Most language goals are incorporated into the reading and writing goals that the ESE teachers work on in the classroom. The SLP provides direct services to a very limited number of adult inmates and youthful offenders with speech impairments.

- Virtual therapy is not a practical approach to provide direct services because the correctional facilities have limited access to the internet; therefore, the SLP drives to the various facilities across the state where adult inmates and youthful offenders require direct services.
- Challenges within the educational programs include the following:
 - The prison environment itself.
 - Students' attitudes toward education can tend to be negative, which make it difficult to assess their abilities.
 - Retention of teachers is difficult.
- Challenges that youthful offenders face upon release from prison include the following:
 - Being easily influenced by the same groups within their home communities that negatively affected them prior to being incarcerated.
 - Entering into society with the stigma of having a felony on their record.
 - Finding employment.

Student Focus Groups

Members of BEESS conducted focus groups with students from Lancaster CI, Sumter CI, Lake City CF and Lowell CI.

Comments from the student focus groups included the following:

- Most of the students are aware of their IEPs.
- Two students from one facility obtained their GED® and are enrolled in vocational education programs.
- There are challenges with passing the GED® test.
- One-on-one instruction is beneficial to most students.
- Many students are able to recall services received in the last school they were enrolled in but are not aware that they can advocate for services, such as counseling, while in the facility.
- For some students, the special education services they receive are similar to the services received in the last school they were enrolled in.
- For some students, the work provided in the educational programs does not adequately prepare them for the GED®.
- Support is needed in the areas of math and reading.
- Emotional support is needed to keep students on the right track.
- One student is receiving one-on-one instruction and getting the help needed while working toward passing the math part of the TABE.
- One student has dyslexia and dropped out of school in eighth grade. The student reports that proper help is being provided.
- Students can name teachers who are very helpful and able to teach to their learning styles.
- At one facility, the special education aide is very helpful because the aide works with the students one-on-one and also helps with employability and interview skills.
- Two students that were previously in confinement indicated that they did not receive special education services to the same extent as provided in the classroom.
- There are concerns regarding the following:
 - The lack of vocational programs available to youthful offenders.
 - Insufficient preparation of students returning to their home communities to help them stay out of trouble.
 - The possibility of students having to move out of their home communities in order to

- stay out of trouble.
- Obtaining employment upon release.

Classroom Walk-through Debriefings

Members of BEESS conducted classroom walk-through visits at Lancaster CI, Sumter CI, Lake City CF and Lowell CI.

Observations from the classroom walk-through visits included the following:

- At one facility, independent instruction and peer tutoring were evident.
- At most facilities, visuals were present in the classrooms.
- One classroom was using a SMART Board to review for the TABE through a Jeopardy-type game.
- At most facilities, there were instructional materials available, including technology.
- At most facilities, the students were engaged in the instruction being provided.

Record Review

Based on the review of the 27 students’ IEPs, all the IEPs included consultation for a specified academic area as an ESE service. All students received consultation as a special education service; however, based on interviews with educational supervisors, teachers and students, it was clear that students received more than just consultation (e.g., small-group and one-on-one instruction).

Commendations

1. Teachers are able to get students to work together within the class despite their gang affiliations.
2. The Portal for Exceptional Education Resources (PEER) IEP system was recently adopted by FDC and staff indicated that they were still learning the system. Staff reported that having IEPs with documented testing information on PEER will allow staff to follow an adult inmate or youthful offender who is transferred from one facility to another and then provide the appropriate services at the new facility.

Results and Next Steps

The following data reflect the next steps related the 2015-16 ESE Monitoring and Assistance On-Site Visit for FDC.

Next Steps	
Lancaster CI	
Summary	Subsequent to the visit, BEESS learned that the facility for youthful offenders closed in late March 2016.
Recommendations	N/A
Required Actions	N/A

Sumter CI	
Summary	There were vocational programs in place with engaging instruction; however, only two vocational programs were offered to youthful offenders. During the interview with the warden and assistant warden, it was mentioned that youthful offenders were inclined to engage in activities that may result in disciplinary referrals; however, efforts were made through the use of a positive behavior rewards program to incentivize positive behaviors. Students were very receptive to the program.
Recommendations	The facility should provide self-determination training for all new offenders to ensure that students are able to self-advocate when additional services related to their educational services are needed.
Required Actions	N/A
Lake City CF	
Summary	<p>Based on classroom observations and conversations with general and special education teachers it was evident that providing instruction was a priority; however, it was not clear to BEESS staff to what extent special education teachers were involved in providing specially designed instruction to supplement the students' education curriculum.</p> <p>Additionally, during the interviews, the FDC Central Office administrators communicated that Lake City CF had a very high number of ESE service refusals from students in comparison to other correctional institutions. BEESS staff requested data from Lake City CF and several other FDC correctional institutions to compare the refusal rates between the institutions. These data indicated that Lake City CF had a disproportionate refusal rate in comparison to other FDC correctional institutions. Out of the 245 students that were eligible for special education services, 96 refused services, or approximately 40 percent. The reason is not clear as to why the refusal rate was higher than other institutions. The FDC Central Office staff stated that their concern was that students were not properly advised of the educational benefits of receiving special education services because of the high volume of students eligible to receive special education services and the limited amount of space for specially designed instruction.</p>
Recommendations	It is recommended that FDC Central Office staff develop a "signed consent to revoke special education services" form, which should include a statement on sources for parents to contact to obtain assistance in understanding their decision (34 CFR §300.503(b)(5)). The FDC has the responsibility to make FAPE available to each eligible child (34 CFR §300.101). It is also recommended that the form be written in the language or mode of communication

	understandable to the student (34 CFR §300.503(c)).
Required Actions	<p>IDEA requires that the IEP be developed to include a statement of special education, related services, and supplementary aids and services that will enable the student to advance toward attaining the annual goals and to make progress in the general education curriculum. Based on record reviews and interviews with the general education and special education teachers, students' IEPs were not individualized (all students received consultation). Also, special education teachers were limited to what services could be provided because there was a lack of space to offer small-group instruction.</p> <p>The educational staff and facility administrators must convene a meeting with the FDC Central Office staff to discuss the provision of special education services and whether there are policies and procedures in place that limit students' special education services to consultation. Additionally, FDC Central Office staff must review FDC procedures for written consent to refuse special education services to determine that they are consistent with 34 CFR §300.300(b)(4) and 34 CFR §300.503, which indicate that parents (or students of the age of majority) may provide written notice to revoke consent for ESE services and the public agency (FDC) must provide prior written notice for any change of educational placement or provision of FAPE.</p> <p>With regard to the student to teacher ratio, FDC must provide the bureau with a description on how students' IEPs are developed and how resources (special education teachers, paraprofessionals or instructional aides) are used to implement the students' IEPs. If FDC determines that students' IEPs are not being implemented, FDC must draft an action plan that includes the necessary steps to remedy any noncompliance.</p> <p>By January 9, 2017, FDC must provide the BEESS liaison via BEESSMonitoring@fldoe.org with a written summary of the meeting held with facility staff. The summary must include an action plan on how FDC plans to remedy any noncompliance.</p>
Lowell CI	
Summary	Based on interviews, BEESS staff learned that potential security risks and other facility interests are interrupting educational programs, resulting in students missing significant amounts of instruction time. It was also indicated that when students are placed in confinement, students are to receive educational services once every 10 days; however, these students may not be receiving services as often as indicated on the students' IEPs when placed in confinement.
Recommendations	N/A
Required Actions	The educational supervisor and facility administrators at Lowell CI must convene a meeting with the FDC Central Office staff to review federal regulations (34 CFR §§300.320(a)(4) and 300.324(d)) pertaining to the development and modification of IEPs or placement

	<p>for incarcerated students. Upon review of the required federal regulations, the Lowell CI educational staff and the FDC Central Office staff must establish a plan that will ensure that when a student is placed in confinement, the correctional staff follow procedures to allow for the provision of special education services and accommodations as indicated on the student's IEP or amend the student's IEP to reflect the change in services the student will receive while in confinement.</p> <p>By January 9, 2017, the FDC Central Office must provide the BEESS liaison via BEESSMonitoring@fldoe.org with a summary of the meeting and any policy or procedural changes made regarding the provision of special education services for students in confinement.</p>
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Technical Assistance

1. **Implementing a Multi-Tiered System of Support for Behavior: Recommended Practices for School and District Leaders** (Florida's PBIS Project) may be accessed at http://flpbs.fmhi.usf.edu/pdfs/RTIB%20Guide%20101811_final.pdf and provides an overview of the critical components of a multi-tiered system of supports for behavior. These critical components describe systems changes that are necessary for a results-driven ESE system.
2. **Developing Quality Individual Educational Plans: A Guide for Instructional Personnel and Families** may be accessed at <http://fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>. Explanatory information to help students understand the rights and responsibilities that go along with special education services can be found in Chapter 8, Procedural Safeguards (Rights and Responsibilities), of **A Parent's Introduction to Exceptional Student Education in Florida**, which may be accessed at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070085-eseparent.pdf>. This document is also available in Spanish and Creole on the BEESS website.
3. The United States Department of Education and the United States Department of Justice, joined together and provided state school officers and state attorney generals with a letter dated, December 8, 2014, regarding youth in juvenile justice facilities and correctional facilities that clarified State and public agency obligations under IDEA to ensure the provision of a FAPE to eligible students with disabilities in correctional facilities. This letter may be accessed at <http://www2.ed.gov/policy/gen/guid/correctional-education/csso-state-attorneys-general-letter.pdf>.
4. Special Ed Connection® provided information dated May 15, 2015, on Buckley v. State Corr. Inst.-Pine Grove, 65 IDELR 127 (M.D. Pa. 2015). This case refers to a prison that denied a FAPE to a student with a disability. The youth was denied all special education services on the grounds that the student presented a security risk. Information regarding this case may be accessed at <http://www.specialedconnection.com/LrpSecStoryTool/index.jsp?contentId=22696542>.

BEESS On-Site Monitoring and Assistance Team

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