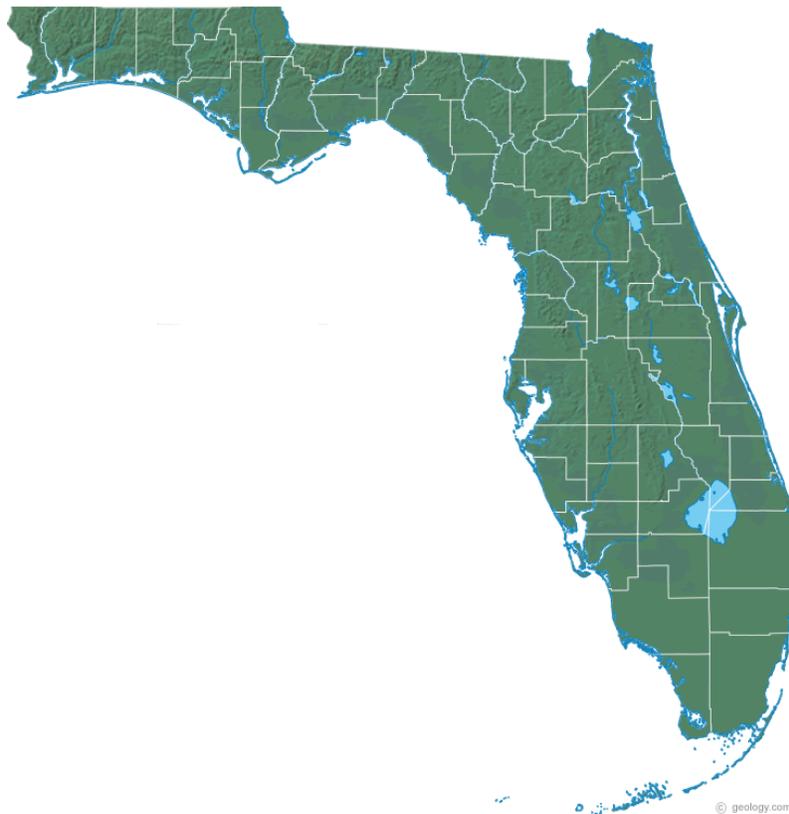


Manatee County School District

Final Report: On-Site Monitoring

Exceptional Student Education Programs

January 26–29, 2010



Bureau of Exceptional Education and Student Services
Florida Department of Education

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March 26, 2010

Mr. Tim McGonegal, Superintendent
Manatee County School District
P.O. Box 9069
Bradenton, Florida 34206-9069

Dear Superintendent McGonegal:

We are pleased to provide you with the *Final Report of On-Site Monitoring of Exceptional Student Education Programs* for Manatee County School District. This report was developed by integrating multiple sources of information related to our on-site visit on January 26–29, 2010, including student record reviews, interviews with school and district staff, and classroom observations. The final report will be posted on the Bureau of Exceptional Education and Student Services' Web site and may be accessed at <http://www.fldoe.org/ease/mon-home.asp>.

The Manatee County School District was selected for an on-site monitoring visit due to lack of timely correction of noncompliance regarding corrective action(s) due between July 1, 2008, and June 30, 2009; specifically, student-specific noncompliance identified through monitoring not corrected within 60 days, and noncompliance identified through a state complaint investigation not corrected within the established timeline. During the on-site visit Bureau staff met with district staff members to discuss the strategies in place to ensure future timeliness regarding correction of noncompliance. As part of the monitoring activities, Bureau staff reviewed individual educational plans (IEPs) for randomly selected exceptional education students.

Mr. Ron Russell, ESE Executive Director, and his staff were very helpful during the Bureau's preparation for the visit and during the on-site monitoring. In addition, the principals and other staff members at each of the schools visited welcomed and assisted Bureau staff members. Although the district demonstrated that students with disabilities were being served, the

BAMBI J. LOCKMAN
Chief

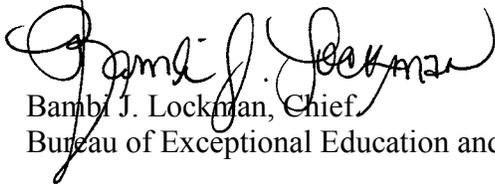
Bureau of Exceptional Education and Student Services

Mr. Tim McGonegal
March 26, 2010
Page Two

Bureau's on-site monitoring activities identified some discrepancies that require corrective action.

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

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: Ron Russell
Kathy Ronan
Kim C. Komisar
Patricia Howell
Vicki Eddy

**Manatee County School District
Final Report: On-Site Monitoring
Exceptional Student Education Programs**

January 26–29, 2010

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

Manatee County School District

Final Report: On-Site Monitoring Exceptional Student Education Programs January 26–29, 2010

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Manatee County School District

On-Site Monitoring Exceptional Student Education Programs January 26–29, 2010

Final Report

Authority

The Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (Bureau), in carrying out its roles of leadership, resource allocation, technical assistance, monitoring, and evaluation, is required to oversee the performance of district school boards in the enforcement of all laws and rules (sections 1001.03(8) and 1008.32, Florida Statutes [F.S.]). In fulfilling this requirement, the Bureau conducts monitoring activities of the exceptional student education (ESE) programs provided by district school boards, in accordance with ss. 1001.42 and 1003.57, F.S. Through these monitoring activities, the Bureau examines and evaluates procedures, records, and ESE programs; provides information and assistance to school districts; and otherwise assists school districts in operating effectively and efficiently. One purpose of the Individuals with Disabilities Education Act (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 [34 CFR §300.1(d)]). In accordance with IDEA, FDOE is responsible for ensuring that its requirements are carried out and that each educational program for children with disabilities administered in the state meets the educational requirements of the state (34 CFR §§300.120, 300.149, and 300.600). The monitoring system reflects FDOE's commitment to providing assistance, service, and accountability to school districts and is designed to emphasize improved educational outcomes for students while continuing to conduct those activities necessary to ensure compliance with applicable federal laws and regulations and state statutes and rules.

Monitoring Process

District Selection

For the 2009–10 school year, the Bureau's ESE monitoring system was comprised of basic (Level 1) and focused (Level 2) self-assessment activities as well as on-site visits conducted by Bureau staff (Level 3). This system was developed to ensure that school districts comply with all applicable laws, regulations, and state statutes and rules, while focusing on improving student outcomes related to State Performance Plan (SPP) indicators.

All districts were required to complete Level 1 activities. In addition, those districts that were newly identified for targeted planning or activities by the Bureau SPP indicator teams for one or more selected SPP indicators were required to conduct Level 2 self-assessment activities using indicator-specific protocols. Districts selected for Level 3 monitoring conducted Level 1 and

Level 2 activities as applicable. Selection of districts for consideration for Level 3 monitoring was based on analysis of the districts' data, with the following criteria applied:

- Matrix of services:
 - Districts that report students for weighted funding at > 150 percent of the state rate for **at least one** of the following cost factors:
 - 254 (> 7.83 percent)
 - 255 (> 3.20 percent)
 - 254/255 combined (> 11.03 percent)
 - Districts that report students for weighted funding at > 125 percent of the state rate for **two or more** of the following cost factors:
 - 254 (> 6.53 percent)
 - 255 (> 2.66 percent)
 - 254/255 combined (> 9.19 percent)
- Correction of noncompliance regarding corrective action(s) due between July 1, 2008, and June 30, 2009 – two or more of the following criteria:
 - Student-specific noncompliance identified through monitoring not corrected within 60 days
 - Systemic noncompliance identified through monitoring not corrected as soon as possible, but in no case longer than one year from identification
 - Noncompliance identified through a state complaint investigation or due process hearing not corrected within the established timeline
- Pattern of poor performance over time in one or more targeted SPP indicators, as evidenced by demonstrated progress below that of other targeted districts, **and** at least one of the following:
 - Targeted for a given SPP indicator or cluster of indicators for three consecutive years
 - Targeted for two or more SPP indicators or clusters of indicators for two consecutive years

In a letter dated December 11, 2009, the Manatee County School District superintendent was informed that the district was selected for an on-site visit due to correction of noncompliance not completed within the required timeline.

On-Site Activities

Monitoring Team

On January 26–29, 2010, Bureau staff members conducted an on-site monitoring visit, which included meeting with district staff to discuss strategies in place to ensure timely correction of noncompliance and school visitation regarding individual educational plan (IEP) implementation for students with disabilities. The following Bureau staff members participated in the on-site visit:

- Vicki Eddy, Program Specialist, Monitoring and Compliance (Team Leader)
- Patricia Howell, Program Director, Monitoring and Compliance
- Cathy Bishop, Senior Educational Program Director, Program Development and Services
- Annette Oliver, Program Specialist, Monitoring and Compliance
- Lindsey Granger, Program Specialist, Dispute Resolution
- Jennifer Hykes, Program Specialist, Dispute Resolution

Schools

The following schools were selected for an on-site visit based on the number of students with disabilities enrolled at each school:

- Orange Ridge Bullock Elementary School
- Palmetto Elementary School
- Louise Johnson Middle School
- Martha B. King Middle School
- Braden River High School
- Manatee High School

Data Collection

Prior to the on-site visit, educational records for 67 randomly selected students with disabilities enrolled in the Manatee County School District were requested and reviewed. In addition, on-site monitoring activities included the following:

- District-level interviews – 13 participants
- School-level interviews – 61 participants
- Case studies – 51 students

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

- Current IEP
- Previous IEP
- Progress reports from current and past school year
- Report cards from current and past school year
- Results of Florida Comprehensive Assessment Test (FCAT) or other state- or districtwide assessment
- Discipline record
- Attendance record

Information from each document was used to determine the extent to which specific standards regarding the IEP were met. Additional documentation was requested during the on-site visit to determine compliance with each standard.

Results

The following results reflect the data collected through the activities of the on-site monitoring. Also included are district-developed strategies to ensure timely correction of noncompliance, commendations, recommendations, concerns, and findings of noncompliance.

District Strategies to Ensure Timely Correction of Noncompliance

- The district has demonstrated efforts to improve communication with the Bureau, including increased responsiveness to e-mail providing directives.
- The district has formed an audit team to complete self-assessment activities and follow-up on necessary corrective action.
- The district has worked with Bureau staff to increase its understanding of the self-assessment process, including the use of the General Supervision Web site.
- The district has indicated prioritization for addressing timely correction of noncompliance.
- District staff members mentor and train school staff regarding all identified noncompliance.

- District coordinators and the audit team members work together to ensure that all documentation provided to the Bureau is accurate and timely.
- District staff members are now maintaining copies of documentation sent to the Bureau.
- District staff members are working to overcome scheduling barriers that may hinder meeting timelines.

Commendations

- The faculty, staff, and teachers at each of the schools visited demonstrated a high level of professionalism.
- The students' teachers were enthusiastic as they provided special education and related services to the students.
- Students with more significant disabilities participated in activities with nondisabled peers throughout the campuses visited.
- Monitoring staff reported a nurturing atmosphere supportive of parental involvement.

Concerns and Recommendations

- In addition to the noncompliant present level statement identified in one of the findings below, some of the IEPs reviewed included weak statements of present levels of academic achievement and functional performance, including how the student's disability affects the student's involvement and progress in the general curriculum. The district should provide additional training for teachers in this area.
- Staff interviewed at one of the elementary schools visited indicated that a particular curriculum was being used districtwide; however, it was unclear how much training and support was provided to prekindergarten (PreK) staff. For example, in one PreK classroom visited, the teacher indicated that she has information on the curriculum but did not have training and was interested in more information and understanding. In another classroom, no reference was made to curriculum being used. The district should identify additional or more effective resources to provide training and support for PreK staff.

Findings of Noncompliance

Bureau staff reviewed 67 IEPs prior to the on-site visit. Upon final review, Bureau staff identified 106 instances of noncompliance in 48 student records. Identifying information regarding those students was provided to the district prior to the dissemination of this report.

In accordance with Office of Special Education Program's guidance regarding findings that are identified through monitoring processes, within a given school district the standard (i.e., regulation or required) identifies a finding of noncompliance not the number of times the standard is violated. Therefore, multiple incidents of noncompliance regarding a given standard that is identified through monitoring activities are reported as a single finding of noncompliance for that district. Noncompliance that is evident in ≥ 25 percent of records reviewed is considered systemic in nature and requires correction at a systemic level as well as for the individual students for which noncompliance was identified. Four of the findings of noncompliance were systemic and are designated by italicized font.

The following instances of noncompliance require revisions to the students' IEPs:

- Discrepancy between services identified on the IEP and services being provided (identified in one record each)
 - Occupational therapy (OT)
 - Learning strategies and direct instruction
 - Health service – monitor blood pressure and weight
 - Behavioral intervention plan (BIP) and picture schedule accommodation
 - BIP and type of physical education (PE)
- No postsecondary goals (identified in one record)
- *Not having the required team members at the IEP team meeting (identified in 13 of 48 records [27 percent])*
- Insufficient present level statement on the IEP (identified for one student)
- Insufficient statement of special education services on the IEP (identified for one student)
- *Not having parent consent for instructional accommodations not permitted on statewide assessments (e.g., provide visual aid/graphic organizers; identified in 25 of 48 records [52 percent])*
- No statement on the IEP of why state- or districtwide assessment is not appropriate and why the particular alternate assessment is appropriate; no notification to the parent of the implications of nonparticipation (identified in two records)
- Not considering the student's strengths, needs, and results of evaluation and assessment (identified in two records)
- Not considering the concerns of the parent in developing the IEP (identified in four records)
- Not considering, in the case of a student whose behavior impedes his or her learning, the use of positive behavioral interventions and supports and/or other strategies to address the behavior (identified in one record)
- Not providing access to the same PE program as nondisabled students and including specially designed PE on the IEP, if needed (identified in one record)
- *Not measuring and reporting progress toward meeting the annual goals as required (identified in 22 of 48 records [46 percent])*
- Not providing access and information regarding specific responsibilities for IEP implementation to the student's teachers and related services providers (identified in one record)

The following findings of noncompliance cannot be corrected for the individual student and will require corrective action to ensure that such noncompliance will not occur in the future:

- Not providing parents with the required notice of the IEP team meeting (identified in three records)
- Not including the time, location, and purpose of the meeting on the notice of the IEP team meeting (identified in one record)
- No evidence or documentation of attempts to secure parent participation in the IEP team meeting (identified in three records)
- No documentation of the parent's *agreement* to an IEP team member's absence when that person's curriculum/related service area *was not* being discussed (identified in one record)
- *No documentation of the parent's consent to the excusal of an IEP team member when that person's curriculum/related service area was being discussed (identified in 15 of 48 records [31 percent])*
- No documentation of prior written notice when required (identified in three records)

Corrective Actions

1. No later than April 26, 2010, the Manatee County School District shall provide to the Bureau its plan to correct the following areas of systemic noncompliance:
 - Not having the required team members at the IEP team meeting
 - Not having parent consent for instructional accommodations not permitted on statewide assessments
 - Not measuring and reporting progress toward meeting the annual goals as required
 - Not documenting the parent's consent to the excusal of an IEP team member when that person's curriculum/related service area was being discussedThe plan must include a sampling process to demonstrate compliance with the requirements and a timeline for implementation. Documentation of implementation must be provided no later than September 15, 2010. Results of the sampling process shall be provided to the Bureau no later than November 1, 2010.
2. The Manatee County School District shall reconvene the IEP teams for the 48 identified students and correct the students' IEPs with regard to those findings that are correctable. In accordance with 34 CFR §300.324(a)(4) and the district's *Exceptional Student Education Policies and Procedures* (SP&P), the IEPs may be amended without convening an IEP team if the parent and the local education agency (LEA) agree to the amendment. Documentation of correction, including a copy of the revised IEP, must be provided to the Bureau no later than May 3, 2010.
3. No later than May 3, 2010, the Manatee County School District must provide a narrative description of the actions taken to ensure ongoing compliance with the specific requirements identified as noncompliant for which correction at the individual student level is not possible.

Technical Assistance

Specific information for technical assistance, support, and guidance to school districts regarding the individual educational plan standards can be found in the *Exceptional Student Education Compliance Self-Assessment: Processes and Procedures Manual 2009–10*.

Bureau Contacts

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

ESE Program Administration and Quality Assurance

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Kim Komisar, Ph.D., Administrator
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Patricia Howell, Program Director
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Appendix:
Glossary of Acronyms

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

Glossary of Acronyms

BIP	Behavioral intervention plan
Bureau	Bureau of Exceptional Education and Student Services
CFR	Code of Federal Regulations
ESE	Exceptional student education
FCAT	Florida Comprehensive Assessment Test
FDOE	Florida Department of Education
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
LEA	Local education agency
OT	Occupational therapy
PE	Physical education
PreK	Prekindergarten
SPP	State Performance Plan



**Florida Department of Education
Dr. Eric J. Smith, Commissioner**

ESE 313026A