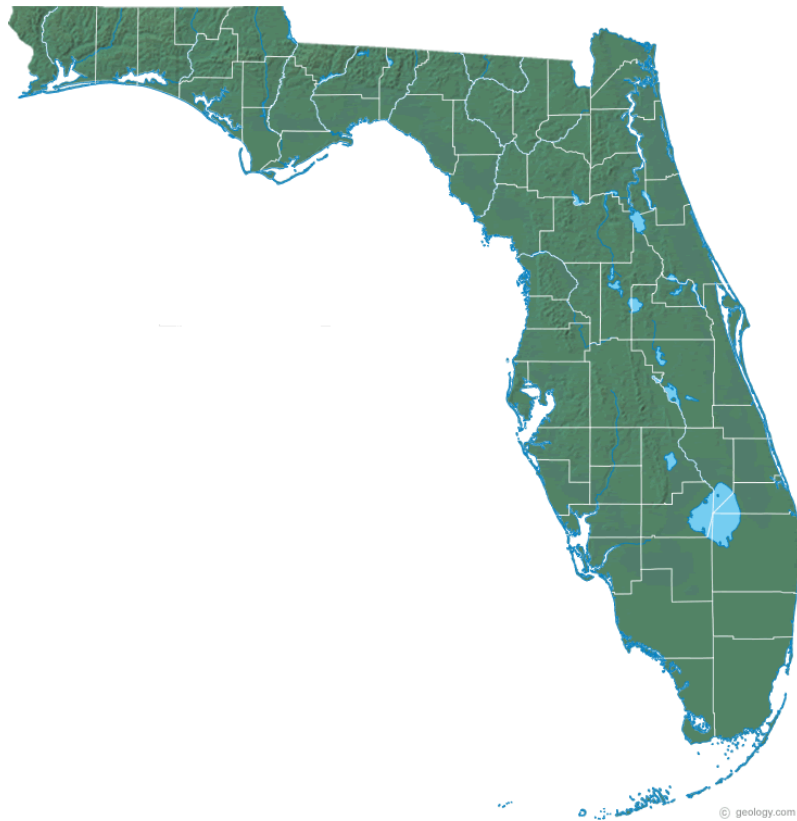


# Department of Corrections

Final Report: On-Site Monitoring

Exceptional Student Education Programs

July 26–29, 2010



Bureau of Exceptional Education and Student Services  
Florida Department of Education

This publication is available through the Bureau of Exceptional Education and Student Services, Florida Department of Education. 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, Division of Public Schools, Florida Department of Education, Room 628 Turlington Building, Tallahassee, Florida 32399-0400.

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September 28, 2010

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

Dear Mr. Gaines:

We are pleased to provide you with the *Final Report of On-Site Monitoring of Exceptional Student Education Programs* for the Department of Corrections (DOC). This report was developed by integrating multiple sources of information related to an on-site visit to DOC facilities July 26–29, 2010, including student record reviews, interviews with educational personnel at the correctional institutions, classroom observations, and information gathered from student focus groups. The final report will be posted on the Bureau of Exceptional Education and Student Services' website and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

Mr. John Howle, Special Education Administrator, and his staff were very helpful during the Bureau's preparation for the visit and during the on-site monitoring. In addition, the Education Supervisors and other staff members at each of the institutions welcomed and assisted the monitoring team. The 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 the DOC. If there are questions regarding this final report, please contact Patricia Howell, Program Director, Monitoring and Compliance, at (850) 245-0476 or via e-mail at [Patricia.Howell@fldoe.org](mailto:Patricia.Howell@fldoe.org).

Sincerely,

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

Enclosure

cc: John Howle Patricia Howell  
Amy Yarbrough-Coltharp Vicki L. Eddy  
Kim C. Komisar

**BAMBI J. LOCKMAN**  
*Chief*  
Bureau of Exceptional Education and Student Services



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

**July 26–29, 2010**

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



# Department of Corrections

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

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## **Department of Corrections**

### **On-Site Monitoring Exceptional Student Education Programs July 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 school districts 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 school districts, in accordance with sections 1001.42 and 1003.57, F.S. Through these monitoring activities, the Bureau examines and evaluates procedures, records, and ESE programs; provides information and assistance to school districts; and otherwise assists school districts to operate 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 provide 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**

Decisions regarding the type and extent of monitoring activities, including the need for on-site visits, are based on the most current data available for a given school district. Due to the unique nature of educational programs implemented in correctional settings, on-site monitoring of special education services in Department of Corrections (DOC) facilities is conducted annually. This schedule allows Bureau staff to effectively target technical assistance to DOC staff. In addition to the on-site visits, DOC participated in the 2009–10 self-assessment process.

#### **Background Information**

In a letter dated March 4, 2010, the Director of Education and Initiatives at DOC was informed that the Bureau would be conducting an on-site monitoring visit related to DOC's ESE programs. During the 2009–10 self-assessment monitoring process, DOC was required to evaluate implementation of standards related to measurable postsecondary goals and transition services

for 11 students. No findings of noncompliance were identified through this process. During the 2009–10 year, DOC staff reported considerable efforts directed toward providing continued in-service training to ESE and basic educational staff, particularly in the development of appropriate individual educational plans (IEPs). Based on this information, a decision was made to focus the July 26–29, 2010, on-site monitoring activities on development and implementation of IEPs. In addition, the Bureau determined that the inmate reception center process at one of the correctional institutions would be reviewed specifically regarding the screening process for previous special education history for inmates under the age of 22 and the procedure used to determine and recommend the appropriate special education services for an eligible inmate.

## **On-Site Activities**

### ***Monitoring Team***

On July 26–29, 2010, the following Bureau staff members conducted an on-site monitoring visit:

- Vicki Eddy, Program Specialist, Monitoring and Compliance (Team Leader)
- Patricia Howell, Program Director, Monitoring and Compliance

### ***Coordinators for DOC during the Monitoring Visit***

- John Howle, Special Education Administrator, Office of Education and Initiatives
- Amy Yarbrough-Coltharp, Government Operations Consultant II, Office of Education and Initiatives

### ***Correctional Institutions***

The following correctional institutions were selected for an on-site visit:

- Lowell Correctional Institution
- Avon Park Correctional Institution
- Desoto Annex

### ***Student Focus Groups***

Twelve students from three correctional institutions participated in student focus groups conducted by Bureau staff. These students were selected from the group of students chosen for case studies. The students who participated in the focus groups shared that they were included in the IEP process.

### ***Data Collection***

Monitoring activities at three correctional institutions included the following:

- Records reviewed – 15 students
- Case studies – 12 students
- Focus groups – 12 students
- Education staff interviews:
  - Central office – 2 participants
  - Education supervisors – 3 participants
  - Placement transition specialist (PTS) – 1 participant
  - General education teachers – 5 participants (including one vocational teacher)
  - ESE teachers – 4 participants
  - ESE classroom aides – 2 participants

- Process review regarding the screening of inmates for special education services - 1 institution

### ***Review of Records***

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

- Previous IEP
- Current IEP (including the notice of conference)
- Test for Adult Basic Education (TABE) scores
- Class attendance record
- Student schedule

### **Results**

The following results reflect the data collected through the activities of the on-site monitoring as well as commendations, concerns, and findings of noncompliance.

### **Commendations**

All of the correctional institutions visited are to be commended for the following:

- Calm and orderly classroom environments
- Confirmation that student focus group participants were included in the IEP process.
- Knowledge of individual student needs demonstrated by the general education and ESE teachers and aides who were interviewed
- High level of professionalism and commitment to the students demonstrated by education staff
- Inmate peer tutors available to assist students and teachers in the classrooms, as needed
- Monthly meetings among general education, ESE, and vocational teachers to monitor and discuss the educational progress of individual students
- Varied service delivery models to meet the educational needs of the students (e.g., pull-out, one-on-one tutoring, small group instruction)
- Strategies used by staff to motivate the inmates to persevere with their education
- Students with disabilities having priority for educational services if there is limited space in the classrooms
- ESE aides included in annual training and in an integrated team approach

In addition, the following commendations relate to Lowell Correctional Institution:

- In the General Educational Development (GED) preparation class that was observed, each of the students was working at a computer using software entitled Instruction Targeted for TABE Success (ITTS), which provides curriculum based on the student's TABE scores.
- The participants in the student focus group stated how helpful the inmate peer tutors were in the classroom and how effective the ITTS program has been for them.
- The Multidisciplinary Resource room provides resources for students to prepare for reentry upon their release from prison.
- Transition needs (i.e., employability skills, banking skills, housing options, and drivers license information) are integrated into academic instruction and provided by general education teachers to students on a scheduled basis.

- Students in the focus group referenced audio books that could be checked out.
- The ESE aide provides direct instruction through pull-out sessions for students as needed.
- Additional staff members, such as security from the dorms and job supervisors, consult periodically with the education staff regarding how to assist students with their special needs, and also assist in advocating for the students.
- A chalkboard in a classroom displayed congratulations to multiple students who recently passed the Pre-GED test.
- The reception center process ensures that, within two days of entering the institution, a student with a disability is scheduled for a one-on-one interview with the educational staff and TABE testing. The student's prior school district is notified immediately to provide school records, and an IEP team meeting is scheduled within 10–14 days of verification of the student's status.

The following commendations relate to Desoto Annex:

- Students can be referred by the general education teachers for small group tutoring.
- There is consistent collaboration among the ESE and general education teachers regarding individual student needs.
- Bureau staff observed a general education teacher's adaptations of classroom assignments for specific student interests (i.e., puzzles for vocabulary, Bingo for math).
- Eighteen students with disabilities earned GEDs this year.
- One of the ESE teachers incorporated cultural awareness and identification using history from various ethnicities so that students can identify heroes and increase motivation for learning.
- One of the ESE teachers developed a system that increased the amount of class work completed by students while in confinement by using a business envelope stamped with the return location (education building) and providing the student with positive feedback regarding work completed.
- The ESE lab included a Smart Board, updated personal computers (PCs), a flat screen TV, and a varied supply of computer software to meet individual student needs.
- The transition classroom included motivating visuals.
- Students with disabilities are enrolled in a wide range of vocational courses, including welding technology, carpentry, and masonry brick and block classes.

The following commendations relate to Avon Park Correctional Institution:

- Bureau staff noted the stability of the education program resulting from years of service by the education staff.
- Students in one of the classrooms were working individually and cooperatively with five inmate peer tutors assisting, under the teacher's supervision. The selection and oversight of inmate peer tutors appears to be quite effective.
- The vocational teacher who was interviewed demonstrated exceptional knowledge regarding ESE and the needs of students with disabilities.
- Varying settings and locations were used to maximize the delivery of special education services.
- One of the general education teachers for academics was observed using a broad range of strategies to meet individual student needs.

- The ESE teacher demonstrated an effective process for determining the most appropriate academic and vocational placement to meet the students’ post-school needs.
- It is evident that the Education Supervisor is adept at using resources to maximize services.
- The ESE aide provides one-on-one direct instruction to students based on their IEPs.
- Teachers who were interviewed noted how helpful and prompt the psychologist is when students are referred for counseling.
- Students with disabilities are enrolled in a wide range of vocational courses, including auto mechanics, welding technology, cabinetmaking, PC support services, printing/graphic arts, and turf equipment technology.

**Concerns**

At Avon Park Correctional Institution Bureau staff noted that one of the students being observed was having difficulty seeing the instructional material. Staff members from the correctional institution shared that the institution lost the student’s glasses during a recent confinement and a medical referral has been completed.

**Findings of Noncompliance**

Each school district must establish, maintain, and implement procedural safeguards that meet the requirements of State Board of Education Rule 6A-6.03311, Florida Administrative Code, (F.A.C.) One of the correctional institutions provided inmates with an outdated notice of procedural safeguards that did not include recent revisions. During the on-site visit DOC staff posted an updated version of the procedural safeguards in an e-mail to all teachers and aides serving students with a disability, including Education Supervisors, PTS staff, and program managers at the correctional institutions.

Bureau staff identified 21 incidents of noncompliance on six standards in 12 of the 15 student records reviewed. Identifying information regarding the 12 students reflecting the findings of noncompliance was provided to the district prior to the dissemination of this report.

	Standard/Identified Noncompliance	Supporting Data
1.	The IEP contains a statement of special education services/specially designed instruction, including location as well as initiation, duration and frequency. (34 CFR §300.320(a)(4) and (7))	One student record did not include a statement of special education services.
2.	For students age 16, or younger if determined appropriate by the IEP team, there are measurable postsecondary goal or goals in the designated areas (i.e., education/training, employment, and, where appropriate, independent living skills). (Rule 6A-6.03028(3)(h)9.a., F.A.C.)	For the nine student records where postsecondary goals were required, seven of the student records did not include measurable postsecondary goals.
3.	In the case of a student whose behavior impedes his or her learning, the use of positive behavior interventions and supports/strategies to address the behavior was considered. (34 CFR §300.324(a)(2)(i))	Positive behavior interventions or strategies were not addressed in the development of the IEP for three of the 11 records where special factors were to be considered.

	Standard/Identified Noncompliance	Supporting Data
4.	The IEP includes measurable annual goals, including academic and functional goals, designed to meet the student's needs that result from the disability to enable the student to be involved in and make progress in the general education curriculum and meet the student's other needs that result from the disability contain a statement of special education services/specially designed instruction, including location as well as initiation, duration and frequency. (34 CFR §300.320(a)(2))	For one student record where the student's disability was speech impairment, the speech-language pathologist's involvement was not noted on the IEP.
5.	The IEP includes a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student. (34 CFR §300.320(a))	Consultation and academics in reading, math, and language identified as special education services were not provided for one student while in confinement.
6.	The IEP team for each child with a disability includes an individual who can interpret the instructional implications of evaluation results. (34 CFR §300.321(a))	An individual who can interpret the instructional implications of evaluation was not identified in the notice of conference forms for eight of the 15 records.

Prior to the release of this report, seven student IEPs were amended (on August 3, 17, 18, and 20 and September 13, 2010) specifically regarding inclusion of special education services, measurable annual goals, postsecondary goals, and addressing positive behavior interventions or strategies on the IEP. The correction of the noncompliance was validated by the Bureau. In addition, documentation provided identified one student IEP that could not be corrected due to the inmate's release on August 18, 2010.

In accordance with Office of Special Education Programs' (OSEP) guidance included in OSEP Memorandum 09-02, *Reporting on Correction of Noncompliance in the Annual Performance Report Required under Sections 616 and 642 of the Individuals with Disabilities Education Act*, dated October 17, 2008, States must apply the following two-pronged standard when evaluating a district's correction of noncompliance:

- The district has corrected each individual incident of noncompliance
- The district is correctly implementing the specific regulatory requirement (i.e., achieved 100 percent compliance) based on the State's review of updated data

### **Corrective Action**

No later than October 14, 2010, DOC shall provide to the Bureau its plan to correct the six areas findings of noncompliance identified in the table above. The plan must include a description of the actions to be taken to ensure ongoing compliance for each of the six standards (e.g., training to specific staff member(s) responsible for the actions) and be developed to ensure 100 percent compliance through additional record reviews. The plan must include a timeline for identifying samples of at least five records from each of the institutions visited and a timeline for evaluating

them for compliance with the six targeted requirements. Sampling must continue until a level of 100 percent compliance is demonstrated. Documentation of implementation of the plan and the results of the records review demonstrating 100 percent compliance shall be provided to the Bureau no later than March 15, 2011.

## **Technical Assistance**

Specific information for technical assistance, support, and guidance to school districts regarding developing IEPs 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**

(850) 245-0476

Kim Komisar, Ph.D., Administrator

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Vicki Eddy, Program Specialist  
DOC's Bureau Monitoring Liaison

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Physical Therapy

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

**Glossary of Acronyms**

Bureau	Bureau of Exceptional Education and Student Services
CFR	Code of Federal Regulations
DOC	Department of Corrections
ESE	Exceptional student education
F.A.C.	Florida Administrative Code
FDOE	Florida Department of Education
F.S.	Florida Statutes
GED	General Educational Development
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
ITTS	Instruction Targeted for TABE Success
LEA	Local education agency
OSEP	Office of Special Education Programs
PC	Personal computer
PTS	Placement Transition Specialist
TABE	Test for Adult Basic Education





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

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