

Townsend Community School IRN: 012867
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Ohio Department of Education, Office for Exceptional Children
2018-2019 IDEA Selective Monitoring Review Summary Report

Introduction

The following report is a summary of the onsite review of Townsend Community School conducted by OEC on April 17-18, 2019, as part of its general supervision requirements under the Individuals with Disabilities Education Act (IDEA) and Am. Sub. HB1. The selective review consisted of record reviews, staff interviews, parent meetings and an analysis of district data, procedures and outcomes. As a result, OEC identified the following specific areas of noncompliance with the Individuals with Disabilities Act (IDEA), its implementing regulations in Title 34 of the Code of Federal Regulations (CFR), Chapters 3301-24 and 3301-51 of the Ohio Administrative Code (OAC), and Chapter 3323 of the Ohio Revised Code (ORC).

ORC Section 3323.02 mandates school districts to ensure all requirements of Part B of IDEA are met. For purposes of Chapter 3323, a community school is considered to be a school district.¹

In support of the above identifications of noncompliance, the Office for Exceptional Children (OEC) issues the following findings and required corrections.

The educational agency is being notified of this finding on **September 24, 2019**.

The educational agency must complete the following areas of the Directed Corrective Action Plan (CAP) by **November 5, 2019** ensuring compliance with the requirements in the Monitoring Review Summary Report. Additionally, the educational agency must submit compliant IEPs for the 23 students/records reviewed to OEC by **December 20, 2019**

Definitions use in this Report.

1. "FAPE" shall mean the provision of a Free and Appropriate Public Education pursuant to 34 C.F.R. 300.101 et. seq. as required by IDEA, 20 U.S.C. 1400 et. seq.
2. "IDEA" shall refer to the Individuals with Disabilities Education Improvement Act and ORC 3323.02, which mandates school districts to comply with all aspects of IDEA. For purposes of ORC Chapter 3323, a community school is considered to be a school district.²
3. "Townsend" shall refer to Townsend Community School, also known as Townsend (IRN: 012867) located at 207 Lowell Street, Castalia, Ohio 44824.

Please note that for any noncompliance issues with FAPE, the district must develop a plan to correct the issue(s) within **15 school days, October 15, 2019**, of notification to ensure compliance with the requirements of the governing law and rules/regulations.

¹ See ORC 3323.012

² See ORC 3323.012

Overview

During the onsite review, OEC consultants monitor the educational agency's implementation of IDEA to ensure compliance and positive results for students with disabilities. The primary focus of the review is to:

- Improve educational results and functional outcomes for all students with disabilities; and
- Ensure that educational agencies meet program requirements under Part B of IDEA, particularly those requirements that are most closely related to improving educational results for students with disabilities.

Onsite reviews are targeted to include the following specific areas:

- FAPE;
- Child Find;
- Delivery of Services;
- Least Restrictive Environment;
- Parent Input; and
- Teacher and Administrator Interviews.

A finding is made when noncompliance is identified with evaluation team report (ETR) and/or individualized education program (IEP) requirements. Noncompliance that is systemic in nature or that is identified in **30% or more** of the records reviewed by OEC and substantiated through other data sources must be included in a comprehensive corrective action plan (CAP) with action steps to address each of the noncompliance findings. All noncompliance identified by OEC as part of the review (listed by subject area in the *OEC's Review Findings and Educational Agency Required Actions Table*) must be corrected as indicated in the *Evidence of Correction/Required Actions* column.

OEC provides separate written correspondence to the parent/guardian when action is required to correct findings of noncompliance for individual students. The educational agency will receive copies of this correspondence.

Data Sources

During the review, OEC considered information from the following sources:

1. Public Parent Meeting and Written Comments

Townsend mailed 321 OEC approved letters to all families with students with disabilities in the educational agency. OEC provided the educational agency with a public meeting announcement to post on the educational agency's website. Public parent meeting dates for all educational agencies selected for onsite reviews are also posted on the ODE website.

On April 17, 2019, OEC consultants held a public meeting for Townsend parents and other interested parties. Public parent meeting dates for all educational agencies that are selected for onsite reviews are posted on the ODE website at least 30 days prior to the meeting. No parents or family members attended. Attendees would have had the opportunity to speak with OEC and/or State Support Team (SST) representatives publicly in the meeting, speak to OEC representatives individually, provide written comments or both. Written comment forms were available at Townsend before, during and after the meeting. Although there were no attendees at the public meeting, OEC received one written comment.

2. Pre-Onsite Data Analysis

OEC conducted a comprehensive review which included district, building and grade level data; Special Education Performance Profile; Local Report Cards; Comprehensive Continuous Improvement Plan (CCIP); and Education Management Information System (EMIS) data. The data analysis assisted OEC in determining potential growth areas and educational agency strengths.

3. Record Review/IEP Verification

Prior to the onsite visit, OEC consultants reviewed ETRs and IEPs of 23 students with disabilities. OEC selected records of students with disabilities based on age, race, gender, and disability category. Based on the nature of how instruction is delivered at Townsend, IEP verifications were unable to be conducted. The design of Townsend has students receiving a textbook and workbook. Students may do the work at

home and self-report independent work time. Students can mail in assignments and tests into the school or come to a “satellite location” (public library) where staff meet them and “pre-grade” the test. If the student does not pass, staff review the test with them until they pass. This only occurs if the student chooses to come into the satellite. Because there were no students present to observe instruction, as an alternative, the subject and time logs for all 23 student records were reviewed.

4. Staff/Administrative Interviews

On April 17, 2019, OEC consultants held seven sessions of interviews with 10 administrators, 15 instructors, six tutors, three school psychologists, two support specialists, two enrollment specialists, two attendance specialists, one Speech and Language Pathologist, one Career and College Advisor, one Family Liaison, one Learning Pathways Specialist, and one Community Based Instruction (CBI) Coordinator. OEC interviews focused on the following review areas: Child Find; Delivery of Services; Least Restrictive Environment (LRE) and IEP alignment and Discipline.

Findings of Noncompliance with FAPE

1. Delivery of Service Non-Compliance with implementing of child’s Individualized Education Program (providing evidence of delivery of specially designed instruction)

Requirement:

Under IDEA, special educations means, “specially designed instruction...”³ “Specially Designed Instruction” is defined 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; and (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.”⁴ A student with disability’s individual education program (IEP) must include a description of the special education.⁵

3301-51-07 of the Ohio Administrative Code (OAC) ensures that each school district shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, that ensure an individualized education program (IEP) is developed and implemented for each child with a disability.

Findings:

Townsend did not present any evidence of specially designed instruction. During interviews staff indicated that students were not required to engage with staff at all. Students had the option to send in their work and assessments or could request help if they needed it. Based on this described model, students with disabilities would have to request their specially designed instruction instead of it being provided to them in the delivery of instruction. There was no evidence of specially designed instruction that differed the student with disabilities from their general education peers and no evidence of IEP progress monitoring outside of logs that were created by students.

Correction:

Townsend will develop a system or procedure for accurately tracking specially designed instruction and progress monitoring that ensure an IEP is being developed and implemented for each child with a disability.

2. Least Restrictive Environment Non-Compliance with Continuum of Alternative Placements

Requirement:

Under IDEA, community schools are required to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services⁶ based on their least restrictive environment (LRE) and individual learning needs. The continuum that is required must include the following settings: instruction in regular classes, special classes, special schools, home instruction and

³ 34 CFR 300.39

⁴ 34 CFR 300.39(b)(3)

⁵ 34 CFR 300.320(a)(4)

⁶ 34 CFR 300.115(a)

instruction in hospitals and institutions.⁷ The continuum must also make provisions for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.⁸

Findings:

Townsend is not offering a continuum of alternative placements to students based on their LRE and individual learning needs. All of the records reviewed only provided the child with the option for placement at Townsend in a “General Education Classroom.” Townsend is not providing a continuum of alternative placements based on student’s individual needs because the school only offers one available placement and no alternatives. OEC staff reviewed multiple records showing that students with highly varied needs, such as a child with a learning disability and a child with multiple disabilities and lower cognitive functioning, having the same goals, services and least restrictive environment. These student’s IEPs were amended upon enrolling at Townsend. The amendments made by Townsend all reflected the model of the school rather than the needs of each individual student. There was no evidence or data to support these amendments were made to meet individual student needs.

Correction:

Townsend must offer the full continuum of alternative placements to meet the specific needs of children with disabilities for special education and related services within their LRE. Townsend staff will participate in training/professional development conducted by OEC and/or SST Region 2 on the topic of Least Restrictive Environment. Townsend must reflect individual student needs in each IEP by selecting services and least restrictive environments that match the intensity and method of instruction needed for the student to progress in the curriculum.

3. Required Services for Students with Multiple Disabilities

Requirements:

“Multiple Disabilities” means “concomitant impairments (such as intellectual disability-blindness or intellectual disability-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.⁹ Multiple disabilities category does not include deaf-blindness.¹⁰ A classroom for students with multiple disabilities shall include at least one full-time paraprofessional. In a classroom serving only students with multiple disabilities, there shall be no more than eight students during any one instructional period.¹¹

Findings:

Students identified as having multiple disabilities were not receiving services and supports commensurate with their needs as identified in the most recent ETR. These students were receiving the same services as students without disabilities would receive in a general education classroom. Both IEP documents and staff interviews indicated that students IEPs were changed to match the same Least Restrictive Environment and Services, general education. Staff stated that the modification for students with multiple disabilities was to adjust the target criteria not to change instructional strategies, method of delivery, settings or supports.

Correction:

Townsend must review all ETRs that determined the category of multiple disabilities and ensure that the determination process meets the definition contained in IDEA¹² (specifically that a student identified as having multiple disabilities has “such severe educational needs that they cannot be accommodated in a special education program solely for one of the impairments.” Townsend must also offer a classroom/LRE specifically designed to meet the learning needs of these students outside of the general education setting. Townsend must construct IEPs for students with multiple disabilities that meet their individual functional needs.

⁷ 34 CFR 300.115(b)(1)

⁸ 34 CFR 300.115(b)(2)

⁹ 34 CFR 300.8(c)(7)

¹⁰ OAC 3301-51-01(B)(10)(d)(vii)

¹¹ OAC 3301-51-09(I)(2)(e)(iii)

¹² 34 CFR 300.8(c)(7)

4. Need for Written Policies and Procedures

Requirement:

OAC 3301-51-02(A) requires each school district shall adopt and implement written policies and procedures, approved by the Ohio Department of Education, Office for Exceptional Children, ensuring that FAPE is made available to all children with disabilities.

Findings:

Through conversations with administrative staff, teachers and support staff, it was stated that Townsend does not have formal, written policies and procedures ensuring FAPE is made available to all children with disabilities. Additionally, documentation received and reviewed by OEC did not contain any evidence of formal, written policies and procedures ensuring FAPE.

Correction:

Townsend will develop written policies and procedures for all areas related to special education and students with disabilities. These written policies and procedures must be adopted by Townsend's Board of Education. Additionally, Townsend will publicly post policy information such as the board notes, board minutes, school calendar, Family Educational Rights and Privacy Act (FERPA) Policy, Child Find memo and general school information (ex: website/ stakeholder memos)

5. Instructional Plan for Academic Content

Requirement:

"Specially designed instruction" means adapting, as appropriate to the needs of an eligible child under this rule, the content, methodology, or delivery of instruction:

- (a) To address the unique needs of the child that result from the child's disability; and
- (b) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the school district that apply to all children.¹³

Community schools must provide a minimum of 920 hours of learning opportunities per year.¹⁴ Ohio Administrative Code [3301-102-02\(M\)](#) defines "learning opportunity" as the following:

"Learning opportunity" means classroom-based or non-classroom-based supervised instructional and educational activities that are defined in the community school's contract and are

- (a) Provided by or supervised by a licensed teacher;
- (b) Goal oriented; and
- (c) Certified by a licensed teacher as meeting the criteria established for completing the learning opportunity.

Dropout prevention and recovery academic performance rating and report card system states that the program's instructional plan must demonstrate how the academic content standards adopted by the state board of education will be taught and assessed.¹⁵

Findings:

It was reported by staff during interviews that the method by which students receive and are to learn the material is as follows: the student is given the textbook and workbook upon course enrollment. The student is to then complete a self-reported minimum number of hours of (independent) study per week and turn in a

¹³ 34 CFR 300.39

¹⁴ ORC 3314.03(A)(11)

¹⁵ OAC 3301-102-10(A)(2)(f)

minimum number of required exams. The student is only required to turn in the exams but is not required to stay for instruction. In fact, the exams can be turned in via mail.

The student logs provided during the onsite review were not detailed enough to determine specific lessons, activities or skills on which students were working. Logs indicate subject area but do not mention IEP goals covered. From these self-reported logs, it could not be determined if students were on-track for timely course completion or building on prior or newly acquired knowledge. It also could not be determined if students were completing any work related to IEP goals.

In addition, students with IEPs must receive Specially Designed Instruction (SDI) related to academic and functional goals.¹⁶ The SDI must include the setting, time and frequency of the service and who is providing the service. The educational logs provided did not include this information and reviewers were unable to determine how SDI was tracked and recorded.

SDI is designed to ensure access to the general education curriculum so that the child can meet the educational standards that apply to all children within the jurisdiction of the school district. It should not be designed to fit class scheduling, lack of appropriate staff to deliver services or be uniform across a disability category.

On multiple occasions, it was stated that student work is often “pre-graded” prior to submission for credit. The work was pre-graded to increase the chance that the students would receive a passing score. This would not appear to be a measure of growth or what the student knows related to content material. Credit appeared to be determined by student’s self-reporting rather than verified through teacher observations. Student IEPs were amended upon transfer into Townsend to reflect the program model and service delivery of Townsend rather than match student individual needs. IEPs reviewed contained similar if not identical service minutes and least restrictive environments regardless of varied student abilities and needs.

Correction:

Townsend must develop evidence-based instructional strategies that serve the best interests of enrolled students with special needs. These strategies must be developed into a written plan that will be implemented by all teachers at the school who are serving students with special needs. The plan will include appropriate professional development for school staff.

SDI must be developed and tracked to include setting, time and frequency and the personnel responsible for delivering the service and support. The time tracked must be specific to the SDI and cannot simply be the time that students are signed in and out of a location.

Townsend must provide SDI to all students as prescribed in Section 7 of their IEPs. The responsibility is on the school, not the students, for the proper provision of educational services. SDI must be individualized and adapted to the needs of the student. The IEP should include the amount of time and frequency, location and person responsible for the delivery of service.

Best Practice:

Teacher instruction is the bridge between student achievement outcomes and Ohio’s Learning Standards. Students’ prior knowledge on each standard is identified. The importance and relevance of the standard is presented to the student. Resources are gathered to plan and teach the standard. Instructional strategies are selected that engage students to transfer prior knowledge to new content and concepts. Some activities may be adapted to accommodate the student’s relationship to mastery of each standard. Instructional strategies are chosen to best facilitate the student’s learning preferences and needs.

¹⁶ OAC 3301-51-07(H)(1)(e)
9/24/2019

6. Adoption Process of ETR/IEP and Internal Monitoring System

Requirement:

Upon the enrollment of a child with an existing ETR/IEP from another school district or state, the school district must determine if it will accept the existing ETR/IEP or reconvene the teams to change the existing ETR/IEP.¹⁷

If the child moved into the district from another state, the district must provide the parents with a copy of the procedural safeguards notice.¹⁸ If the child transfers into the district from another district in the state, the district provides the parents with a copy of the procedural safeguards notice if the sending school district had not provided the parents with a copy during the current school year.¹⁹

If the district determines that a new evaluation is necessary for a child who transfers from out of state, the evaluation is considered an initial evaluation.²⁰ If the IEP team refers a child who transfers from another district in the state for additional evaluation assessments, the evaluation is considered to be a reevaluation.²¹ The district must provide the Prior Written Notice to Parents PR-01 form and obtain written parental consent (Parent Consent for Evaluation PR-05 form).²²

Findings:

During the record review conducted by OEC, it was determined that most of the records reviewed were written by other educational agencies. When records are adopted by Townsend, Townsend assumes all the responsibility for compliance of those records. If documents are found to be noncompliant through the adoption process, it must be addressed by the adopting educational agency. Issues of noncompliance noted in this report were found to be the result of a lack of an internal monitoring process.

Correction:

Townsend must develop an internal monitoring process and implement that process to ensure only compliant records are being adopted by Townsend. Townsend's newly developed internal monitoring process shall be defined in conjunction with additional policies and procedures affecting the development and construction of ETRs and IEPs.

Corrective Action Plan (CAP)

Townsend will be delivered a Directed Corrective Action Plan to address any items identified to:

- Improve educational results and functional outcomes for all children with disabilities; and
- Ensure that Townsend meets program requirements under Part B of IDEA, the Ohio Revised Code and Ohio Administrative Code, particularly those requirements that are most closely related to improving educational results for children with disabilities.

Townsend will submit evidence of completion of the directed corrective action plan to Debra Shirley, OEC Contact at debra.shirley@education.ohio.gov.

CAP Due Date: November 5, 2019

OEC Trainings

As part of the OEC monitoring process, Townsend personnel, as identified by OEC, are required to complete the Special Education Essentials 2018-19 training modules within the Learning Management System (LMS). OEC will provide specific instructions on completing these training modules during the Summary Report presentation. Participants must achieve a 75% or more on each quiz. Participants who do not achieve at least 75% will be contacted by the State Support Team (SST) for additional training.

¹⁷ 34 CFR 300.323 and OAC 3301-51-07(K)(5)

¹⁸ OAC 3301-51-05(I)

¹⁹ OAC 3301-51-05(I)

²⁰ OAC 3301-51-06(B)

²¹ OAC 3301-51-06(D)

²² OAC 330-51-06(B)(3)

Completion of LMS Training Modules Due Date: November 5, 2019

Individual Correction

The educational agency has **60 school days** from the date of this summary report to correct all identified findings of noncompliance for individual students, unless noted otherwise in the report. Detailed information on individual findings are provided in a separate report.

Individual Correction Due Date: December 20, 2019

Systemic Correction

The educational agency will provide OEC with documentation verifying the educational agency's completion of all CAP activities. OEC will verify systemic correction through the review of this documentation. If needed, OEC may request additional student records to review.

Completion of Systemic Correction Due Date: May 29, 2020

For questions regarding the review, please contact: Debra Shirley, OEC Contact, at 614-466-9520, toll-free at (877) 644-6338, or by e-mail at debra.shirley@education.ohio.gov.

OEC's Review Findings and Educational Agency Required Actions

Component 1: Child Find

Each educational agency shall adopt and implement written policies and procedures approved by the Ohio Department of Education, Office for Exceptional Children, that ensure all children with disabilities residing within the educational agency, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated as required by the Individuals with Disabilities Education Improvement Act of 2004 and Federal Regulations at 34 C.F.R. Part 300 pertaining to child find, including the regulations at 34 C.F.R. 300.111 and 300.646 and Rule 3301-51-03 of the Ohio Operating Standards serving Children with Disabilities.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
CF-1	300.305(a) and 3301-51-11 (c)(1)(a)	<p><u>Record Review</u></p> <p>Townsend Community School does not serve preschool students.</p>	<p><u>Individual Correction</u></p> <p>NA</p> <p><u>Systemic Correction</u></p> <p>NA</p>	<input checked="" type="checkbox"/> NA
CF-2	3301-51-06	<p><u>Interviews</u></p> <p>During interviews, staff described a Response to Intervention/Intervention Assistance Team (RTI/IAT) process.</p> <p><u>Record Review</u></p> <p>Six evaluations did not appropriately document interventions provided to resolve concerns for the child performing below grade-level standards.</p> <p>Though staff described RTI/IAT process, the records did not illustrate the RTI/IAT process or capture the interventions provided. If the interventions provided in the IEP are sufficient, this must be stated in the record. (ETR/PR-01)</p>	<p><u>Individual Correction</u></p> <p>OEC has verified that these students have a current ETR in place, so no additional individual correction is required.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding documentation of intervention and supports provided prior to completion of the initial evaluation team report.</p>	<input checked="" type="checkbox"/> Yes The educational agency needs to address this finding in a Corrective Action Plan.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
CF-3	300.501(b)(1) 3301-51-06 (E)(2)(a)	<u>Record Review</u> Five student records did not show evidence that the parent was afforded the opportunity to participate in the evaluation team planning meeting.	<u>Individual Correction</u> The educational agency must provide evidence that the parent was involved or provided the opportunity to participate in the evaluation planning process. The evidence may include evaluation planning form, prior written notice, parent invitation, referral form or communication log. If the educational agency cannot provide documentation that the parent was involved or provided the opportunity to participate in the evaluation planning process, the educational agency must conduct evaluation planning with the parent. <u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices that include the parent in the evaluation planning process.	<input checked="" type="checkbox"/> No The educational agency does <u>not</u> need to address this finding in a Corrective Action Plan.
CF-4	300.300	<u>Record Review</u> Seven student records did not provide evidence of parental consent obtained prior to new testing.	<u>Individual Correction</u> None <u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices for obtaining parental consent obtained prior to new testing.	<input checked="" type="checkbox"/> Yes The educational agency needs to address this finding in a Corrective Action Plan.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
CF-5	300.304(c)(4) 3301-51-01 3301-51-06 (E)(2)(a)	<p><u>Record Review</u></p> <p>Sixteen (16) evaluations did not provide evidence that the evaluation addresses all areas related to the suspected disability.</p> <p><u>Other Considerations</u></p> <p>Record reviews indicated that there were areas addressed on the planning form in 16 records that were not assessed in the ETR. There is a misalignment between the planning and the assessment phases of the ETR.</p> <p>Observations require that the public agency must ensure that the child is observed in the child's learning environment (including the general classroom setting) to document the child's academic performance and behavior in the area of difficulty (CFR 300.310). Observations were not always included for students where Specific Learning Disability was a suspected disability, as required in CFR 300.311(3).</p> <p>All areas listed on the planning form must be addressed and the person responsible must be identified.</p> <p>Checklists are not an appropriate form of evaluation.</p>	<p><u>Individual Correction</u></p> <p>The educational agency will convene the ETR teams to conduct a reevaluation and provide evidence that the evaluation addresses all areas related to the suspected disability.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices to provide evidence that the evaluation addresses all areas related to the suspected disability.</p>	<input checked="" type="checkbox"/> Yes <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
CF-6	300.306(c)	<p><u>Record Review</u></p> <p>Thirteen (13) evaluations did not show evidence of clearly stating the summary of assessment results.</p> <p><u>Other Considerations</u></p> <p>The information in Part 2 of the ETR must be clear and concise and not be a copy and paste of information from Part 1. The language should be written in terms that the parents, as well as involved professionals, can understand and use to create goals and services in the IEP. All areas addressed in Part 1 must be summarized in Part 2 and information must be included that will be used to create meaningful goals and services within the IEP.</p> <p>Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and</p> <p>Ensure that information obtained from all of these sources is documented and carefully considered.</p>	<p><u>Individual Correction</u></p> <p>The educational agency will reconvene the ETR teams to conduct a reevaluation and provide a clear and concise summary of the data and assessment conducted that meets the requirements of 3301-51-06 (G) (Summary of information). The IEP team must consider the results of this reevaluation.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding summary of data and assessment results.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>
CF-7	300.306(c)	<p><u>Record Review</u></p> <p>Eleven (11) evaluation team reports did not contain a description of educational needs.</p>	<p><u>Individual Correction</u></p> <p>The educational agency will reconvene the ETR teams to conduct a reevaluation and provide a clear and succinct description of the student's educational needs. The IEP team must consider the results of this reevaluation.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding description of educational needs.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
CF-8	300.306(c)	<p><u>Record Review</u></p> <p>Thirteen (13) evaluation team reports did not contain specific implications for instruction and progress monitoring.</p> <p><u>Other Considerations</u></p> <p>Information within the records regarding implications for instruction and progress monitoring, when included, were not individualized to the student need(s) as indicated in the ETR. Progress monitoring techniques must reflect how progress will be monitored in relation to IEP goals and services.</p>	<p><u>Individual Correction</u></p> <p>The educational agency will reconvene the ETR teams to conduct a reevaluation and provide a clear description of specific implications for instruction and progress monitoring. The IEP team must consider the results of this reevaluation.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding implications for instruction and progress monitoring.</p>	<input checked="" type="checkbox"/> Yes <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>
CF-9	300.306(a)(1) 3301-51-01 (B)(21)	<p><u>Record Review</u></p> <p>Seven evaluations did not show evidence that a group of qualified professionals, as appropriate to the suspected disability, were involved in determining whether the child is a child with a disability as well as the child's educational needs.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must provide evidence that the ETR teams and other qualified professionals, as appropriate, participated in the determination of eligibility and educational needs. If not, the ETR team must reconvene and provide OEC evidence of group participation.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the eligibility determination process.</p>	<input checked="" type="checkbox"/> Yes <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>

Component 2: Delivery of Services

Each educational agency shall have policies, procedures and practices to ensure that each child with a disability has an IEP that is developed, reviewed, and revised in a meeting and implemented in accordance with 300.320 through 300.324.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-1	SPP Indicator 13 300.320 (b) 3301-51-07 (H)(2)	<p><u>Record Review</u></p> <p>Twenty-two (22) IEPs did not show evidence that the postsecondary transition plan met all eight required elements of the IDEA for the student, specifically in the following area(s):</p> <ol style="list-style-type: none"> 1. There are appropriate measurable postsecondary goal(s). 2. The postsecondary goals are updated annually. 3. The postsecondary goals were based on age appropriate transition assessment (AATA). 4. There are transition services that will reasonably enable the student to meet the postsecondary goal(s). 5. The transition services include courses of study that will reasonably enable the student to meet the postsecondary goal(s). 6. The annual goal(s) are related to the student's transition service needs. 7. There is evidence the student was invited to the IEP Team Meeting where transition services were discussed. 8. When appropriate, there is evidence that a representative of any participating agency was invited to the IEP Team Meeting. 	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams to review and correct the postsecondary transition plan for the IEPs identified as noncompliant or provide documentation of the student's withdrawal date from the educational agency.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding transition services.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-2	300.320(a)(1)	<p><u>Record Review</u></p> <p>Twenty-one (21) IEPs did not contain Present Levels of Academic Achievement and Functional Performance (typically referred to as the PLOP) that addressed the needs of the student.</p> <p><u>Other Considerations</u></p> <p>Current, baseline data is necessary for writing actionable goals that are meaningful for student growth.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the IEP teams of the IEPs identified as noncompliant to review and amend the PLOP related to each goal to include:</p> <ul style="list-style-type: none"> • Summary of current daily academic/ behavior and/ or functional performance (strengths and needs) compared to expected grade level standards in order to provide a frame of reference; • Baseline data provided for developing a measurable goal. <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the review of current academic/functional data when writing IEPs.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>
DS-3	300.320(a)(2)(i)	<p><u>Record Review</u></p> <p>Two IEPs did not contain annual goals that address the child's academic area(s) of need.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and amend the IEP. Annual goals must address the academic needs of the child unless the team provides evidence that the goals were prioritized based on the severity of the needs of the child.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the IEP process of addressing identified academic needs.</p>	<p><input checked="" type="checkbox"/> No</p> <p>The educational agency does <u>not</u> need to address this finding in a Corrective Action Plan.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-4	300.320(a)(2)(i)	<p><u>Record Review</u></p> <p>Four IEPs did not contain annual goals that address the child’s functional area(s) of need.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and amend the IEP. Annual goals must address the functional needs of the child unless the team provides evidence that the goals were prioritized based on the severity of the needs of the child.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the IEP process of addressing identified functional needs.</p>	<p><input checked="" type="checkbox"/> No</p> <p>The educational agency does <u>not</u> need to address this finding in a Corrective Action Plan.</p>
DS-5	300.320(a)(2)(i)	<p><u>Record Review</u></p> <p>Sixteen (16) IEPs did not contain measurable annual goals.</p> <p><u>Other Considerations</u></p> <p>Measurable annual goals are statements in measurable terms that describe what can be taught to the child using Specially Designed Instruction (SDI) within a twelve-month period (unless otherwise specified). There must be a direct relationship to the annual goal and the present levels of academic and functional performance (typically referred to as the PLOP). The measurable goal needs to identify one skill that the student will be addressing during the course of the IEP.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and amend annual goals to contain the following critical elements:</p> <ol style="list-style-type: none"> 1. Clearly <u>defined behavior</u>: the specific action the child will be expected to perform. 2. The <u>condition</u> (situation, setting or given material) under which the behavior is to be performed. 3. <u>Performance criteria</u> desired: the level the child must demonstrate for mastery and the number of times the child must demonstrate the skill or behavior. <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the development of measurable annual IEP goals.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-6	3301-51-07(B) and (C) 3301-51-07(L) 3301-51-07(H)(1)(d)	<p><u>Record Review</u></p> <p>Ten (10) IEPs did not show evidence that data were collected and analyzed to monitor performance on each goal and objective.</p> <p><u>Other Considerations</u></p> <p>In most cases, Periodic Reports were not provided.</p>	<p><u>Individual Correction</u></p> <p>None</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices to provide evidence that the data were collected and analyzed to determine the present levels of academic and functional performance the student made on each goal and objective.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>
DS-7	300.320(a)(4) 3301-51-07(H)(1)(e)(i)	<p><u>Record Review</u></p> <p>Fourteen (14) IEPs did not contain a statement of specially designed instruction that addresses the individual needs of the child and supports the annual goals.</p> <p><u>Interviews</u></p> <p>It was determined through interviews with staff that students need to advocate for their own specially designed instruction. It was stated that students are only required to turn in the exams at their learning center and are not required to stay for instruction unless they choose to do so. The responsibility is on the school, not the students, for the proper provision of educational services.</p> <p><u>Other Considerations</u></p> <p>There is a practice at Townsend to write goals that state SDI will only be provided when a student is "actively enrolled in a course" (i.e., math). Goals must have a start and end date that reflects the skills that a student is pursuing and be monitored for progress. Reading and math goals can be easily attributed to other subjects to ensure students grow vital skills.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and amend the specially designed instruction, as appropriate, to address the needs of the child.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the IEP process of determining specially designed instruction.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction		Must be addressed in CAP
			Required Actions		
DS-8	3301-51-07(L)(2)	<p><u>Record Review</u></p> <p>Five IEPs did not contain measurable annual goals and services/placement consistent with progress made.</p> <p><u>Other Considerations</u></p> <p>During the onsite review, Townsend shared student learning logs. The learning logs do not have enough detail to determine the goals are being addressed or how SDI is being provided and tracked.</p>	<p><u>Individual Correction</u></p> <p>None</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding measurable annual goals and services consistent with progress made.</p>	<p><input checked="" type="checkbox"/> No</p> <p>The educational agency does <u>not</u> need to address this finding in a Corrective Action Plan.</p>	
DS-9	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>Nine IEPs did not indicate the location where the specially designed instruction will be provided.</p> <p><u>Other Considerations</u></p> <p>Locations for services must be identified separately for each goal.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and amend the location where the specially designed instruction will be provided.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the IEP process of determining the location where specially designed instruction will occur.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>	
DS-10	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>One IEP did not indicate the amount of time and frequency of the specially designed instruction.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the team of the IEP identified as noncompliant to review and amend the amount of time and frequency of the specially designed instruction.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the IEP process of determining the amount and frequency of specially designed instruction to be provided.</p>	<p><input checked="" type="checkbox"/> No</p> <p>The educational agency does <u>not</u> need to address this finding in a Corrective Action Plan.</p>	

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction		Must be addressed in CAP
			Required Actions		
DS-11	300.320(a)(4) 3301-51-07 (H)(1)(e)	<u>Record Review</u> All applicable IEPs identified related services that address the needs of the child and support the annual goals.	<u>Individual Correction</u> NA	<u>Systemic Correction</u> NA	<input checked="" type="checkbox"/> NA
DS-12	300.320(a)(7) 3301-51-07 (H)(1)(i)	<u>Record Review</u> One IEP did not indicate the location where the related services will be provided.	<u>Individual Correction</u> The educational agency must reconvene the team of the IEP identified as noncompliant to review and amend the IEP to include the location where the related services will be provided.	<u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding the IEP process of determining the location where related services will occur.	<input checked="" type="checkbox"/> Yes The educational agency needs to address this finding in a Corrective Action Plan.
DS-13	300.320(a)(7) 3301-51-07 (H)(1)(i)	<u>Record Review</u> All IEPs indicated the amount of time, duration and frequency of the related services to be provided.	<u>Individual Correction</u> NA	<u>Systemic Correction</u> NA	<input checked="" type="checkbox"/> NA
DS-14	3301-51-07	<u>IEP Verification</u> OEC did not conduct IEP verification visits due to multiple locations, student schedules that reflect that students attend on a rotating basis and often do not stay for instruction at remote learning sites. As an alternative to conducting IEP Verifications, the subject and time logs for all 23 student records were reviewed. These records did not provide evidence of instruction or progress monitoring toward an IEP goal.	<u>Individual Correction</u> The IEP teams must reconvene to confirm that IEP supports and services are being implemented with fidelity in the least restrictive environment. The IEP team must consider the need for compensatory services, as necessary.	<u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding alignment between written document and actual practice.	<input checked="" type="checkbox"/> NA

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-15	3301-51-07(L)	<u>Record Review</u> All applicable IEPs showed evidence that revisions were made based on data indicating changes in student needs or abilities.	<u>Individual Correction</u> NA <u>Systemic Correction</u> NA	<input checked="" type="checkbox"/> NA
DS-16	300.324(a)(2)(v) 3301-51-01(B)(3)	<u>Record Review</u> One IEP did not identify assistive technology to enable the child to be involved and make progress in the general education curriculum.	<u>Individual Correction</u> The educational agency must reconvene the team of the IEP identified as noncompliant to review assistive technology and/or services that would directly assist the child with a disability to increase, maintain, or improve their functional capabilities and include them on the IEP. <u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding assistive technology.	<input checked="" type="checkbox"/> Yes The educational agency needs to address this finding in a Corrective Action Plan.
DS-17	300.320(a)(6)(i) 3301-51-07(H)(1)(g)	<u>Record Review</u> One IEP did not identify accommodations provided to enable the child to be involved and make progress in the general education curriculum. <u>Interviews</u> An accommodation provided to multiple students was “pre-grading”. Pre-grading was described in Townsend staff interviews as teachers and/or tutors reviewing course exams prior to submission for grading. It was stated that this was done to ensure the likelihood that a student would pass the exam. This action would not support high quality instructional practices or be reflective of true student learning growth or skill attainment.	<u>Individual Correction</u> The educational agency must reconvene the team of the IEP identified as noncompliant to review the accommodations that would directly assist the child to access the course content without altering the scope or complexity of the information taught and include them on the IEP. <u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding accommodations.	<input checked="" type="checkbox"/> No The educational agency does <u>not</u> need to address this finding in a Corrective Action Plan.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-18	300.320(a)(4) 3301-51-07 (H)(1)(e)	<u>Record Review</u> Nine IEPs did not identify modifications to enable the child to be involved and make progress in the general education curriculum.	<u>Individual Correction</u> The educational agency must reconvene the teams of the IEPs identified as noncompliant to review the modifications that would alter the amount or complexity of grade-level materials and would enable the child to be involved and make progress in the general education curriculum and include them in the IEP <u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding modifications. <u>Other Considerations</u> It is necessary to provide a more detailed description of modifications regarding curriculum content and instructional levels.	<input checked="" type="checkbox"/> Yes The educational agency needs to address this finding in a Corrective Action Plan.
DS-19	3301-51-07 (H)(1)(h)(ii)	<u>Record Review</u> One student record did not provide evidence that the IEP team used the AASCD Participation Criteria form when deciding if the alternate assessment is appropriate for the student.	<u>Individual Correction</u> The educational agency must reconvene the team of the IEP identified as noncompliant to review and complete the AASCD Participation Criteria form. The team must decide if the alternate assessment is appropriate for the student. <u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding the use and completion of the AASCD Participation Criteria form.	<input checked="" type="checkbox"/> Yes The educational agency needs to address this finding in a Corrective Action Plan.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-20	300.320(a)(4) 3301-51-07 (H)(1)(e)	<p><u>Record Review</u></p> <p>Two IEPs did not identify supports for school personnel to enable the child to be involved and make progress in the general education curriculum.</p> <p><u>Other Considerations</u></p> <p>Support to school personnel is adult-to-adult support, describing who will receive the support, what support will be provided, who will provide that support and where the support will take place.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs identified as noncompliant to review the supports for school personnel that were identified by the IEP team and define the supports on the IEP including who will provide the support and when it will take place.”</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding supports for school personnel.</p>	<input checked="" type="checkbox"/> Yes <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>
DS-21	300.321(a) 3301-51-07(l)	<p><u>Record Review</u></p> <p>Three IEPs did not indicate that the IEP Team included a group of qualified professionals.</p>	<p><u>Individual Correction</u></p> <p>For the IEPs identified as noncompliant, the educational agency must:</p> <ul style="list-style-type: none"> • Provide documentation that the parent was informed prior to the IEP meeting that the person qualified to interpret the instructional implications of evaluation results would not participate in the meeting, and • Provide a written excuse signed by the parents and the educational agency that allowed the person qualified to interpret the instructional implications of evaluation results not to be in attendance at the IEP meeting, or • Reconvene the IEP team to review the IEP with all required members present. <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the involvement of people qualified to interpret the instructional implications of evaluation results in the IEP process.</p>	<input checked="" type="checkbox"/> No <p>The educational agency does <u>not</u> need to address this finding in a Corrective Action Plan.</p>

Component 3: Least Restrictive Environment (LRE) and IEP Alignment

Each educational agency shall ensure that to the maximum extent appropriate, children with disabilities, including children in public or nonpublic institutions or other care facilities, are educated with children who are nondisabled; and that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
LRE-1	300.114 300.320(a)(5) 3301-51-07 (H)(1)(f)	<p><u>Record Review</u></p> <p>Two IEPs did not include an explanation of the extent to which the child will not participate with nondisabled children in the general education classroom.</p> <p><u>Other Considerations</u></p> <p>Justify the need to deliver services outside the general education classroom based on individualized student need.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and include a justification as to why the child was removed from the general education classroom.</p> <p>The justification should:</p> <ul style="list-style-type: none"> • Be based on the needs of the child, not the disability. • Reflect that the team has given adequate consideration to meeting the student's needs in the general classroom with supplementary aids and services. • Document that the nature or severity of the disability is such that education in general education classes, even with the use of supplementary aids and services, cannot be achieved satisfactorily. • Describe potential harmful effects to the child or others, if applicable. <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the least restrictive environment placement decision process.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>The educational agency needs to address this finding in a Corrective Action Plan.</p>