

**Dayton City School District
IRN: 043844****Ohio Department of Education, Office for Exceptional Children
2019-2020 IDEA Monitoring Review Summary Report****Introduction**

The Ohio Department of Education's Office for Exceptional Children (OEC) and the Office for Early Learning and School Readiness (ELSR) would like to extend appreciation to the Dayton City School District staff for their efforts, attention and time committed to the completion of the review process.

Definition of terms in this document:

OEC-refers to the Ohio Department of Education's Office for Exceptional Children

ELSR refers to the Ohio Department of Education Office of Early Learning and School Readiness

Individual Corrections or Record Corrections refers to the correction of IEPs, ETRs, and other special education records that were reviewed by OEC and found to be non-compliant.

Systemic Corrections refers to non-compliance within the larger systems at work to implement IDEA within the district. This includes but is not limited to Systemic Correction of records to document ongoing compliance with IDEA requirements.

Overview

The following report is a summary of the onsite review conducted by OEC and ELSR on January 28-30, 2020 and February 11-12, 2020 as part of its general supervision requirements under the Individuals with Disabilities Education Act (IDEA) and Am. Sub. H.B.1.

During the onsite review, OEC and ELSR 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:

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

Data Sources

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

1. Public Parent Meeting and Written Comments

Dayton City School District mailed 2,239 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 district website. Public parent meeting dates for all educational agencies selected for onsite reviews are also posted on the ODE website.

On January 28, 2020, OEC and ELSR consultants held two public meetings for parents and other interested parties at two locations. At Westwood Elementary School, ten (10) parents and family members, five (5) OEC and ELSR team members, and one (1) State Support Team (SST) Region 10 representative attended the public meeting. At Wright Brothers Middle School, five (5) parents and family members, six (6) OEC and ELSR team members, and one (1) State Support Team (SST) Region 10 representative attended the public meeting. Attendees could speak to OEC representatives publicly in the meeting, speak to OEC representatives individually, provide written comments or both. Six (6) attendees at Westwood Elementary School made comments and no one at Wright Brothers Middle School made comments during the public meetings. Written comment forms were available before, during and after the meeting. OEC received nine (9) written comments and two (2) phone calls.

During the public meetings, parents were advised by OEC and ELSR consultants of the formal complaint process under IDEA and that their public comments did not constitute a formal complaint. The participants were also informed that while the information they provided may be helpful to the review, it may not necessarily be acted upon as part of the review process. Ohio's procedural safeguards notice was available for participants who wanted a copy.

2. Pre-Onsite Data Analysis

OEC and ELSR 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 and ELSR in determining potential growth areas and educational agency strengths.

3. Record Review/IEP Verification

Prior to the onsite visit, OEC consultants reviewed forty-nine (49) records of school age students with disabilities and ELSR consultants reviewed ten (10) records of preschool students with disabilities. OEC and ELSR consultants selected records of students with disabilities from a variety of disability categories and ages. Twenty-six (26) school-age and ten (10) preschool student records were selected for IEP verification in the classroom setting.

4. Staff/Administrative Interviews

On January 28 and 29, 2020, OEC and ELSR consultants held thirty-two (32) sessions of interviews with forty-four (44) administrators and one hundred fifty-three (153) coordinators, teachers, school counselors, related services personnel, school psychologists, and paraprofessionals. OEC and ELSR interviews focused on the following review areas: Child Find; Delivery of Services; Least Restrictive Environment (LRE) and IEP alignment and Discipline.

Findings of Noncompliance/Required Actions

A finding is made when noncompliance is identified by ODE with all IDEA requirements. A Directed Corrective Action Plan (CAP) was developed to address noncompliance of IEP and ETR elements at a level of 30% or greater (in some cases, elements may be included for systemic correction when reaching the 30% threshold if interviews and parent comments support the need for this area to be addressed) in any single area or in specific areas of concern that were found during the onsite review activities. All noncompliance identified by OEC and ELSR as part of the review (listed by subject area in the *OEC' and ELSRs Review Findings and Educational Agency Required Actions Table*) must be corrected as indicated in the *Evidence of Correction/Required Actions* column.

Refer to the details of requirements in the **Summary of Findings and Required Actions below**, and the attached **Individual Record Review Comment Sheets** as well as items in the attached **Directed CAP**.

OEC and ELSR provide 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.

Corrective Action Plan (CAP)

Dayton City Schools 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 Dayton 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.

*CAP Due Date: **See directed CAP***

OEC and ELSR Trainings

As part of the OEC and ELSR monitoring process, Dayton City School District personnel, as identified by OEC and ELSR, are required to complete the Special Education Essentials 2019-2020 training modules within the Learning Management System (LMS). OEC and ELSR 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.

*Completion of LMS Training Modules Due Date: **February 16, 2021***

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 whose records were selected and reviewed by ODE during the onsite review, (initial record pull 50 school age and 10 preschool students) unless noted otherwise in the report. Detailed information on individual findings are provided in a separate report.

*Individual Correction Due Date: **April 7, 2021***

CAP Activities and Systemic Correction

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

*Completion of CAP Activities and Systemic Correction Due Date: **October 14, 2021***

Once the educational agency has completed all action plan activities, the educational agency will use OEC and ELSR's monitoring process to create and implement an Improvement Plan with OEC, ELSR and SST assistance.

For questions regarding the review, please contact: Adam Sandhoff, OEC Urban Team Contact, at adam.sandhoff@education.ohio.gov or Margie Spino, ELSR Contact, at Margie.spino@education.ohio.gov, or toll-free at (877) 644-6338.

OEC and ELSR'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 and Office for Early Learning and School Readiness, 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
			Required Actions
CF-1	300.305(a) and 3301-51-11 (c)(1)(a)	<p><u>Record Review</u></p> <p>All preschool evaluation records of a child transitioning from Part C, utilized child information from the Individual Family Service Plan (IFSP) and other documentation provided by Help Me Grow in suspecting or when determining eligibility for Part B supports and services.</p>	<p><u>Individual Correction</u></p> <p>NA</p> <p><u>Systemic Correction</u></p> <p>NA</p>
CF-2	3301-51-06	<p><u>Record Review</u></p> <p>Thirty-four (34) school age evaluations did not appropriately document interventions provided to resolve concerns for the child performing below grade-level standards.</p> <p><u>Interviews</u></p> <p>During sixteen (16) interview sessions, staff from multiple elementary, middle and high schools (including general education teachers, special education teachers and support personnel, and administration) indicated receiving training; however, there was a lack of follow-up by the district to support implementation and tracking of interventions. There are fragmented practices from building to building and in some cases within the same building.</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 and reevaluation team report.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements</p>
CF-3	300.501(b)(1) 3301-51-06 (E)(2)(a)	<p><u>Record Review</u></p> <p>Nine (9) school age student records did not show evidence that the parent was afforded the opportunity to participate in the evaluation team planning meeting.</p> <p>All preschool student records showed evidence that the parent was afforded the opportunity to participate in the evaluation team planning meeting.</p> <p>The review of records revealed that the district has difficulty involving parents in required meetings in some cases-</p>	<p><u>Individual Correction</u></p> <p>The educational agency must provide evidence that the parent was involved or provided the opportunity to participate in the evaluation planning process.</p> <p>The evidence may include evaluation planning form, prior written notice, parent invitation, referral form or communication log.</p> <p>If the educational agency cannot provide documentation that the parent was involved or provided the opportunity to participate in</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
			<p>the evaluation planning process, the educational agency must conduct a reevaluation planning meeting with the parent.</p> <p>See individual record review comment sheets for detailed requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices that include the parent in the evaluation planning process.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
CF-4	300.300	<p><u>Record Review</u></p> <p>Eighteen (18) school age student records did not provide evidence of parental consent obtained prior to new testing.</p> <p>All preschool student records provided evidence of parental consent obtained prior to new testing.</p> <p>Several records reviewed showed consent obtained through “phone conference” lacking the documentation of informed, written parental consent. There are records where assessments were completed that were not documented on the planning form, thus were completed without parental consent.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must provide evidence that the parent provided informed, written consent for evaluation, based upon the planning form. Or the agency must show documented repeated attempts to obtain informed, written consent to which the parent did not respond.</p> <p>The evidence may include, prior written notice, parent invitation, communication log, or other documented attempts to obtain parental informed, written consent.</p> <p>If the educational agency cannot provide documentation that the parent provided informed, written consent for evaluation, or did not respond to repeated attempts to obtain consent, the agency must conduct a reevaluation including documentation of parental consent.</p> <p>See individual record review comment sheets for detailed requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices for obtaining parental consent obtained prior to new testing or policies and practices for moving forward when parents will not participate.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
CF-5	300.304(c)(4) 3301-51-01 3301-51-06 (E)(2)(a)	<p><u>Record Review</u></p> <p>Forty-two (42) school age and ten (10) preschool evaluations did not provide evidence that the evaluation addresses all areas related to the suspected disability.</p> <p>Record reviews and interviews for preschool and school age revealed a need for closer alignment between the planning form listing assessments required and the actual reporting of these assessment areas in part 1 of the evaluation. Often areas of assessment listed on the planning form were not addressed in the ETR part 1. For preschool, interviews indicated a “standard” use of assessments that did not address the needs of an individual child.</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>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices to provide evidence that the evaluation addresses all areas related to the suspected disability.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
CF-6	300.306(c)	<p><u>Record Review</u></p> <p>Forty-three (43) school age and nine (9) preschool evaluations did not show evidence of clearly stating the summary of assessment results.</p> <p>From preschool and school age record reviews, the summary of assessment results either did not include all areas reported in part 1, or the information was not summarized sufficiently, making it cumbersome and, at times, confusing for all stakeholders to interpret. There are school age records that include a copy and paste of individual assessments rather than a summary of results.</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>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding summary of data and assessment results.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
CF-7	300.306(c)	<p><u>Record Review</u></p> <p>Thirty (30) school age and four (4) preschool evaluation team reports did not contain a clear and succinct description of educational needs.</p> <p>The descriptions of educational needs must be clear, concise, and explained in parent-friendly language. In addition, some explanations of educational needs within preschool and school-age records were generic, and not specific to the individual student instructional or functional needs for the IEP team to develop programming and goals.</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>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding description of educational needs.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
CF-8	300.306(c)	<p><u>Record Review</u></p> <p>Thirty-two (32) school age and four (4) preschool evaluation team reports did not contain specific implications for instruction.</p> <p>The implications for instruction within preschool and school-age records were often generic in nature or did not focus on specific instructional strategies to address individual educational needs. Many records contained a list of accommodations copied and pasted from individual assessment reports.</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. The IEP team must consider the results of this reevaluation.</p> <p>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding implications for instruction.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
CF-9	300.306(a)(1) 3301-51-01 (B)(21)	<p><u>Record Review</u></p> <p>Twenty-one (21) school age 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>All preschool evaluations showed 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>Record reviews often revealed that required members of the ETR team, including the parent, were not present at the team meeting.</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>See individual record review comments for detailed correction requirements.</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> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements</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
			Required Actions
DS-1	SPP Indicator 13 300.320 (b) 3301-51-07 (H)(2)	<p><u>Record Review</u></p> <p>Seventeen (17) 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>Record reviews reveal the need for clear and thorough age appropriate transition assessments that identify individual transition services, based upon student preferences, interests, needs and strengths for each transition goal.</p>	<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>See individual Indicator 13 comment sheets for detailed correction requirements.</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>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
DS-2	300.320(a)(1)	<p><u>Record Review</u></p> <p>Forty-four (44) school age and eight (8) preschool IEPs did not contain resent Levels of Academic Achievement and Functional Performance (PLOP) that addressed the needs of the student.</p> <p>Preschool and school-age record reviews indicated a lack of a clear comparison to expected grade level standards and a lack of clear baseline data for developing a measurable goal</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. • PLOP must relate to the goal measurement. • Baseline data provided for developing a measurable goal. <p>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the review of current academic/functional data when writing IEPs.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
DS-3	300.320(a)(2)(i)	<p><u>Record Review</u></p> <p>Thirty-one (31) school age and ten (10) preschool IEPs did not contain measurable annual goals.</p> <p>School age record reviews found goals without a clearly defined condition, behavior and/or mastery/performance criteria based upon the student's identified needs.</p> <p>Preschool record reviews indicated that goals did not contain clearly defined functional behaviors or clear performance criteria.</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. <u>Clearly 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>See individual record review comments for detailed correction requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
			<p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the development of measurable annual IEP goals.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
DS-4	300.320(a)(2)(i)	<p><u>Record Review</u></p> <p>Fourteen (14) school age IEPs did not contain annual goals that address the child's academic area(s) of need.</p> <p>Several IEPs did not address academic needs that were identified in the corresponding ETR, or in the profile section of the IEP. If academic needs have been prioritized in goal development by the IEP team, this must be documented in 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 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>See individual record review comments for detailed correction requirements.</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>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
DS-5	300.320(a)(2)(i)	<p><u>Record Review</u></p> <p>Sixteen (16) school age and four (4) preschool IEPs did not contain annual goals that address the child's functional area(s) of need.</p> <p>Several Preschool and School-age IEP goals did not address functional or behavioral needs that were identified in the corresponding ETR, or in the profile section of the IEP. If functional needs have been prioritized in goal development by the IEP team, this must be documented in 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 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>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the IEP process of addressing identified functional needs.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
DS-6	300.320(a)(4) 3301-51-07 (H)(1)(e)(i)	<p><u>Record Review</u></p> <p>Twenty-six (26) school age and eight (8) preschool 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>Specially designed instruction (SDI) for preschool and school-age students was often generic in nature, and not individualized to student needs described in the IEP goals and present levels.</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>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the IEP process of determining specially designed instruction.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
DS-7	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>Eight (8) school age IEPs did not indicate the specific location where the specially designed instruction will be provided.</p> <p>All preschool IEPs indicated the location where the specially designed instruction will be provided.</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>See individual record review comments for detailed correction requirements.</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>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
DS-8	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>Thirteen (13) school age IEPs and one (1) preschool IEP did not indicate the amount of time and frequency of the specially designed instruction.</p> <p>Time and frequency must relate to one specific provider. Several of the records reviewed had two providers listed for one specially designed instruction, this was usually for an inclusion/co-teaching type of instruction. Intervention Specialists and related service providers are both able to deliver specially designed instruction; however, if a general education teacher is assigned to assist in the delivery of specially designed instruction, they must be included in the supports for school personnel box.</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 amount of time and frequency of the specially designed instruction.</p> <p>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the IEP process of determining the amount and frequency of specially designed instruction to be provided.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
DS-9	300.320(a)(4) 3301-51-07 (H)(1)(e)	<u>Record Review</u> Five (5) school age and two (2) preschool IEPs did not identify related services that address the needs of the child and support the annual goals.	<u>Individual Correction</u> The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and amend the IEP to include related services that were identified as needed in the IEP. See individual record review comments for detailed correction requirements. <u>Systemic Correction</u> The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the IEP process of addressing identified related service needs. See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.
DS-10	300.320(a)(7) 3301-51-07 (H)(1)(i)	<u>Record Review</u> Six (6) school age IEPs and one (1) preschool IEP did not indicate the location where the related services will be provided.	<u>Individual Correction</u> The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and amend the IEP to include the location where the related services will be provided. See individual record review comments for detailed correction requirements. <u>Systemic Correction</u> The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the IEP process of determining the location where related services will occur. See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
DS-11	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>Eight (8) school age IEPs and one (1) preschool IEP did not indicate the amount of time, duration and frequency of the related services to be provided.</p> <p><u>Interviews</u></p> <p>During nineteen (19) interviews, staff from multiple elementary, middle and high schools (including general education teachers, special education teachers and support personnel, and administration) as well as multiple parents in public parent meetings and/or written comments, expressed concerns that students were not being provided the services outlined in their IEPs. These expressed concerns include that SDI and related service providers were not able to address the needs of their special education student(s) because there was not enough time in their schedule to provide the needed support for every child. This is evidence that special education services are either not being developed by the IEP team based on the determination of student need and/or not subsequently implemented in accordance of each student's individualized needs.</p> <p>During three out of five interview sessions with preschool teachers and related service providers, multiple staff stated that children's progress was impacted due to caseloads beyond the maximum and a lack of planning time. Also, preschool stated that decisions on service time/frequency were made based on agency needs rather than individual child needs.</p> <p>During fourteen(14) interviews, staff from multiple elementary, middle, and high schools (including general education teachers, special education teachers and support personnel, and administration) as well as multiple parents in public parent meetings and/or written comments, stated that the amount of time for specially designed instruction (SDI) and related services was often reduced to fit the schedule available in the setting, and not sufficient to address the needs or provide the SDI and related services described in 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 on the IEP the amount of time and frequency of the related services to be provided.</p> <p>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the IEP process of determining the amount and frequency of related services to be provided.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
DS-12	300.324(a)(2)(v) 3301-51-01(B)(3)	<p><u>Record Review</u></p> <p>Eight (8) school age IEPs did not identify assistive technology to enable the child to be involved and make progress in the general education curriculum.</p> <p>All preschool IEPs identified assistive technology to enable the child to be involved and make progress in the general education curriculum.</p> <p>Several IEPs did not include assistive technology listed as educational needs in the ETR. Needs indicated in the ETRs must be carried over and included during the IEP development. In the IEPs that included assistive technology in the profile or present levels of performance, the assistive technology must also be documented in section 7 under Assistive Technology.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs 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.</p> <p>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding assistive technology.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
DS-13	300.320(a)(6)(i) 3301-51-07 (H)(1)(g)	<p><u>Record Review</u></p> <p>Thirty-nine (39) school age and three (3) preschool IEPs did not identify accommodations provided to enable the child to be involved and make progress in the general education curriculum.</p> <p>Many school age records lacked the clarity of the condition and/or extent for each accommodation. The term “as needed” is not acceptable as an explanation of the condition or extent for an accommodation. The provision of accommodations must be explained in terms of the conditions for and extent of each accommodation.</p> <p>Preschool records indicated a lack of description as to the extent of and conditions for accommodations.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs 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.</p> <p>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding accommodations.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
DS-14	300.320(a)(4) 3301-51-07 (H)(1)(e)	<p><u>Record Review</u></p> <p>Nineteen (19) school age IEPs did not identify modifications to enable the child to be involved and make progress in the general education curriculum.</p> <p>Many school age records lacked clarity or did not define the modifications needed to meet individual student needs. The extent of the modification needed for the student to be involved in and make progress within the general education curriculum must be clearly explained or defined. This can be explained by providing reading level, ability level, etc., or by referring to the Ohio's Learning Standards Extended.</p>	<p><u>Individual Correction</u></p> <p>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.</p> <p>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding modifications.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
DS-15	300.320(a)(4) 3301-51-07 (H)(1)(e)	<p><u>Record Review</u></p> <p>Ten (10) school age and four (4) preschool 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>School age records did not always indicate who would be providing the service and when the service would be provided. The supports for school personnel must describe services between professionals (by title) by documenting the support to include what services will be provided, who will receive; who will deliver; and when the support will be provided.</p> <p>Preschool records did not always indicate when support for school personnel services would be provided.</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>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding supports for school personnel.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
DS-16	3301-51-07 (H)(1)(h)(ii)	<p><u>Record Review</u></p> <p>Six (6) school age student records did not have a justification statement explaining why the student must participate in the alternate assessment.</p> <p>Several records did not include a justification for the student not participating in the alternate assessment. The justification must verify why the IEP team determined the student must take the alternate assessment. This includes the team completing the Ohio Alternate Assessment for Students with Significant Cognitive Disabilities (AASCD) Participation Criteria form to assist in determining the justification for alternate testing.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams of the IEPs identified as noncompliant to review and determination if the alternate assessment is appropriate for the student.</p> <p>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding the determination of participation in the AASCD</p> <p>See specific corrections needed below in Summary of Findings and Requirements as well as the Directed CAP for detailed requirements.</p>
DS-17	3301-51-07(L)(2)	<p><u>Record Review</u></p> <p>Twenty-eight (28) school age and five (5) preschool IEPs did not contain measurable annual goals and services/placement consistent with progress made.</p> <p>Several student progress reports were not made available for review. Preschool and school-age record reviews and IEP verification visits did not always provide evidence that instructional data was collected for each measurable annual goal.</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 and ELSR of written procedures and practices regarding measurable annual goals and services consistent with progress made.</p> <p>See specific corrections needed below in Summary of Findings and Requirements as well as the Directed CAP for detailed requirements.</p>
DS-18	3301-51-07(L)	<p><u>Record Review</u></p> <p>Twelve (12) school age IEPs did not show evidence that revisions were made based on data indicating changes in student needs or abilities.</p>	<p><u>Individual Correction</u></p> <p>The educational agency must reconvene the teams to review and amend the IEPs to reflect changes made based on current needs or abilities.</p> <p>See individual record review comments for detailed correction requirements.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction
			Required Actions
		Several of the submitted progress monitoring reports showed a lack of progress toward goals, with no evidence that the IEP team reconvened to address and revise the goals as appropriate and/or implement and document an intervention to address the student's academic or functional need. Several progress reports were not submitted upon request. Without available progress monitoring for IEP goals, teams cannot determine the need for IEP revision.	<p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding using data to revise IEPs based on changes in student needs or abilities.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>
DS-19	300.321(5) 3301-51-07(I)	<p><u>Record Review</u></p> <p>Fourteen (14) school age and four (4) preschool IEPs did not indicate that the IEP Team included a group of qualified professionals.</p> <p><u>Interviews</u></p> <p>During eight (8) interviews, staff from multiple elementary, middle and high schools (including general education teachers, special education teachers and support personnel, and administration) as well as multiple parents in public parent meetings and/or written comments indicated that student change of placement was made without parent or IEP team involvement. It was reported during interviews that students were moved from one setting to another without IEP team consideration or review. The parent and team were notified after the placement change. Parents were not afforded the opportunity to be involved.</p> <p>In many cases, the signatures of the required members of the IEP team were missing. Other records did not have evidence of all required members being present at the IEP meeting.</p> <p>Preschool records did not always provide evidence that a general education teacher participated or that an excusal form was signed prior to the meeting.</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>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and preschool of written procedures and practices regarding the involvement of people qualified to interpret the instructional implications of evaluation results in the IEP process.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</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
			Required Actions
LRE-1	300.114 300.320(a)(5) 3301-51-07 (H)(1)(f)	<p><u>Record Review</u></p> <p>Twenty-two (22) school age and two (2) preschool 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>Interviews</u></p> <p>During eight (8) interviews, staff from multiple elementary, middle and high schools (including general education teachers, special education teachers and support personnel, and administration) as well as multiple parents in public parent meetings and/or written comments, shared that some students' educational placement was not a team decision, rather, a decision made by central office, without parent/guardian involvement and notification.</p> <p><u>Other Considerations</u></p> <p>Some of the school age records did not provide a justification as to why the student could not participate in the general education environment with non-disabled peers. IEP verifications that were conducted revealed that IEP instruction and services were not always delivered as described in the IEP.</p> <p>Some preschool record reviews did not provide a specific explanation of the extent to which a child would not participate with nondisabled peers in the general education classroom. In IEP verification visits for some of the preschool children there was evidence that the setting for instruction differed from the description in 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 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>See individual record review comments for detailed correction requirements.</p> <p><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC and ELSR of written procedures and practices regarding the least restrictive environment placement decision process.</p> <p>See specific corrections needed below in <u>Summary of Findings and Requirements</u> as well as the Directed CAP for detailed requirements.</p>

Commendations:

- Dayton City School District staff are passionate, caring and dedicated not only to students with disabilities, but the entire student body. This was evident through the interview process, IEP verifications and student/staff interactions.
- During interviews, it was noted that there was longevity of service with several staff members who are committed to the school district and community.
- Special education district and contractual personnel are aware of weaknesses in delivery of special education services and supports and desire to improve said services and supports for students.
- Dayton City School District preschool staff demonstrated a passionate and devoted attitude towards their students and a positive working relationship with one another. Through interviews, it was evident that staff had an awareness of areas which need improvement and a wanting to fix and resolve these areas. Classroom teachers demonstrated authenticity, commitment and an ability to show resiliency during IEP verifications.

Summary of Findings and Required Actions:

Findings of Noncompliance:

After the onsite review, Dayton City Schools was presented a letter dated May 11, 2020, indicating findings of FAPE violations in the areas of delivery of services and least restrictive environment. The letter indicated required actions of the district to address those violations. Those areas of noncompliance related to FAPE as well as additional areas of IDEA Part B implementation are noted here:

1. Special Education Policies and Procedures (and Practices):

Requirement:

- OAC 3301-51-02(A) requires that 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 established that Dayton City School District 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 Special Education Policies and Procedures for parental consent, or a pre-referral intervention process.

Correction:

- Dayton City Schools will develop written Special Education Policies and Procedures for all areas related to special education and students with disabilities ages 3 to 21. These written policies and procedures must be adopted by Dayton's Board of Education. The district will provide training and technical support to all district and contractual staff for the adopted policies and procedures. A system will be developed to ensure that ongoing training and support is available for new hires after initial training.
- The district will develop and implement a pre-referral intervention process, and if already developed, revise and/or update and provide ongoing training to all staff (district and contractual) on the implementation and tracking of student progress. The district will monitor, analyze, and adjust, if necessary, the implementation of interventions to ensure fidelity with this process.
- The district will develop and implement processes and procedures regarding the documentation of attempts to obtain informed, written parental consent for evaluation before proceeding with the ETR process.
- The district will develop clear procedures and practices around ensuring required attendance and signatures at ETR meetings.
- The district will develop and implement processes and procedures regarding the completion of evaluations and IEPs when parents do not respond to repeated attempts to involve them. Additionally, the district will internally monitor student records to ensure that the documentation of attempts to notify parents is consistently occurring.

2. Delivery of Services

Requirement:

The LEA must deliver special education services based on students' individual needs and through the proper IEP team process. Each school district is required to develop, review and revise each student's IEP and ensure its implementation [OAC 3301-51-07 (A)].

Findings:

- IEPs are not properly developed and/or implemented. For example, numerous IEPs did not contain clearly stated present levels of academic achievement and functional performance that directly align with the measurable IEP goals to address the individual needs of the students. Often the present levels of performance did not include a comparison statement to grade level standards/expectation. Additionally, numerous IEPs did not contain annual goals that address the academic and/or functional needs of the students as described in the ETR and or IEP profile. Numerous annual goals were not measurable, often excluding the condition, behavior and mastery criteria related to the present level of performance. The students' present levels of achievement/performance are necessary in setting appropriate IEP goals and IEP goals must be measurable in order to accurately assess student progress.
- Many IEPs, for students of transition service age, did not include annually developed transition goals and services aligned to the individual needs, interests, preferences and strengths of students, and did not utilize an Age Appropriate Transition Assessment (AATA) to determine those needs, interests, preferences and strengths.
- There are record keeping concerns as numerous requests for documents did not yield all records requested from the district. Student progress monitoring toward the annual IEP goals was not always documented, particularly with quantitative data aligned to the measurable goals, thus LEA staff would be unable to tailor the delivery of the specially designed instruction (SDI) to achieve goals based on those students' individual needs. Additionally, a significant number of IEPs lacked any indication of formative assessments being conducted to determine the students' academic performance or achievement, as quantitative data related to goals was not provided in progress reports.
- Based upon multiple interviews, SDI was often reduced in amount of time or unable to be provided as written in the IEP. The SDI was not based on students' individual needs, but instead was developed to fit the schedule available by the provider or program setting. Numerous IEPs included no clear statement of the amount of time and frequency in which certain specially designed instruction and related services were to be provided. Multiple providers were listed as delivering services, making it difficult for parents to determine who would be providing services and for what amount of time. From interviews and observations, SDI has not been delivered as written in some students' IEPs as service providers have been pulled to substitute in other classrooms in the school building or attend/cover meetings. Additionally, it was noted during interviews and IEP verifications that SDI is being delivered through computerized programs and not individualized based upon student needs as noted in IEPs.
- During interviews and IEP verifications, it was found that mental health services have not been provided for extended periods of time and even removed from some students' IEPs based upon a lack of availability of services.

Correction:

- Dayton City Schools will provide targeted training and technical assistance for all staff members (both district and contractual staff) in the area of service delivery. This training will address, at a minimum, the following components of service delivery:
 - development of clearly stated present levels of academic achievement and functional performance that directly align with the measurable IEP goals and include a comparison statement of grade level standards/expectations,
 - development of measurable goals that address the academic and functional needs of students and written with a clearly defined condition, behavior and mastery criteria based upon the individual student's present level of performance,
 - what SDI is and how to develop SDI based upon individualized student's academic and/or functional needs to allow for goal mastery,
 - how to correctly document the provider and location of specially designed instruction.
 - development of transition goals and services to meet the individual post-secondary needs of students utilizing Age Appropriate Transition Assessments and enable students to meet postsecondary goal(s),
 - development of accommodations and modifications that clarify the condition or extent for each accommodation or modification based on individualized student needs,

- how to monitor progress for progress reporting with the collection of quantitative data that is aligned to the measurement criteria of the academic and functional annual goals listed in the IEP,
- how to report progress on academic and functional annual goals and use the progress reports to inform instruction (and any needed revisions of IEPs) in light of progress made, or lack of progress, and
- what composes a qualified IEP team along with the development of procedures on how to ensure all required IEP team members are present at each IEP meeting. If a qualified team member is not present at the IEP meeting, the district will ensure an excusal form is thoroughly and appropriately completed.
- The district will provide training and technical assistance on the completion of formal paperwork in the ETR process. Additionally, the district will implement internal monitoring to ensure that all evaluations are completed as documented on the planning form.
- The district will provide training and technical assistance on the completion of formal paperwork in the ETR process. Additionally, the district will implement internal monitoring to ensure that all evaluations are being summarized as relevant in the review paperwork.
- Dayton City Schools will develop and implement a formal procedure for monitoring special education staff workloads and caseloads based upon OAC 3301-51-09 in order to ensure that students with disabilities receive the amount of services the IEP team determines is necessary to meet student needs, rather than providing services based upon the amount of time service providers have available in their schedule or other LEA factors.
- Dayton City Schools will develop and implement a formal process of tracking SDI to ensure FAPE [OAC 3301-51-01 (B)(25) and OAC 3301-51-02 (A) and (B)]. Additionally, the district will develop a system of tracking students who are receiving SDI and related services as they transition to the following grade level and between buildings so that students will continue to receive the services indicated in their IEP. Finally, the district will review the records identified in the review as non-compliant and determine the amount of compensatory education for SDI and related services that were not provided as written in the IEP. This includes the above-mentioned lack of provision of mental health services.
- The district will establish a means for providing consistent mental health services for students with identified mental health needs.
- The district must take steps to ensure that special education supports and services are delivered as described in the IEP.
- For the preschool program, Dayton City Schools will implement corrections for all identified findings within the area of delivery of services. Specific activities will be included within the Corrective Action Plan (CAP).
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3. Least Restrictive Environment Non-Compliance with Continuum of Alternative Placements and Placements

Requirement:

- Under IDEA, LEAs are required to ensure that to the maximum extent appropriate, children who receive special education services are educated with children who do not receive special education services [OAC 3301-51-09 (A)]. The LEA is also required to ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services based on their LRE and individual learning needs [OAC 3301-51-09 (C)]. The continuum that is required must include the following settings: instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions. 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. Additionally, the LEA will ensure that each individual student's educational placement is determined by a group, which includes the parent and other persons knowledgeable about the student and the student's evaluation data along with placement options [OAC 3301-51-09 (D)(1)(a)].

Findings:

- Based upon multiple interviews, public parent comments, written comments and IEP verifications, Dayton City School District is not ensuring LRE is based upon individual student needs. In addition, the same sources indicate concern that the district is not offering a continuum of alternative placements to students based on their LRE and individual learning needs. Numerous concerns were noted with placement decisions that have been determined based upon the type of programming available or other conditions (i.e., student takes the state alternate assessment). Student LRE placements were pre-determined by school administration or central office staff rather than being based on the needs of each individual student. There was no evidence to support that the change of placement for multiple students was made to meet individual student needs and included the group of persons listed in OAC 3301-51-09 (D)(1)(a).

Correction:

- Dayton City Schools must ensure that each student's educational placement is, to the maximum extent appropriate, being provided in an environment with children who are nondisabled.
- The district 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.
- Dayton must ensure that educational placement decisions are based upon individual needs and determined by a qualified group, including the parent. These decisions must be clearly documented in students' IEP paperwork. In addition, the district must ensure that the proper signatures are obtained prior to the change in placement.
- District and contractual staff will participate in training/professional development conducted by the OEC Urban Support Team and/or SST Region 10 on the topic of Least Restrictive Environment.
- Dayton must review identified records with such concerns (along with students who are similarly situated) and ensure that individual student needs are addressed 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 general education curriculum.
- For the preschool program, Dayton City Schools will implement corrections for all identified findings within the area of least restrictive environment. Specific activities will be included within the Corrective Action Plan (CAP).

Additional Considerations and Opportunities for Improvement:

- Based upon interviews and discussions with staff members, Dayton City School District needs to redefine/refresh their Response to Intervention (RTI)/Multi-Tiered System of Support (MTSS) process so that every district and contractual staff member knows exactly what is expected of them, how the entire process is carried out (Tiers I, II and III), as well as exactly what interventions and data collection information is available for them to use. If a formal document delineating processes and procedures for RTI/MTSS does not exist, the district will need to create one for staff members to refer to after training. Also, Dayton City School District needs to research and select evidence-based interventions along with decision rules for all tiered interventions including academic and behavior concerns.
- The district has an observed need to develop a formal process of adopting special education records from out of district, state, or/country [OAC 3301-51-07 (K)(5)(a)(b) and 3301-51-07 (K)(6)(a)(b)].
- Dayton City Schools will include in their adopted policies and procedures a process regarding the documentation of attempts for obtaining informed, written, parental consent for when they are unable to obtain consent prior to proceeding with the ETR process.
- Based upon a review of records and interviews, the district will develop and implement structured record keeping practices. Several requested records were not able to be located in the district office, nor produced by school building personnel indicating significant concern with the handling of the legal ETR and IEP documents and their secure storage.
- Multiple errors in completion of ETR tasks were noted during record reviews. Often items listed on the planning form were either not evaluated or not included in the ETR summary pages. Information summarized in the ETR must be written in terms understood by all team members, including parents and not merely a copy and paste from individual evaluator assessment reports. Multiple student records that required an observation indicated that district personnel are not completing observations, for students with a suspected learning disability, as written in the administrative code [OAC 3301-51-06 (H)(4)(a)]. The district will improve the development of ETRs by providing training to all district and contractual staff.
- This district needs to improve the culture and climate of the district, particularly in respect to special education. The district will develop and implement a plan and policy for hiring and retaining qualified special educators. The need for improved communication within the special education department was discussed during multiple interviews. Improving the communication of special education services and supports starts with the development of policies and procedures that are clear, communicated and known by all district and contractual staff members. Multiple parents have indicated a desire for the district to provide the opportunity for more parent involvement in the pre-referral, evaluation and IEP implementation process.
- Dayton City Schools will need to develop a systematic plan that includes action steps to address the concerns and non-compliance items noted in this Summary Report. This plan should ensure checks and balances within the administrative structure developed by the district and be monitored by OEC Urban Supports and SST 10 assigned members. The goal of this plan will be to ensure an ongoing district system of providing not only compliant but additionally best practice delivery of special education services and supports.

- The following are additional considerations for the preschool program:
 - The process for child find and initial evaluation appeared unclear and inconsistent. There was a high incidence of noncompliance within the preschool ETRs reviewed. Also, during interviews staff stated that there are no written evaluation processes.
 - Staff reported an overall lack of targeted preschool-specific and service-specific training for all preschool staff (teachers, teacher assistants, paraprofessionals, related services staff, preschool psychologists and preschool administrators). There was no evidence that indicated a comprehensive plan for professional development that covered district employed and contract staff or that considered how to keep current staff up to date as well as onboarding new staff. There was no evidence that systems were developed or implemented to ensure that new practices from trainings were being implemented (i.e., fidelity checks) or that other supports were available to staff to help them implement new practices (i.e., coaching).
 - Staff reported a lack of clear processes and procedures surrounding LRE continuum options and when it is best to use each placement option. It was also reported that children's IEP services may not reflect their individual needs but may be more reflective of the district's needs. For example, it was reported that due to large caseloads, related service staff were told to serve children in groups as opposed to individually.
 - During seven out of seven interview sessions with preschool teaching staff and related service providers multiple staff stated that district leadership lacked knowledge about preschool and often overlooked preschool. For example, it was stated that academic coordinators do not have preschool knowledge and therefore are not able to provide support.

The intent of the above findings, commendations, and required actions is to implement the states requirement to monitor IDEA within each Local Education Agency. Additionally, Dayton City Schools will receive detailed explanation of the above along with support in implementing the required actions and making systemic change to improve the outcomes of students with disabilities within their district. Should Dayton City Schools have any additional questions, or require technical assistance please contact the ODE and SST staff assigned. Joseph Kujkowski- Supports and Monitoring, Adam Sandhoff – Urban Support, Margie Spino- Early Learning and School Readiness, and Marcia Watts or Rebecca Clayman – State Support Team Region 10.