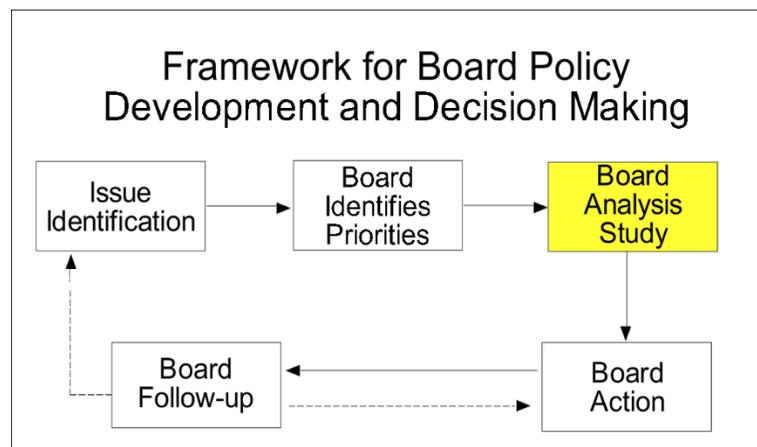


Iowa State Board of Education

Executive Summary

January 16, 2019



Agenda Item: Davenport Community School District Compliance Update

State Board Priorities: All

State Board Role/Authority: Iowa Code 256.11

Presenter(s): Amy J. Williamson, Chief
Bureau of School Improvement

Attachment(s): One

Recommendation: It is recommended that the State Board hear and discuss this information.

Background: Davenport Community School District received an intensive, on-site visit to determine compliance with the Individuals with Disabilities Education Act (IDEA) in early 2017. Several deficiencies were found by the site visit team, and the district was placed on a corrective action plan. An update on the district's progress is provided to the State Board at every meeting.

Davenport Corrective Actions 2018

Report Issued April 23, 2018

Updated November 1, 2018

Updated January 7, 2019

Noncompliance Citations

Citation No.	Legal Citation	Corrective Action Required	Due Date	Status as of November 1, 2018	Status as of January 7, 2019
1	20 USC § 1414(e) IAC 281 - 41.116 Placement Decisions 20 USC § 1414(d) Individualized Education Program	The local education agency (LEA) is required to: 1. Reconvene individualized education program (IEP) team meetings for all students who had 45 minutes of special education services in fall 2017 and determine compensatory education. 2. Work with the implementation advisor to obtain professional learning on appropriate placement and individualization of services for all special education staff, including administrators. 3. Provide a letter to the parents of students for whom there is no evidence that the minutes of instruction were reduced for their child from spring 2017 to fall 2017 explaining that since the prior written notice they received when the student's change in placement was insufficient the parent may	1. No later than one year from the date of issue of this report. 2. No later than one year from the date of issue of this report. 3. No later than June 30, 2018.	1. 634 of 914 (69%) IEP meetings held. 2. In process. 3. Complete. 13 of 860 parents requested meetings.	1. 749 of 914 (82%) IEP meetings held.

Citation No.	Legal Citation	Corrective Action Required	Due Date	Status as of November 1, 2018	Status as of January 7, 2019
		request that the IEP team be reconvened.			
2	20 USC § 1415(b)(3) Prior Written Notice (PWN)	The LEA is required to: 1. Correct all individual IEPs by holding new IEP meetings at which prior notice is given and all appropriate IEP team members are present and afforded opportunity to participate. (See appendices.) 2. Work with the implementation advisor to obtain professional learning on the appropriate contents and use of PWN for all special education staff, including administrators.	1. No later than one year from the date of issue of this report. 2. No later than one year from the date of issue of this report.	1. 634 of 914 (69%) IEP meetings held. 2. In process.	1. 749 of 914 (82%) IEP meetings held.
3	20 USC § 1414(d)(1) (A)(IV) Services Determined and Delivered on the IEP 20 USC § 1414(b)(3)(iv) Evaluation Procedures	The LEA is required to: 1. Complete new functional behavior assessments (FBA's) and behavior intervention plans (BIPs) for individual citations. (See appendices). 2. Review all IEPs with FBAs and/or BIPs for adequacy. This review must be done by either the area education agency (AEA) Challenging Behavior Team or Davenport staff who have received training in challenging behaviors.	1. No later than one year from the date of issue of this report. 2. No later than one year from the date of issue of this report. 3. No later than one year from the date of issue of this	1-4. 104 of 898 (11.6%) IEP meetings held to review and revise FBAs/BIPs. 5. In process. 6. In process.	1-4.456 of 899 (51%) IEP meetings held to review and revise FBAs/BIPs.

Citation No.	Legal Citation	Corrective Action Required	Due Date	Status as of November 1, 2018	Status as of January 7, 2019
		<p>(See appendices).</p> <p>3. Reconvene IEP team meetings for all determined to have had an inadequate FBA and/or BIP, per step 2 above. The IEP team must determine whether each student is owed compensatory education services for the time during which their FBA and/or BIP was inadequate. Each IEP team will make this determination using a standard protocol provided by the Iowa Department of Education. (See appendices.)</p> <p>4. Conduct new FBAs and BIPs, if FBA identifies new needs, for all learners who have had the following restrictive procedures as part of their BIP:</p> <ul style="list-style-type: none"> ○ The use of Out of School Suspension for a student for more than 5 times in a year ○ The use of Seclusion or Crisis Management procedures (i.e., holds) of 3 or more times in the school year ○ If Police Involvement specifically for behavior has occurred, ○ If more than 10 Office Discipline Referrals have occurred for a child. ○ If a Placement Change is 	<p>report.</p> <p>4. No later than one year from the date of issue of this report.</p> <p>5. No later than June 30, 2018.</p> <p>6. No later than one year from the date of issue of this report.</p>		

Citation No.	Legal Citation	Corrective Action Required	Due Date	Status as of November 1, 2018	Status as of January 7, 2019
		<p>being considered due to challenging behavior. This review may overlap with steps 1 and 2 above. (See appendices.)</p> <p>5. Develop policies and procedures on the development of FBAs and BIPs, including when to engage the LEA and/or AEA challenging behavior team.</p> <p>6. Work with the implementation advisor to ensure staff who complete FBAs have adequate training to conduct the behavior assessments, and develop aligned BIPs based on FBA information.</p>			
4	<p>20 USC § 1415(k)(1) (B)</p> <p>Removals/ Suspension</p> <p>20 USC § 1415(k)(1) (C)</p> <p>Manifestation Determination</p>	<p>The LEA is required to:</p> <p>1. Review the IEPs for all students in a setting using the Boy's Town model who were placed in a setting other than that stated on their IEP for any length of time during the past year. Determine whether the changes in setting should have triggered a manifestation determination. If so, conduct a manifestation determination. Reconvene the IEP teams for all such students to determine if compensatory education is owed.</p> <p>2. Work with the implementation advisor to obtain professional</p>	<p>1. No later than one year from the date of issue of this report.</p> <p>2. No later than one year from the date of issue of this report.</p> <p>3. No later than August 15, 2018.</p>	<p>1. In process. The teams have been convening and conducting manifestations for students who were removed for more than 10 school days. Since the majority of the students with this citation were also cited for disproportionality</p>	

Citation No.	Legal Citation	Corrective Action Required	Due Date	Status as of November 1, 2018	Status as of January 7, 2019
		<p>learning on appropriate use of suspension, expulsion, and removal to an alternative setting, for all special education staff, including administrators.</p> <p>3. Develop appropriate policies and procedures for accurately reporting suspension and ensuring access to the core curriculum.</p>		<p>y and/or FBA/BIP, the meetings are often being conducted at the same time.</p> <p>2. In process.</p> <p>3. Policy and procedures developed and being trained.</p>	
5	<p>20 USC § 1414(b)(3) Evaluation Procedures</p> <p>20 USC § 1413(f) and 1418(d) Disproportionality</p>	<p>The LEA is required to:</p> <p>1. Work with a national expert on disproportionality in special education to:</p> <ul style="list-style-type: none"> a. Review district procedures and practices; b. Make recommendations to address disproportionate identification, suspension/expulsion and seclusion/restraint of African Americans; c. Assist the district in developing and implementing a plan to expand universal processes for providing intervention strategies for students experiencing academic or behavior strategies that are unbiased; and d. Obtain professional development for all staff, including general education 	<p>1. No later than one year from the date of issue of this report.</p> <p>2. No later than one year from the date of issue of this report.</p>	<p>1. In process. This work began on September 21.</p> <p>2. 80 of 805 (10%) IEPs reconvened.</p>	<p>2. 423 of 806 (52.4%) IEPs reconvened.</p>

Citation No.	Legal Citation	Corrective Action Required	Due Date	Status as of November 1, 2018	Status as of January 7, 2019
		<p>staff members, on:</p> <ul style="list-style-type: none"> • The district's disproportionality data • The causes and consequences of disproportionality in special education • Policies and practices to remediate and eliminate disproportionality • Training to all members of each building's team on the intervention processes and strategies. <p>2. The district shall work with Mississippi Bend AEA to review IEPs for students of color, including reevaluation of eligibility for services and reconvening the IEP team. (See appendices.)</p>			
6	<p>20 USC § 1414(a)(1)</p> <p>Initial evaluations</p>	<p>1. The LEA is required to:</p> <p>2. Reconvene an IEP team and/or eligibility meeting for any student for whom eligibility was determined solely by the LEA without the presence of the AEA at an eligibility determination meeting. Representatives from the Mississippi Bend AEA must be present at meetings when they are reconvened. (See appendices.)</p> <p>3. Work with the implementation advisor to obtain professional</p>	<p>1. No later than one year from the date of issue of this report.</p> <p>2. No later than one year from the date of issue of this report.</p> <p>3. No later than June 30, 2018.</p>	<p>1. Accounted for in Appendix A.</p> <p>2. In process.</p> <p>3. Policy and procedures created.</p>	

Citation No.	Legal Citation	Corrective Action Required	Due Date	Status as of November 1, 2018	Status as of January 7, 2019
		<p>learning on appropriate evaluation procedures for all special education staff, including administrators.</p> <p>4. Develop written procedures for the inclusion of AEA staff in all eligibility determinations.</p>			
7	Iowa Administrative Code 281-103.6	<p>The LEA is required to:</p> <ol style="list-style-type: none"> 1. Work with Iowa Department of Education staff to review all rooms used for physical confinement for compliance with IAC 281 - 103.6. 2. Correct all deficiencies. 	<ol style="list-style-type: none"> 1. No later than June 30, 2018. 2. On the timeline specified by the on-site reviewer. 	1. Complete. Requires follow-up.	
8	Iowa Code 256B.9 IAC 281-41.202	<p>The district will be provided with a list of specific staff members the site visit team determined inappropriately coded to special education, in part or in whole.</p> <p>The district must either: (a) provide an acceptable rationale for the current coding, or (b) recode the expenditures effective July 1, 2017.</p>	30 days from the date of issue of this report.	Complete.	
Appendix A	Various	The district must correct each individual citation for 47 IEPs reviewed as part of the desk audit.	As soon as possible but no more than one year from the date of issue of the report.	5 of 47 IEPs completed.	29 of 46 IEPs completed.
Appendix B	Various	The district must reconvene the IEP team, determine compensatory	As soon as possible but no more than	1603 of 2866 IEPs (56%) completed.	2207 of 2866 IEPs (77%) completed.

Citation No.	Legal Citation	Corrective Action Required	Due Date	Status as of November 1, 2018	Status as of January 7, 2019
		education, and/or send a notification to parents that they may request a new IEP meeting for each individual student listed.	one year from the date of issue of the report.		
Compensatory Education Delivery	Various	The district must deliver compensatory education services to all students for whom it is determined by the IEP team that such services are owed.	As soon as possible following determination.	<p>155 of 1603 (9.7%) IEPs convened have determined that the students are owed compensatory education.</p> <p>As of November 1, 105 of 2325 hours of compensatory education have been delivered (4.5%). Many of these hours are not yet scheduled to begin but will begin in the next several weeks.</p>	<p>187 of 2236 (8.36%) IEPs convened have determined that the students are owed compensatory education.</p> <p>As of December 30, 230 of 4813 hours of compensatory education have been delivered (4.78%).</p>