

**Summit Academy Secondary**  
**IRN: 000303**

**Ohio Department of Education, Office for Exceptional Children (OEC)**  
**UPDATED 2017-2018 IDEA Monitoring Review Summary Report**

### **Introduction**

The following report is a summary of the onsite selective review conducted on March 5 and 6, 2018, by OEC with assistance from SST Region #5 as part of its general supervision requirements under the Individuals with Disabilities Education Act (IDEA) and Am. Sub. HB1. OEC also visited the five Children’s Residential Centers (CRCs) that operate under the same IRN as Summit Academy Secondary including: Belmont Pines, New Beginnings, Youth Intensive Services, Safehouse, Village Network Salem.

The selective review consisted of record reviews, classroom observations, 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.<sup>1</sup>

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

### **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.

1. “Summit Academy Secondary” shall refer to Summit Academy Secondary School – Youngstown located at 2800 Shady Run Road, Youngstown, Ohio 44502.

2. “Sponsor/School Agreement” shall mean the Educational Plan included as Attachment 6.3 to the Amended and Restated Contract for Ohio Community School entered between the Summit Academy Secondary School - Youngstown and Summit Academy Management and required to be implemented by Summit Academy Management as agreed to in Article III(B) of the “Management Agreement” between Summit Academy Secondary School – Youngstown and Summit Academy Management.

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

The LEA is being notified of this finding on June 15, 2018. The district must complete the following areas of the CAP by **September 11, 2018** indicating how it will ensure compliance with the requirements as detailed in this letter and the accompany Monitoring Review Summary Report. Additionally, the district must submit compliant IEPs for the 29 students/records reviewed to OEC by **November 19, 2018**.

### **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 children with disabilities; and

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<sup>1</sup> See ORC 3323.012

- 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 children with disabilities.

Onsite selective reviews are targeted to include the following specific areas:

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

A finding is made when noncompliance is identified with ETR and/or 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 selective review, listed by subject area in the *Review of Findings and educational agency Required Actions Table*, must be corrected as indicated in the *Evidence/Required Actions* column.

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

## Data Sources

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

### 1. Public Parent Meeting and Written Comments

Summit Academy Secondary mailed 197 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.

On March 5, 2018, OEC consultants held a public meeting for parents and other interested parties. Public parent meeting dates for all educational agencies selected for onsite reviews are posted on the ODE website. 2 parents and family members and 4 State Support Team (SST) Region 5 representatives attended the public meeting. Attendees could speak to OEC representatives publicly in the meeting, speak to OEC representatives individually, provide written comments or both. 2 attendees made comments during the public meeting. Written comment forms were available before, during and after the meeting. OEC received 1 written comments.

During the public meeting, parents were advised by OEC 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 "A Guide to Parent Rights in Special Education: Special Education Procedural Safeguards Notice" was provided to parents.

### 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 a total of 29 records of school-age students with disabilities. OEC selected a variety of records of students with disabilities from 6 buildings: Summit

Academy Secondary and the 5 CRC locations: Belmont Pines, New Beginnings, Youth Intensive Services, Safehouse, Village Network Salem.

#### 4. Staff/Administrative Interviews

On March 5, 2018, OEC consultants held 5 sessions of interviews with 10 administrators, 7 teachers, 7 Instructional Assistants (IAs), 3 related services personnel and one school psychologist. OEC interviews focused on the following review areas: Child Find; Delivery of Services; Least Restrictive Environment (LRE) and IEP alignment and Discipline.

Upon visiting the CRCs, on March 22, OEC met with the administrators on site, as well as teaching staff and support staff (IAs) for informal discussions surrounding the programs and services of the students attending those placements.

### **Findings of Non-Compliance:**

#### 1. **Continuum of Alternative Placements (further detailed on p.29 of this Report):**

**Requirement:** "Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services."<sup>2</sup>

**Finding:**

Through observations, record reviews and interviews with teachers and staff, it was found by OEC and SST Region #5 that a continuum of alternative placements is not being offered to students based on their Least Restrictive Environment (LRE) and individual learning needs. Teachers indicated that they attribute this to be a result of a hiring freeze that was put in place on or about November of 2017 creating a lack of intervention specialists, support staff or teachers required to provide the continuum of alternative placements to all students within a given classroom. The language regarding students' placements on the IEP was not consistent with their actual placement or need for an alternative placement. Out of the 29 IEP records we reviewed during our selective review, it was determined that for 13 of students, the continuum of alternate placement category names were used incorrectly. This resulted in students being listed on paper in a "cross categorical" room when they were actually in inclusion rooms with typical peers. Further, Least Restrictive Environment statements were not individualized based on student need which did not demonstrate or support the existence of a continuum of service.<sup>3</sup>

**Correction(s) Required:**

Summit Academy Secondary 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.

#### 2. **Required Services for Students with Multiple Disabilities (further detailed on pp. 14, 22-23 of this Report):**

**Requirement:** "Multiple Disabilities" means "concomitant impairments (such as mental retardation-blindness or mental retardation-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. Multiple disabilities does not include deaf-blindness."<sup>4</sup>

**Finding:**

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<sup>2</sup> 34 C.F.R. 300.115

<sup>3</sup> See 34 C.F.R. 300.114

<sup>4</sup> OAC 3301.51-01 (B)(10)(d)(viii) and 34 C.F.R. 300.8(c)(7). Note that the CFR uses the term "mental retardation" while the OAC uses the term "intellectual disabilities". All references made herein to "mental retardation" and/or "intellectual disabilities" are interchangeable.

Students identified as having multiple disabilities were not receiving services and supports commensurate with the requirements of this definition, within their LRE in a classroom for students identified under this disability category. These students were receiving the same services as students without disabilities would receive in a general education classroom. A classroom for students with multiple disabilities shall include at least one full-time paraprofessional.<sup>5</sup> In a classroom serving only students with multiple disabilities, there shall be no more than 8 students during any one instructional period.<sup>6</sup>

**Correction(s) Required:**

Summit Academy Secondary must review all Evaluation Team Reports (ETRs) that determined the category of multiple disabilities and ensure that the determination process meets the standards contained in 3301-51-01(B)(10)(d)(vii), specifically that a student identified as having multiple disabilities has “such severe needs that they cannot be accommodated in a special education program solely for one of the impairments.”<sup>7</sup> Summit Academy Secondary must also offer a classroom/LRE specifically designed to meet the learning needs of these students.

**3. Specially Designed Instruction (SDI) (further detailed on pp. 20-25 of this Report):**

**Requirement:** “Specially Designed Instruction” means adapting, as appropriate to the needs of an eligible child, 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.”<sup>8</sup>

**Finding:**

Students are advocating for their own Specially Designed Instruction and/or being denied Specially Designed Instruction. Teachers and support staff indicated there was a lack of specially designed instruction being delivered to students as written in their IEPs. According to the information received during staff interviews, class schedules were adjusted the week of the OEC visit to allow students the opportunity to receive SDI however, it was a service for which students had to advocate. It was explained by the teachers that students had the option to attend a “general” education classroom with their peers or to attend a different class where the SDI listed in their IEP would be provided. The definition of a general education classroom is identified as being, “...a learning environment that provides a community of students with the opportunity to acquire skills and knowledge necessary to meet state and local performance objectives.”<sup>9</sup> During OEC’s IEP Verification, OEC and SST observers noted scheduled SDI class times for all students, as opposed to individualized instruction based on student needs. Teachers indicated that a lack of staffing left them significantly behind on delivering the appropriate amount of SDI to students as outlined in their IEPs.

There were instances in the record review where SDI was the same for multiple students. During classroom observations, it was determined that SDI as written in a student’s IEP was not what the student was receiving in the classroom. During interviews with the teaching staff, and as reported in EMIS, SDI was not taking place at all as classes were not meeting as scheduled, curriculum was not available, and highly qualified teaching staff were not delivering services as written.

**Correction(s) Required:**

Summit Academy Secondary must provide SDI to all students as prescribed in Section 7<sup>10</sup> of their IEPs. The responsibility is on the school, not the students, for the proper provision of education services. SDI must be individualized and adapted to the needs of the student.. The IEP should include the amount of time/frequency, location and person responsible for the delivery of service.

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<sup>5</sup> See OAC 3301-51-09(I)(2)(e)(iii)

<sup>6</sup> See OAC 3301-51-09(I)(2)(e) and Paragraph 4 of this Report.

<sup>7</sup> See 34 C.F.R. 300.8(c)(7)

<sup>8</sup> 34 C.F.R. 300.39(C)(3)

<sup>9</sup> See OAC 3301-51-01(B)(27)

<sup>10</sup> Section 7 of the IEP is a mandated state template.

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.

4. **Non-Compliance with the Curriculum Plan as Outlined in the School-Sponsor Agreement (further detailed on pp. 18-27, 29 of this Report):**

**Requirement pursuant to the School-Sponsor Agreement – Curriculum Plan:**

- i. *Description of curriculum<sup>11</sup>: Knowing that students with disabilities, as well as students in low SES, present with a wide range of strengths and challenges, we have chosen an instructional model of tiered intervention that is based on Ohio’s New Learning Standards. Relying on the vertical alignment build in the Common Core Standards in Early Learning Assessment (ELA) and Math, teachers are able to assess students’ knowledge and fill in the missing skills while moving forward in the curriculum. All students receive grade level instruction in each content area. Students who are successful working at grade level are given additional in-depth instruction and enrichment activities in those topics.*

*...We use a co-teaching model that places two adults in each classroom which typically have 18 students or less.*

*Secondary students change classes during the course of the day with each class period taught by an appropriately licensed, highly qualified teacher, who groups the students as necessary for differentiation of instruction. We maintain the required ratio of Intervention Specialists to students on IEPs*

- ii. *Instructional delivery methods used<sup>12</sup>: Our main instructional delivery method is tiered instruction as described above. This is a teacher-led, student-centered face-to-face method with one adult delivering a lesson to a small group, while a second adult focuses on individual needs in a small group setting with a third group of students working independently either using instructional software or hands on materials.*
- iii. *Description of how curriculum aligns with the Ohio Content Standards<sup>13</sup>: Summit Academy teachers along with administration of created pacing guides that include the exact standard to be taught each quarter and here the resources for this can be found in our selected textbooks. Additional recourses are listed where the textbook is not adequate, associated vocabulary is identified and the corresponding extended standards are named. No one resource will be adequate to help all of our students access the Ohio Content Standards. The Building Leadership Team uses the decision framework on an annual basis to analyze the instructional resources to ensure all content is being supported across all of the levels of achievement that our students represent.*

**Findings:**

1. No evidence of formal curriculum aligned to the Ohio Learning Standards/Ohio Learning Standards Extended. Through classroom observations, OEC and SST staff determined there was no evidence of a formal curriculum being used as a model for teaching and instruction across all academic content areas and classrooms, as detailed herein. Teachers expressed the need for more formal training and assistance with implementing a formal curriculum as a framework for instruction.
2. As is written, there is no consideration for the High School grades which Summit Academy Secondary serves. Observations indicated no evidence of “tiered intervention” or

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<sup>11</sup> Educational Plan, Paragraph (1)(c).

<sup>12</sup> Educational Plan, Paragraph (1)(d).

<sup>13</sup> Educational Plan, Paragraph (1)(g).

“enrichment activities” for students who were successful at completing grade level work. In fact, grade level work was not being provided across multiple content areas. In relation to the “tiered intervention” model, the OEC/SST observation teams saw no evidence and were provided with no documentation of this process being formally implemented.

3. There was no evidence of the co-teaching model during our classroom observations. Most classrooms only had one adult, and in some instances, they were not highly qualified in the content area they were instructing on. Instructional Assistants (IAs) were being used as long-term substitutes, and were responsible for instruction. In co-teaching situations, regular classroom teachers and special education teachers work together to teach a group of students that contains general education and special education students. The OEC/SST team did not view this taking place at Summit Academy Secondary.
4. There was no evidence of pacing guides or any type of formal planning/outline being provided for the teachers, or in collaboration with the teaching staff. Being aware of this component within the contract, the OEC team did ask questions within the teacher groups/interviews regarding the pacing guides and instructional materials and it was evident there was none, that the teachers were aware of. Teachers indicated that they had some books, but often not enough, or the accompanying supplemental materials were outdated or they felt did not align to the standards. In that instance, the teachers indicated most of them just found materials on the internet or made up activities on their own that were more aligned with the standard. There is a significant need to provide the teachers with pacing guides, and instructional resources to help guide instruction.
5. Teachers indicated they were not aware of the Ohio Learning Standards Extended. As Summit Academy Secondary is servicing students identified as having “significant cognitive disabilities” the extended standards should be utilized daily to meet the academic and functional needs of this population of students. These standards help ensure that students with significant cognitive disabilities are provided with multiple ways to learn and demonstrate knowledge. At the same time, the extended standards are designed to maintain rigor and high expectations of Ohio’s Learning Standards. There is a significant need for professional development, and technical assistance surrounding the extended standards.

**Correction(s) Required:**

Summit Academy Secondary must define what curriculum will be implemented into daily instruction in a systematic and organized manner with oversight to ensure alignment to Ohio’s Learning Standards. The curriculum must be board adopted and be evidenced through instructional materials, lesson plans and assessment for all students including those with exceptionalities. Board adopted curriculum that has been signed by the board president indicating his involvement and awareness of developing a formal curriculum is required.

**5. Student caseload ratio (further detailed on pp. 13-29 of this Report):**

- a. **Requirement:** “School districts, county boards of developmental disabilities, and other educational agencies shall determine workload for an individual service provider based upon all the factors set forth in subsection 1, 2 and 3 of OAC 3301-51-09(I)(1) through (3).”<sup>14</sup>

**Finding:**

Summit Academy Secondary, is in violation of the workload determinations and the caseload ratios established for personnel servicing children with disabilities. Special education intervention specialists and service providers are assigned numbers of children with disabilities that exceed the caseload standards and exceed the workload determinations referenced in the OAC. As an example, there were only two intervention specialists assigned to Summit Academy Secondary,

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<sup>14</sup> OAC 3301-51-09(I)

one oversaw reading and the other oversaw math, with a total of 102 students identified as having a disability.

**Correction(s) Required:**

Summit Academy Secondary must determine the proper workload/caseload for each intervention specialist and related service provider working under the same citation. Additionally, Summit Academy Secondary must take immediate steps to bring special education workloads and caseloads into compliance. Summit Academy Secondary must submit documentation indicating workload/caseload ratio for each intervention specialist within the guidelines outlined in the O.A.C.

**6. Evaluation Procedures (further detailed on pp. 13-17 of this Report):**

**Requirements:**

**Evaluation Procedures:** “In conducting the evaluation, the public agency must (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining (i) whether the child is a child with a disability under 300.8 and (ii) the content of the child’s IEP including information related to enabling the child to be involved in and progress in the general education curriculum (2) not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors...(c)(1)(iv) Are administered by trained and knowledgeable personnel...(c)(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (4) The child is assessed in all areas related to the suspected disability including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.”<sup>15</sup>

**Determination of Eligibility.** “Upon completion of the administration of assessments and other evaluation measures (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in 300.8 in accordance with paragraph (b) of this section and the educational needs of the child.”<sup>16</sup>

**Conduct of Evaluation:** “In conducting the evaluation, the public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent that may assist in determining whether the child is a child with a disability and the content of the child’s IEP.”<sup>17</sup>

**Findings:**

1. For students in specific disability categories (Visually Impaired (VI-04), Autism (AUT-12), Multiple Disabilities (MD-01), Cognitive Disabilities (CD- 09), and Emotionally Disturbed (ED-08)), ETRs were found to be noncompliant due to the appropriate battery of testing being conducted to make an appropriate, informed decision on the eligibility determination for specific disability category.
2. Of the 29 records that were reviewed, a total of 21 records were found to not have addressed all areas related to the suspected disability category.
3. Assessments were not given with consideration to sensory needs of the student.

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<sup>15</sup> C.F.R. 300.304

<sup>16</sup> C.F.R. 300.306

<sup>17</sup> C.F.R. 300.304(b)(1)

4. Record reviews indicated noncompliance findings surrounding the appropriate team members were not present when making a determination on eligibility or disability category.
5. In some instances, disability categories were changed without having conducted the appropriate assessments by qualified professionals. Teachers indicated they were asked to conduct assessments on students they did not have or were not comfortable doing because they didn't feel qualified. When the teachers questioned this process, they were told by administration/IEP coordinator, to "make the information up" to meet specific deadlines.
6. Decisions were being made to qualify a student for special education services outside of an ETR meeting involving the required participants. This information was shared through the interview sessions with the instructional staff. It was shared that teachers were often asked to sign ETR an IEP forms as having participated in the meetings.
7. Initial ETR meetings were conducted by IEP teams. An initial ETR meeting would have to determine that the child (a) qualifies as a student with a disability (b) a determination of which disability category the student will qualify under. If the IEP team is conducting initial ETR meetings, predetermination has occurred in presuming the student is a child with a disability before the determination process has taken place.

**Correction(s) Required:**

Each of the 29 records that were initially reviewed by OEC will be reevaluated, in their entirety, using a third-party school psychologist(s) and related service providers as approved by the Office for Exceptional Children and paid for by the redirection of IDEA Part B funds allocated to Summit Academy Secondary with the involvement of Summit Academy Secondary staff as appropriate until such a time that the ODE/OEC deems Summit Academy Secondary in full compliance with this rule.

7. **IEP/ETR Requirements:**

**Requirements:** Summit Academy Secondary was found in non-compliance with the following requirements for IEPs and ETRs are found in the following laws/regulations:

- O.R.C. 3323.013** – Individualized education program required for student with visual disability
- 34 C.F.R 300.305** – Additional requirements for evaluations and reevaluations
- 34 C.F.R 300.321** – IEP team
- 34 C.F.R 300.323** – When IEPs must be in effect
- 34 C.F.R 300.324** – Development, review and revision of IEP
- 34 C.F.R 300.172** – Access to instructional materials

**Findings:**

Through record reviews and observations, it was evident that the information which was being utilized to determine eligibility for special education services and to develop an IEP for students was not being conducted in accordance with the governing law and rules/regulations. 21 out of the 29 ETRs reviewed did not have documentation of required professional participation in the determination of whether the child is eligible for special education services. It was determined that 14 out of the 29 records reviewed did not have documentation that the appropriate team members were present during the IEP meeting. During the interview process, it was brought to the attention of OEC/SST that unqualified professionals were running IEP meetings. It was disclosed that Instructional Assistants (IAs) were running IEP meetings, however, it appeared on paper as if the appropriate members were present, based on signatures.

**Correction(s) Required:**

The district will reconvene the IEP team for all students receiving special education services. The IEP team will develop a plan for compensatory time/services the student is entitled to receive. The revised IEPs as well as the number of compensatory hours determined by the IEP team will be forwarded to OEC for review. OEC/SST #5 will attend meetings where compensatory services are being discussed. A policy will be created with assistance from SST #5 and approved by OEC to implement



compensatory time. Services need to be based on each student's needs. Transportation must be provided for students to have access to services. Students cannot be removed from their scheduled classes in order to provide compensatory services. Services must be above and beyond the typical school day. All services as outlined in Section 7 of the IEP (SDI) must be provided by the provider as listed in the IEP. Multiple modes of service delivery must be offered.

A State Support Team Region 5 consultant will be in attendance at every ETR/IEP meetings to ensure procedures are being appropriately followed. These ETRs will be part of the 29 records being reevaluated as stated in item 7 above. Summit Academy Secondary will submit documentation indicating that the SST consultant was present at every ETR/IEP meeting beginning December 1, 2018.

8. **Home Instruction (further detailed on pp. 18-27, 29 of this Report)**

**Requirement:** Home Instruction must be provided to children with disabilities who are at least three years of age and less than twenty-two years of age and who are unable to attend school, even with the help of special transportation.<sup>18</sup> The home instruction must fulfill the student's IEP and must be of an amount sufficient in duration to meet the goals of the IEP. Schools are required to offer related services to children receiving homebound services, provided by direct providers, in order to meet the requirements of the child's IEP.

The EMIS manual states: Home Instruction: Students with Disabilities. A student with a disability receiving home instruction is to be reported with a Delivery Method Element option as "HI", the Student Population Element option as "SE" or "SP," and the appropriate subject code in the Subject Code Element of the Course Master connected to the Staff Course for the special education teacher. In general, this refers to students who are individually served at their place of residence by a special education teacher. A "teacher of record" is to be reported with a position code of 230 with assignment area 999414.

**Finding:**

Through the information that was reported in EMIS for students attending Summit Academy Secondary and partnering CRCs, students are not being serviced according to how their enrollment is being coded in EMIS for "home instruction". If the students are, in fact, receiving home instruction as they are coded within EMIS, they are to receive 1:1 instruction for a duration of time that meets the stipulations of their IEP. Students who are enrolled at the CRCs are receiving their academic instruction as a whole group and therefore, should not be coded as home instruction in the EMIS reporting system.

**Correction(s) Required:**

A comprehensive plan of how services will be provided to students who are coded as home instruction (IE-20) in a 1:1 setting must be submitted to OEC that meets the stipulations of the Child's IEP goals and services.

9. **Need for Further Technical Assistance and Training Opportunities:** There is a lack of training and technical assistance being provided to teachers at Summit Academy Secondary. During teacher interviews, the teachers stated they were "left in the dark" and expected to complete documentation without appropriate training and assistance that was being considered in the ETR/IEP process. The lack of training and support left the teachers feeling very isolated and without support.

**Correction(s) Required:**

All required and requested professional development and technical assistance training will be provided to Summit Academy Secondary by SST5.

10. **Lack of appropriate behavior goals and/or Functional Behavior Assessments (FBA) and Behavior Intervention Plans (BIP), where necessary:** Through the record review OEC conducted, there was no evidence of appropriate behavior goals and/or Functional Behavior Assessments (FBA) and Behavior

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<sup>18</sup> O.R.C. 3323.12

Intervention Plans (BIP) for students with clearly described behavioral needs and concerns. For example, in section 2 of a student's IEP (Special Instructional Factors), the record review indicated that the child has behavior which impedes his/her learning or the learning of others, however, the extent to which that was documented throughout the IEP was either non-existent, or at minimum, an organization/on-task goal. This information is crucial in developing behavior goals as well as building consistency within the student's educational programming as to how their behavioral needs will be managed, documented and serviced within their IEP.

11. **Alternate Assessment Participation Percentages (34 C.F.R. 300.160):** In some instances, students did not qualify as students having the most significant cognitive disabilities and appeared to be placed on the assessment strictly based on behavioral needs, previous test performance and disability category, which are never to be used as determining factors for eligibility. Of the 29 records reviewed, five students were identified as taking the alternate assessment. The corresponding IEPs for these five students, however, did not seem to demonstrate a need or meet the criteria for Alternate Assessment participation.

**Correction(s) Required:**

Technical assistance will be provided through SST Region #5 on how to properly identify students who qualify for the Alternate Assessment for Students with a Significant Cognitive Disability (AASCD) and making an informed team decision, with parental involvement and input when determining eligibility.

12. **Highly Qualified Teachers (HQT) (further detailed on p. 18-29 of this Report)**

**Requirement: – Lack of Highly Qualified Teachers (HQT):** There are three components to meet the HQT requirement according to Ohio Revised Code 3319.074(A)(3):

- i. Teachers must have at least a bachelor's degree;
- ii. Teachers must have a certificate or license that is appropriate to the grade, subject, and students they are teaching; AND
- iii. Teachers must be able to demonstrate their subject area expertise in the core academic subject(s) they teach.

**If any part is missing, the teacher cannot be HQT.**

The Ohio Administrative Code 3301-51-09(H)(1) states: The school district must ensure that all personnel necessary to carry out the purposes of Part B of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA) shall be employed and shall be appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities. Personnel shall have appropriate certification or licensure as defined by Chapter 3301-24 of the Administrative Code.

**Findings:**

1. During the review process, OEC/SST was made aware that all subjects are not being taught by highly qualified teachers. It was stated on multiple occasions in different interview groups that Summit Academy Secondary was using IAs (Intervention Assistants/Paraprofessionals) to teach classes due to lack of staffing. Staff also stated they are aware of instances where highly qualified teachers are being used as the teacher of record, however, the person responsible for instruction may not be HQT, or even a licensed teacher. OEC was told due to hiring freezes, IAs were being used as "long-term substitutes" (licensure not on file at ODE) - providing instruction, specially designed instruction and other special education services to students for which they are not qualified.
2. At the CRCs, there are teachers of record who are responsible for instruction of students that they are not qualified to teach based on the grade band and content area as delineated on their Ohio licensure. For example, teacher #4 is licensed to teach high school aged students, but was instructing students in the 5<sup>th</sup> and 6<sup>th</sup> grades.

3. The required ratio of Intervention Specialists to students on IEP within the “brick and mortar” building was not being followed. Teachers indicated there was a cut back in intervention specialists from the previous years despite the student population increasing, and need for more intervention specialists. At the CRCs, teachers certified in 7-12 in a content area were providing instruction to students in grades 5-6.
4. OAC 3301-51-09 (1)(2)(a) through (g) provides guidelines for staffing that limits the number of students that licensed professionals can deliver services to. Letter (d) of this rule states, “An intervention specialist shall serve no more than twelve children with emotional disturbances.” Another example can be found under letter (f) of the rule. “An intervention specialist shall serve no more than six children with autism....”

**Correction(s) Required:**

Summit Academy Secondary must develop a comprehensive recruitment plan to address the need for highly qualified teachers and identify resources to support the retention of highly qualified teachers. The need to provide appropriately qualified teachers and support staff cannot be avoided due to financially-driven decisions. Summit Academy Secondary, must also place highly qualified teachers as the teacher of record and in the classrooms providing instruction to the appropriate grade levels and subject areas based on their certification and license.

**Corrective Action Plan (CAP)**

The educational agency will develop a Corrective Action Plan to address any items identified to:

- Improve educational results and functional outcomes for all children 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 children with disabilities.

An approved form for the corrective action plan will be provided by OEC or can be accessed on ODE’s website by using the keyword search “OEC Selective Reviews”. The corrective action plan developed by the educational agency must include the following:

- Activities to address all areas identified in the Summary Report,
- Documentation/evidence of implementation of the activities,
- Individuals responsible for implementing the activities,
- Resources needed,
- Completion dates, and
- Continued Plan for Improvement and/or Compliance

The educational agency must submit the corrective action plan to Steven Moran, OEC Contact Consultant at [steven.moran@education.ohio.gov](mailto:steven.moran@education.ohio.gov) within 30 school days from the date of this report. OEC will review the action plan submitted by the educational agency for approval. If OEC deems that a revision(s) is necessary, the educational agency will be required to revise and resubmit. The educational agency will be contacted by OEC and notified when the action plan has been approved.

**CAP Due Date: September 11, 2018**

**Individual Correction for student records**

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: November 19, 2018**

**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. OEC will request additional student records to review.

*Completion of Systemic Correction Due Date: February 11, 2019*

Once the educational agency has completed all action plan activities, the educational agency will use OEC's monitoring process to create and implement a Strategic Improvement Plan.

For questions regarding school-age records, please contact: Steven Moran, OEC Contact Consultant, at (614) 752-2146, toll-free at (877) 644-6338, or by e-mail at [steven.moran@education.ohio.gov](mailto:steven.moran@education.ohio.gov).

**Special Education School-age, 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>Summit Academy Secondary does not serve preschool. It only serves grades 8-12.</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>Record Review</u></p> <p>Thirteen (13) school-age evaluations did not appropriately document interventions provided to resolve concerns for the child performing below grade-level standards.</p> <p>Initial IEPs require interventions to be listed within the ETR. A summary of the interventions implemented, including a description, intensity, time and results must be included. IEP reevaluations must include a statement that no additional interventions were offered beyond the scope of the current IEP. A statement as to why the IEP team has decided that no new interventions were provided must be included.</p> <p><u>Other Considerations</u></p> <p>Summit Academy Secondary must develop a formal process to ensure the information and data</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 A Corrective Action Plan is required.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
		that is being collected on the students is clearly documented and considered when constructing a new ETR.		
CF-3	300.501(b)(1) 3301-51-06 (E)(2)(a)	<p><u>Record Review</u></p> <p>Eleven school-age student records did not show evidence that the evaluation planning team included the parent.</p> <p>3301-51-05 of the <i>Ohio Operating Standards for the Education of Children with Disabilities</i> outlines the expectation to obtain informed consent prior to conducting an evaluation. Informed consent must show that the school can demonstrate it made reasonable efforts to obtain such consent. Of the records OEC reviewed, signatures were missing from the planning form, and there was no accompanying documentation indicating that reasonable efforts to obtain consent were made.</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 the evaluation planning process, the educational agency must conduct evaluation planning with the parent.</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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
CF-4	300.304(c)(4) 3301-51-01 3301-51-06 (E)(2)(a)	<p><u>Record Review</u></p> <p>Twenty-one (21) school-age evaluations did not provide evidence that the evaluation addresses all areas related to the suspected disability.</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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
		<p><u>Interviews</u></p> <p>In some instances, it was unclear who was responsible for ensuring additional testing was completed as indicated on the ETR planning form. Other records did not assess the appropriate domains as related to the suspected disability. There was also instances that items were checked as required further testing and none was conducted or that current information was available, but it did not appear in the ETR.</p> <p><u>Other Considerations</u></p> <p>Through the internal monitoring process, the district will develop formal procedures around conducting the planning meeting ensuring all areas related to the suspected disability are assessed and appropriate data is collected and considered in the ETR.</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>	
CF-5	300.306(c)	<p><u>Record Review</u></p> <p>Twenty-one (21) school-age evaluations did not show evidence of clearly stating the summary of assessment results.</p> <p>The information from Part 1 was not summarized in a clear and concise manner in Part 2. In some instances, charts were copy and pasted, and in others the information was entirely omitted. Any information in Part 1 must be brought forward to Part 2 and synthesized in a manner that can be clearly understood by the parent, and used by the IEP team to develop meaningful 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 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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.

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>Seventeen (17) school-age evaluation team reports did not contain a clear and succinct description of educational needs.</p> <p>Records reviewed had information left blank in this section as well as language that reflected predetermination by stating what the student "needs" <b>prior</b> to the IEP team meeting. This section must include individualized information surrounding the needs of the students and what they could benefit from, given the team agrees the child meets the eligibility criteria.</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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
CF-7	300.306(c)	<p><u>Record Review</u></p> <p>Fifteen (15) school-age evaluation team reports did not contain specific implications for instruction and progress monitoring.</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 were often not considered in this section. 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 A Corrective Action Plan is required.
CF-8	300.306(a)(1) 3301-51-01 (B)(21)	<p><u>Record Review</u></p> <p>Thirteen (13) 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><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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.



Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
		<p>Documentation was missing indicating that required professional participation was taking place during the ETR meeting.</p> <p><u>Interviews</u></p> <p>Teachers indicated that often the appropriate personnel are missing from the meetings. It became apparent through the interview process, different personnel are asked to sign at a later date to have documentation appear compliant. It was also brought to the attention of OEC/SST that Instructional Assistants (IAs) were conducting ETR meetings which is <b>never</b> appropriate. Parent signatures were missing from ETRs as well with no accompanying documentation indicating the opportunity to participate.</p> <p><u>Other Considerations</u></p> <p>A group of qualified professionals must always be present when conducting an ETR meeting. If parent participation cannot take place, reasonable attempts to include the parent through various means (phone conference, skype etc.) must be documented. Documentation was lacking in the initial record reviews.</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>	

**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-eight (28) school-age 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"> <li>1. There are appropriate measurable postsecondary goal(s).</li> <li>2. The postsecondary goals are updated annually.</li> <li>3. The postsecondary goals were based on age appropriate transition assessment (AATA).</li> <li>4. There are transition services that will reasonably enable the student to meet the postsecondary goal(s).</li> <li>5. The transition services include courses of study that will reasonably enable the student to meet the postsecondary goal(s).</li> <li>6. The annual goal(s) are related to the student's transition service needs.</li> <li>7. There is evidence the student was invited to the IEP Team Meeting where transition services were discussed.</li> <li>8. When appropriate, there is evidence that a representative of any participating agency was invited to the IEP Team Meeting.</li> </ol> <p><u>Interviews</u></p> <p>It was not always clear who had the responsibility of making sure post-secondary transition information was documented in the IEP including all components required for compliance purposes.</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><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>A Corrective Action Plan is required.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
		<p>Goals and services were not individualized to the student's needs and strengths. Services within the transition plan are to be listed in terms of what adults are providing to the student or assisting the students in, not what the student is doing. The service must be individualized and above what is being offered to all students.</p> <p><u>Other Considerations</u> Through the interview process, it was shared with OEC that there is an understanding of proper transition procedures. However, during the record review, the information that was reviewed for compliance did not reflect understanding of the process. During IEP verification, no transition activities were observed nor was documentation available to confirm transition activities were occurring.</p> <p>Educational agencies must document transition services that are being provided for each student. Districts must use age appropriate transition assessments that will allow the team to construct meaningful goals and services.</p>		
DS-2	300.320(a)(1)	<p><u>Record Review</u></p> <p>Twenty-two (22) school-age IEPs did not contain one or more criteria required for a compliant Present Levels of Academic Achievement and Functional Performance (PLOP).</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"> <li>• A summary of current daily academic/behavior and/or functional performance (strengths and needs); and comparison to nondisabled peers.</li> <li>• Baseline data provided for developing a measurable goal.</li> </ul>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
			<u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding the review of current academic/functional data when writing IEPs.	
DS-3	300.320(a)(2)(i)	<u>Record Review</u> Eight school-age IEPs did not contain annual goals that address the child's academic area(s) of need.  <u>Interviews</u> Teachers indicated that they have been asked to write IEPs without access to the information in the ETR for the student or to write an IEP for a student they do not know or have in class. It is crucial to the development of the IEP to have all relevant information readily available to the IEP team when developing the IEP. The ETR should always be completed in its entirety to allow the IEP team to construct meaningful and applicable goals and services individualized to the student.	<u>Individual Correction</u> 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.  <u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding the IEP process of addressing identified academic needs.	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
DS-4	300.320(a)(2)(i)	<u>Record Review</u> Eleven (11) school-age IEPs did not contain annual goals that address the child's functional area(s) of need.	<u>Individual Correction</u> 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.  <u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding the IEP process of addressing identified functional needs.	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-5	300.320(a)(2)(i)	<p><u>Record Review</u></p> <p>Twenty (20) school-age IEPs did not contain measurable annual goals.</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 (PLOP). The measurable goal needs to identify one skill that the student is going to be working towards. In the record review, the goals did not align with the PLOP and in some instances, were copy-and-pasted from previous IEPs.</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"> <li>1. Clearly <u>defined behavior</u>: the specific action the child will be expected to perform.</li> <li>2. The <u>condition</u> (situation, setting or given material) under which the behavior is to be performed.</li> <li>3. <u>Performance criteria</u> desired: the level the child must demonstrate for mastery <b>and</b> the number of times the child must demonstrate the skill or behavior.</li> </ol> <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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
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>Twenty-five (25) school-age 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>At Summit Academy Secondary (aka “brick and mortar”), there was a limited amount of data being collected and analyzed to monitor performance on each goal and objective.</p> <p>When OEC/SST visited the CRCs, Belmont Pines was the only one of the five centers that was collecting data daily and considering them in IEP development. OEC has encouraged the director to share the information with the other CRCs and the staff at the “brick and mortar”.</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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-7	300.320(a)(4) 3301-51-07 (H)(1)(e)(i)	<p><u>Record Review</u></p> <p>Eighteen (18) school-age 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) was not always individualized and often written in a generic manner based on disability category rather than student need. A statement of specially designed instruction must appear for each goal within section 7 of the IEP. The statement of specially designed instruction needs to include instruction that is different than that the rest of the students are receiving that will assist the student to access and make progress within the general curriculum based on their individual needs.</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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
DS-8	3301-51-07(L)(2)	<p><u>Record Review</u></p> <p>Seventeen (17) school-age IEPs did not contain measurable annual goals and services/placement consistent with progress made.</p> <p>Record reviews indicated that there was no change from previous IEPs to current IEPs. The IEP goals should be updated based on current student data, current level of performance and capabilities to ensure student needs are being met..</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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
DS-9	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>Twenty-one (21) school-age IEPs did not indicate the location where the specially designed instruction will be provided.</p> <p><u>Interviews</u></p> <p>There is not a continuum of services being offered at Summit Academy Secondary. The teachers attempted to explain how specially designed</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</p>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
		<p>instruction was being provided, however it was not consistent and appeared to have changed at different times throughout the year.</p> <p><u>Other Considerations</u> Specify where within the school and the continuum of services the specially designed instruction will be provided for each student. Multiple locations for services must be listed separately (if applicable).</p> <p>The <i>Ohio Operating Standards</i> 3301-51-01 (10)(d)(vii) Applicability of requirements and definitions defines multiple disabilities as “concomitant impairments (such as mental retardation- blindness or mental retardation-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 “multiple disabilities” does not include deaf-blindness</p>	<p>the IEP process of determining the location where specially designed instruction will occur.</p>	
DS-10	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>Thirteen (13) school-age IEPs did not indicate the amount of time and frequency of the specially designed instruction.</p> <p>Interview responses confirmed that, in some cases, the amount of time for specially designed instruction was written to fit the schedule of the student, not the needs of the student. It was also brought up that students were not receiving SDI minutes as written within their IEPs.</p> <p>Some record reviews indicated a need to elaborate on the time as it was written within this section. It is not sufficient to simply put, for example, “120 minutes monthly”. More information of how this 120 minutes will be broken</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><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"/> Yes A Corrective Action Plan is required.</p>

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
		up must be included (An appropriate method would be 120 minutes monthly in 4 sessions of 30 minutes) It is imperative that the parent understands where and when this service is going to be taking place.		
DS-11	300.320(a)(4) 3301-51-07 (H)(1)(e)	<p><u>Record Review</u></p> <p>Ten school-age IEPs did not identify related services that address the needs of the child and support the annual goals.</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 to include related services that were identified as needed in the IEP.</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 related service needs.</p>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
DS-12	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>Twelve (12) school-age IEPs did not indicate the location where the related services will be provided.</p> <p>The statement within this section often mirrored the ones for academic services. It was unclear when and how the minutes were being met for related services as written in the IEP. This time must be individualized to the 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 amend the IEP to include the location where the related services 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 related services will occur.</p>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.



Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-13	300.320(a)(7) 3301-51-07 (H)(1)(i)	<p><u>Record Review</u></p> <p>Nine school-age IEPs did not indicate the amount of time, duration and frequency of the related services to 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 on the IEP the amount of time and frequency of the related services to 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 amount and frequency of related services to be provided.</p>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
DS-14	3301-51-07	<p><u>School-age IEP Verification</u></p> <p>Of the 28 school-age IEPs reviewed, OEC conducted three IEP Verifications in the classroom setting.</p> <p>Due to the change in scheduling that happened the week OEC/SST were onsite to monitor the special education programs and services at Summit Youngstown it was unclear based on the original schedules we were given where students were at a given time. The teachers expressed in the interviews that they were not aware of the schedule changes and which students would be appearing in class. OEC made the decision to observe the classes rather than individual students unless it was obvious where they were at a given time.</p>	<p><u>Individual Correction</u></p> <p>None</p> <p><u>Systemic Correction</u></p> <p>None</p>	<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)	<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>Progress reports were not included in the record upload or were not accounted for. In some instances, progress reports were insufficient and did not contain quantitative data as it aligned with student progress towards their goals.</p> <p><u>Other Considerations</u> Part of the policies and procedures of the directed CAP will be the components found on OP-6A, B of the progress reports being implemented to reflect actual quantitative and qualitative student data. At that time, data may indicate a need for possible revision, at which time the IEP may need to be revisited.</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><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>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
DS-16	300.324(a)(2)(v) 3301-51-01(B)(3)	<p><u>Record Review</u></p> <p>Nine 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><u>Other Considerations</u> If the ETR recommends the use of assistive technology or a need that the student could benefit from assistive technology then it needs to be addressed within this section 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 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><u>Systemic Correction</u></p> <p>The educational agency must submit evidence to OEC of written procedures and practices regarding assistive technology.</p>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
DS-17	300.320(a)(6)(i) 3301-51-07(H)(1)(g)	<p><u>Record Review</u></p> <p>Nine school-age IEPs did not identify accommodations provided to enable the child to be involved and make progress in the general education curriculum.</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</p>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
		<p><u>Other Considerations</u> If it is noted in the IEP based on the recommendations of the ETR team that the student would benefit from certain accommodations, they must be included in the IEP.</p>	<p>scope or complexity of the information taught and include them on the IEP.</p> <p><u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding accommodations.</p>	
DS-18	300.320(a)(4) 3301-51-07 (H)(1)(e)	<p><u>Record Review</u> Eleven (11) school-age IEPs did not identify modifications to enable the child to be involved and make progress in the general education curriculum.</p> <p><u>Other Considerations</u> If it is noted in the IEP based on the recommendations of the ETR that the student would benefit from modifications to enable them to access the curriculum they must be included in the IEP.</p>	<p><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</p> <p><u>Systemic Correction</u> The educational agency must submit evidence to OEC of written procedures and practices regarding modifications.</p>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.
DS-19	300.320(a)(4) 3301-51-07 (H)(1)(e)	<p><u>Record Review</u> Eleven (11) school-age 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>Individual Correction</u> 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> The educational agency must submit evidence to OEC of written procedures and practices regarding supports for school personnel.</p>	<input checked="" type="checkbox"/> Yes A Corrective Action Plan is required.

Record Review Item	Regulation 34 CFR or OAC	Evidence of Findings	Evidence of Correction	Must be addressed in CAP
			Required Actions	
DS-20	300.321(5) 3301-51-07(l)	<p><u>Record Review</u></p> <p>Fourteen (14) school-age IEPs did not indicate that the IEP Team included a group of qualified professionals.</p> <p>Refer to “Other Considerations 1B” at the beginning of this document for further clarification.</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"> <li>• 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, <b>and</b></li> <li>• 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, <b>or</b></li> <li>• Reconvene the IEP team to review the IEP with all required members present.</li> </ul> <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"/> Yes A Corrective Action Plan is required.

### 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>Twenty-seven (27) school-age 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>The LRE statements must include the Least Restrictive Environment for that student based on their individual need. In some instances the student's disability category was used as the justification for the LRE, which is not appropriate. This section must justify their removal from the general education setting or placement in their LRE based on individual student need. The statement that was given within the IEP did not reflect the setting that each individual student was currently being serviced in.</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"> <li>• Be based on the needs of the child, not the disability.</li> <li>• Reflect that the team has given adequate consideration to meeting the student's needs in the general classroom with supplementary aids and services.</li> <li>• 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.</li> <li>• Describe potential harmful effects to the child or others, if applicable.</li> </ul> <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>A Corrective Action Plan is required.</p>