



**Monitoring Report
For
Mitchell County Schools**

**Submitted to:
Mr. Beauford Hicks, Superintendent
Mr. Victor Hill, Special Education Director**

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Introduction and Statutory Authority

The Individuals with Disabilities Education Act (IDEA) guarantees a free and appropriate public education to students with disabilities. The IDEA provides federal funds to assist states in carrying out this responsibility and to comply with the associated regulations. The IDEA, in 34 C.F.R. §300.600, requires that states ensure that local systems comply with federal regulations and meet the state's educational standards as they provide educational programs for students with disabilities. The Divisions for Special Education Services and Supports of the Georgia Department of Education (GaDOE) provide this general supervision and monitoring of local systems through a variety of activities identified as Georgia's Continuous Improvement Monitoring Process (GCIMP).

GCIMP is composed of multiple means for monitoring the local systems' provision of a compliant and quality education for students with disabilities. These include, but are not limited to, evaluation of timelines for entry into special education, student record review, special education budget review, dispute resolution, LEA improvement plans, data profiles, and Focused Monitoring.

Focused Monitoring

The Mitchell County School System participated in Focused Monitoring in FY08 due to the percentage of students with disabilities who dropped out of school. The purpose of the Focused Monitoring visit to the Mitchell County School System was to identify reasons why the dropout rate for students with disabilities was so high and to assist the system to identify strategies that decrease the dropout rate.

Initial Monitoring Summary

The Mitchell County School System was initially monitored February 19-21, 2008. The system received a written report on March 24, 2008, documenting the on-site visit, programmatic concerns, and areas of identified noncompliance. Mitchell County submitted a Corrective Action Plan (CAP) outlining strategies to address programmatic concerns and areas of noncompliance. Federal law requires systems to correct all findings within one year of notification of noncompliance (see 34 C.F.R. §300.600(e)). IDEA noncompliance findings included Extended School Year, Assistive Technology, Accommodations, Individualized Education Programs (IEP), Least Restrictive Environment and Access to the Curriculum.

One Year Compliance Requirement

As of March 24, 2009, the documentation submitted by Mitchell County did not contain sufficient evidence of correction to achieve compliance in the area of Free and Appropriate Public

Education (FAPE), specifically in the area of providing Access to the Curriculum. Thus, Mitchell County did not meet the requirement of correcting noncompliance within one year.

At the monitoring visit in February 2008, the team identified seven students with IEPs who were being served in the seventh grade during FY08. The seven students were reported to the State as ninth graders for the December FY08 count. Schedules provided by the school indicated the students were in ninth grade and served by high school teachers, however, the students remained in seventh grade classes at the middle school. Several of these students were interviewed and indicated they were in seventh grade. Due to these findings, the Division for Special Education Services determined the seven students in question were not receiving access to grade level curriculum. In addition, IEPs did not reflect the services actually being provided. The state followed by reviewing documentation submitted throughout the year that included class schedules, IEPs, Full Time Equivalency (FTE) Reports, and Student Record Reports.

The compliance review unit verified elementary and middle school data, however, high school schedules and IEP services did not match, therefore, there were inconsistencies in data reporting and/or IEPs that required additional clarification to determine compliance. An on-site visit was conducted on January 21-22, 2009. During the visit, the compliance unit confirmed the inconsistencies seen in the initial documentation submitted. For example, five student IEPs indicated direct special education services and class schedules indicated co-teaching high school courses however, these students were working in a community based training program for the majority of the school day. In addition, these students were enrolled in courses that required End of Course Tests but were not attending these courses during the school day; therefore, the students did not receive the needed content/curriculum to prepare for the assessment.

In addition, a review of the Student Record Dropout data indicated 0% dropout rate for FY08. During the original monitoring and at the January 2009 on-site visit it was determined the high school did not have a consistent method of documenting student withdrawals. During interviews with three parents of students whose exit codes indicated “private school/out of state” or a code of “X”, it was revealed the three students withdrew with no intention of going to another school private or out of state. Each student dropped out of school after numerous behavior problems in the high school.

Based on the additional data received during the January 2009 on-site visit, and a review of documents submitted, Mitchell County was notified April 15, 2009 that additional corrective actions and technical assistance would be required to address the noncompliance. Mitchell County did not meet the one year timeline for correction.

Additional Corrective Action

The GaDOE outlined the evidence of correction required in an additional report dated April 15, 2009. A timeline for correcting all areas of noncompliance was established and December 2009 was selected by the system as the date for final correction. The GaDOE staff provided ongoing technical assistance to Mitchell County on June 8-9, 2009; July 16-17, 2009; October 14-15, 2009; October 23, 2009. Each technical assistance visit consisted of a review of data and recommendations on methods of correction to ensure compliance. A final report and clearance letter was issued to the system on December 18, 2009.

SUMMARY OF MONITORING CONDUCTED APRIL 6-8, 2010
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Subsequent to the December 18, 2009 letter clearing the noncompliance, the GaDOE received a letter from the Mitchell County Special Education Coordinator stating there were specific areas of IDEA noncompliance. The letter also indicated resistance to her efforts to provide general supervision of IDEA compliance at Mitchell County High School. The team from the GaDOE conducted an unannounced onsite visit to the Mitchell County School System Board of Education and Mitchell County High School as a follow-up on specific student issues indicated in the letter. Many of the issues were similar to the original areas of noncompliance determined in the initial monitoring and addressed in the follow-up technical assistance visits. The following are the areas reviewed and the findings identified April 6-8, 2010.

Discipline Procedures 34 C.F.R. § 300.530 - 300.537

Student 1

- School attendance records indicate 13 Out of School Suspension (OSS) Days for the following dates:
 - 10/12/2009
 - 10/13/2009
 - 11/02/2009
 - 11/17/2009
 - 11/18/2009
 - 11/19/2009
 - 12/14/2009
 - 12/15/2009
 - 12/16/2009
 - 12/17/2009
 - 12/18/2009
 - 1/6/2010
 - 1/7/2010
- The Behavior Resolution Detail Report recorded OSS for 3 events: 10/12/2009-10/13/2009, 11/17/2009-11/19/2009, and 12/14/2009-12/18/2009.
- Mitchell County High School Discipline Referral Forms are documented for OSS for 10/12/2009-10/13/2009, 11/17/2009-11/19/2009, and 12/14/2009-12/18/2009.
- The school did not have a Discipline Referral Form for the OSS day on 11/02/2009 or the OSS days on 1/06/2010-1/07/2010.
- The Behavior Resolution Detail Report did not include OSS days for 11/02/2009 or 1/06/2010-1/07/2010.
- The initial submission of the Student Record for FY10 includes 3 events totaling 10 days OSS. It does not reflect the total of 13 days indicated on the student attendance report provided by the school.

- A meeting notice for the student was dated on 1/06/2010. “Other” was checked as the purpose of the meeting however, the reason was not explained in the space provided. The meeting was scheduled for 1/11/2010. The titles of the required meeting participants were checked as were titles for additional members including 1 special education teacher and 4 general education teachers.
- It is unclear from the meeting notice if anyone from the system special education department was invited to the meeting.
- In interviews, the special education coordinator indicated she did not receive a notice of the meeting and the special education director indicated he did not recall a notice of a meeting for the student.
- The meeting was held on 1/11/2010. A manifestation was completed by the team and it was determined the behavior was not a manifestation of the student’s disability.
- The Meeting Participants signature page did not indicate any person designated in the role of Local Education Agency (LEA) Representative. It also did not indicate participation by a representative of the Special Education Office.
- The student attendance records indicated home based services began on 1/08/2010 and continued through 3/05/2010. The beginning of home based services constituted a change in placement and required an IEP team meeting prior to implementation. The IEP meeting was conducted after the change in placement had occurred.
- Interviews and notes in the student IEP record indicated numerous attempts were made to contact the student to schedule services. The notes were dated 3/04/2010 but do not include the dates contacts were attempted.
- The principal reported that the student was going through some issues with the court system so the school waited “a couple of weeks” to try to contact the family following the date of the meeting on 1/11/2010. The attempts to contact the family were unsuccessful.
- Attendance records indicated no home based services or absences the week of 3/08/2010-3/12/2010. Therefore it appears the student was present in school on those days.
- Attendance records show absences beginning 3/15/2010 thru date of the GaDOE visit.
- The parent reported in an interview that they originally wanted services and then decided it would be best to withdraw their child. They did not contact the school to officially withdraw the student.
- The last day the student received any educational services based on attendance records was 1/5/2010.
- The student was counted in FTE for March 2010.
- The special education coordinator stated she was made aware of the change of placement on 1/21/2010 and visited the high school to review the student’s records to see that all due process procedures were followed.
- Two interviews on the events that took place during the coordinator’s visit to the high school differ however; both the special education coordinator and high school principal stated the coordinator was not allowed access to review the file. The high school

principal stated that no one from special education office requested or reviewed the file after that initial attempt by the coordinator.

Student 2

- The student has 3 school Discipline Referral Forms. One referral resulted in 1 OSS day 1/26/2010 and the other referral resulted in 3 OSS days 4/01/2010-4/03/2010.
- The student attendance record indicates 3 OSS days assigned to the student.
- The Behavior Resolution Report documents 1 OSS day for 1/26/2010 but does not include the 3 OSS days for 4/01/2010-4/03/2010.

The compliance concern related to the first student in the above mentioned case study was identified by the special education coordinator in her correspondence to the GaDOE. In a review of the discipline records the coding for OSS days for the second student were identified. The compliance agreement dated June 8, 2009 identified required actions for students removed for disciplinary reasons. These actions were included in the agreement based on the noncompliance of one special education student placed on home based services during the FY 09 school year. The agreement stated,

For students who are removed for disciplinary reasons: Procedures will be developed to address the provision of appropriate services that allow the student to continue to participate in the general education curriculum, although in another setting and progress toward meeting the goals outlined in the IEP. In addition, the procedures should address how temporary placements of home based services will be provided, to include the expectation that the student will be incorporated back into the school setting as quickly as possible with a transition plan that specifies the support necessary to enable the students' integration back into the school-based program. Documentation of these procedures will be provided to the GaDOE and data review of students who may be suspended for disciplinary reason will be conducted for verification.

Mitchell County High School records did not indicate any special education students placed on home based services from June 2009 through December 2009 however, discipline data reporting was discussed during the technical assistance visits. The due process procedures for addressing discipline action was clearly outlined for the high school principal including the requirement of an IEP meeting or amendment prior to change in placement, the provision and documentation of services, and appropriate data reporting for discipline.

Discipline Procedures: Additional Concerns

During the April 2010 visit, several interviews with high school staff referred to the term “unofficial referrals” as well as referenced the use of timeout rooms for behavior. The interview

with the high school principal addressed these two areas of concern. The high school principal stated there was no such thing as an unofficial referral. Students may be sent to the office some times without a referral but the teachers are expected to complete a referral and submit to the office when they have time. The principal was not aware of the timeout rooms. He shared there is a room in the front office located near a staff member where students may wait until they can be seen by an administrator. The interviewer asked about a room on the 9th grade academy hall. The principal responded there is a similar place designated for students to wait to see an administrator. When asked how long students may wait, he responded that it may be a class period or longer depending on other things going on at the time. He also indicated students may be there for the rest of the day if the school cannot reach the parents to come pick them up. When asked how the students are reported for attendance, he stated they are counted absent from class for that period or if the result was OSS then the day spent in the room would count as one day of the student's suspension. The use of the room described by the principal does not match the description shared by other staff members as a room that can be used for students when they need to cool off or need to be removed from the classroom because of behavior reasons. According to all staff interviewed, the school does not have an In School Suspension Program (ISS).

In addition, the principal was asked if there was a timeout room in the classroom for students with significant cognitive disabilities. He was not aware of a timeout room in the classroom. Interviews revealed the use of a storage room for a timeout room. The room is used primarily for one specific student and it was mentioned that the student liked to be placed in that room. Interviews indicated the student has been placed in the room with the door shut. The interviewers asked to see the room. The room is used for storage and door does not have a window or opening. The room also contains a lock. There were many supplies located in the room that could present a safety hazard.

Evaluations and Reevaluations 34 C.F.R. § 300.301 - 300.306

- Three students transferred to Mitchell County High School with a school entry date of 8/17/2009. The students did not have documentation of a current eligibility for special education services.
- The school held IEP meetings for the three students on 9/21/2009 (copy of IEP in the file).
- The school obtained consent for reevaluation on 9/21/2009 (copies of consent in the file).
- When students enter into a system from out of state with an expired or no eligibility, the eligibility should be identified as an initial eligibility. Systems have 60 calendar days to complete the evaluation process, completion being defined as when the eligibility meeting is held. The timeline starting date is the date consent is received.

- An email was sent to the school from special education coordinator on December 16, 2009 stating, “There are three students which need reevaluations...” The email asked if parent permission to reevaluate was received and if not, they needed to obtain it.
- An email was sent to school from special education coordinator on 1/29/2010 referring to the three evaluations and stating, “they were due for reevaluations. I recall seeing parental permissions to evaluate for each of these girls.” It goes on to say the “contracted school psychologist” will contact the school the next week for a time and place to test.
- The special education coordinator asked the contracted psychometrist to ask for the consents to evaluate from the school prior to beginning testing.
- The evaluations took place on 2/5/2010 (copy of the Psychological Report)
- Meeting notices to “review the results of the most recent evaluations” and ‘discuss academic progress” were dated 2/23/2010 with the meeting scheduled for 2/25/2010 at 3:30 pm.
- Required participants on the meeting notices included the LEA representative, the special education teacher, the general education teacher, the student, the parent, and the psychometrist. Additional optional members were also included on the invitation.
- The high school principal reports sending meeting notices to the special education director and a notice for the psychometrist through the special education office.
- The special education director stated he did receive the meeting notices and provided the GaDOE staff with copies for documentation.
- The special education coordinator stated she did not receive the meeting notices. The meeting notices did not include her as one of the required nor additional members of the team.
- The psychometrist reports she did not receive a notification of the meetings through the mail but learned of the notifications through a phone call placed to the special education office on the afternoon of 2/25/2010. When told there was an envelope with her name, the psychometrist asked the secretary to open the envelope for her. This was her first notification of the meeting scheduled for that same day.
- The eligibility meetings were held on 2/25/2010.
- No one from the special education office was present at the meetings.
- Minutes for the eligibility meetings are part of the student records for two of the three students. Minutes for the third student could not be located by the GaDOE team or the school staff.
- The “Meeting Participants Signature Page” included all of the required participants except for the psychometrist.
- The State Rule for Specific Learning Disability eligibility and IDEA 300.308 states that *The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child’s parents and a team of qualified professionals that must include: (a) The child’s regular teacher...(b) A highly qualified certified special education teacher; and (c) A minimum of one other professional*

qualified to conduct individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development, or social-emotional development and interpret assessment and intervention data (such as school psychologist, reading teacher, or educational therapist). Determination of the required group member should be based on the data being reviewed and the child's individual needs.

- The eligibility meeting was to discuss the evaluation results from the 2/05/2010 psychological which included intellectual assessments. These assessments can only be administered by trained evaluators. The person administering the assessments was not notified in a timely manner, nor present to interpret the results for the team or the parent.
- When asked who interpreted the results, the principal responded, we all looked at the results and decided they still needed help.
- The student records do not contain eligibility reports for the three students.
- When the team asked for copies of the eligibility reports, staff referred to the psychological testing reports that were in the student record.
- State Rule 160-4-7-.05(3) states *An eligibility report which documents the area of disability shall be completed and placed in each child's special education folder. The eligibility report shall provide statements for each component of the eligibility and shall be comprehensive enough to serve as the evaluation report when necessary.*
- In an interview, the principal was asked if he was aware of the requirement of an eligibility report. He responded no but he was told about the requirement by one of his teachers after we questioned the teacher earlier.
- FTE rule states that *Every student with **REPORT TYPE** = "S" (served in a special education program) must have been through due process procedures and have an Individualized Education Program (IEP). He/she must*
 - *meet the eligibility requirements for the area of disability being reported for special education services AND*
 - *be scheduled to receive instruction from a teacher certified in the area of disability noted in their IEP*
- The three students were counted for FTE in October 2009 and March 2010 although the requirements were not met.

The compliance concern related to the three students in the above mentioned case study was identified by the special education coordinator in her correspondence to the GaDOE. The original monitoring visit did not include noncompliance in the areas of evaluation and reevaluation. A letter from the Department to the Mitchell County School system dated April 15, 2009 referenced the concern of limited general supervision of the special education programs afforded the former special education director. The GaDOE continues to be concerned with the lack of general supervision of the special education program at the high school. The GaDOE is

concerned that the delivery of special education services at the high school is not supervised or overseen by someone knowledgeable about special education law and regulations.

It is important to note, the special education coordinator also serves as the system school psychologist. In these three cases, the system elected to contract out for the evaluation. As school psychologist the coordinator's responsibilities included the collection and maintenance of timeline evaluation data that is submitted annually to the GaDOE as part of the continuous improvement monitoring process. The special education coordinator/school psychologist did not receive copies of the obtained consents for evaluation, she made two efforts to communicate through email to request the needed consents to proceed with evaluation, and she was not listed as an invitee to the eligibility meeting. In addition, the school did not notify the contracted psychometrist of the eligibility meeting early enough to ensure she would have an opportunity to attend.

Subpart C- Local Education Agency Eligibility Use of Amounts 34 C.F.R. § 300.202

Amounts provided to the LEA under Part B of the Act- (2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities.

Georgia's Continuous Improvement Monitoring Process (GCIMP) is a comprehensive system of monitoring for special education programs. Due to the concerns raised in the letters to the GaDOE and the recent clearance of compliance finding originally identified in Mitchell County, the GaDOE elected to conduct monitoring of all areas of GCIMP including Budget Monitoring. The GaDOE team reviewed the IDEA expenditures for FY 10.

- Prior to compliance clearance in December 2009, a list of special education staff for Mitchell County High School was provided to the GaDOE. Interviews were conducted during the current onsite visit based on the staff listing originally provided.
- During the interviews at the high school, the team learned one paraprofessional was no longer working at the high school but had been moved to an elementary school.
- When inquiring about the special education paraprofessional staff for Mitchell County High School, the principal stated this paraprofessional was not a special education paraprofessional for the 2009-2010 school year. The paraprofessional was working in the capacity of substituting in classrooms because the system changed their procedures for covering classes in the absence of teachers.
- The principal stated the paraprofessional left Mitchell County High School in December or January.
- Upon learning this information from the principal, the monitoring team compared the interview information with the information received from the finance office on FY 10 expenditures. An interview with the paraprofessional was also conducted.

- An interview with the paraprofessional indicated he was a special education paraprofessional for five years and started the 2009-2010 school year as a substitute.
- Interview and records indicated the paraprofessional transferred to a special education paraprofessional position in January 2010.
- Additional financial records were requested and indicated the paraprofessional's salary and benefits were paid from the 2824 account or federal special education funds for the entire school year to date of visit.
- The system has notified GaDOE the funding account was changed to local funds following the visit.

Office of Management and Budget 2 C.F.R. Part 225 (OMB Circular) A87

- Mitchell County Schools did not have Semi Annual Certifications on file for employees funded through federal special education funds. This requirement was explained to the special education director and the system began correction during the onsite visit in April 2010.

Free and Appropriate Public Education 34 C.F.R. § 300.101

The information provided to the GaDOE by the special education coordinator included specific information on the current grades and credits for students with disabilities enrolled in Mitchell County High School. The monitoring team completed a thorough review of student Individualized Education Programs (IEPs), schedules, transcripts, and current report card grades. A report was provided by the student information system coordinator for the latest grades recorded for all students with disabilities at the high school. The following data includes the analysis of the grade reports.

At the time of the monitoring visit, Mitchell County High School had **35** students with disabilities actively enrolled. Based on the grade reports, there were **17** students failing **50%** or more of their classes. This represents **48.6%** of all students with disabilities enrolled in the high school. Of the **35** total students with disabilities, **12** students were enrolled in Access Courses or classes designed for student with more significant disabilities. These **12** students included only PE grades on the grade report provided. For the purpose of data analysis, the **12** students on the alternate curriculum were taken out of the calculation leaving **23** students with disabilities participating in the general curriculum, with or without accommodations. Again, the calculation of **17** students failing **50%** or more of their classes was performed. There were **74%** of students with disabilities, participating in the general curriculum, failing **50%** or more of their classes. There were **4** additional students failing **1** to **3** classes that are not included in the **17** students used for the calculation.

The team reviewed all IEP records for the students at the high school. There were no IEPs that documented amendments to accommodations or services for the students failing courses. One IEP record did include minutes of a meeting held to discuss the student's academic progress and attendance problems. The minutes included information that measures would be put in place to notify the parent when the student was absent from school and the committee agreed alternative methods of education needed to be explored for the student. The alternative methods of education included options outside of Mitchell County Schools which would result in a dropout exit code for the student. No strategies, resources, accommodations to support the student in school were discussed. The IEP remained the same with no changes to the services or mention of change to the student's schedule. Additional information on this student includes:

- The student's schedule printed 4/6/2010 included: 3 computer based pull out classes, 3 co-taught inclusion classes and 2 elective classes.
- March 2010 FTE coding matched the schedule printed and matched the services identified in the student's IEP.
- During observations on 4/7/2010, the student was in a computer based pull out class during third period but the schedule indicated the student should have been in a co-taught inclusion class third period.
- The observer asked the student about his schedule. He responded he is in the computer based class all day long. When asked how long he had been in the computer class, he said about a month.
- The student was shown a copy of the schedule received from the system. The student responded he was given that schedule to follow yesterday (on 4/6/2010). He stated he does not have that schedule anymore.
- The parent of the student was contacted on 4/8/2010 for an interview. The mother confirmed attendance problems and said the student wants to be in a computer class all day. The mother also stated the father attended a meeting at the high school on the afternoon of 4/7/2010. When asked if it was a scheduled meeting, the parent stated no they received a call and the father was the only one available to go up to the school. When asked the purpose of the meeting, she stated they talked about the student staying in the computer class. The mother was asked how long the student had been in the computer class and she responded "since about February or March".
- As of 4/8/2010, the IEP states 11.25 hours of co-teaching and 11.25 hours of a separate class.

The technical assistance visit on June 8-9, 2009 revealed high retention rates for students with disabilities. Student transcripts were reviewed and indicated many students had been retained two or three years in a row. Students were retaking courses and continuing to receive failing grades. The final summary report to the system dated December 18, 2009 included additional information for the system stating:

The GaDOE team explained the IDEA requirement of providing appropriate and meaningful accommodations to all students with disabilities. If a student is not progressing in the curriculum then the IEP team must reconvene and determine additional supports that will assist the student in meeting the requirements of the curriculum. Transcripts should not reflect continuous failures in the same courses without revisiting the IEPs and documenting supports that will be put in place to help students.

The Program Manager for Compliance held a conference call with the system special education director and special education coordinator on February 17, 2010 to go over the information in the final summary report. During the conference call, the program manager reminded the system of the importance of monitoring student progress in the courses they are taking to ensure students are progressing in the curriculum. If they begin to struggle, the IEP team needs to reconvene additional supports and/or strategies must to be considered and included in the IEP to ensure FAPE.

Based on the information received during the onsite visit, the IEP teams have failed to consider the reasons student with disabilities are not making progress in the curriculum and have failed to identify additional goals and/or objectives, accommodations, supplementary services that are needed for the students to progress in the curriculum. This constitutes a denial of FAPE for the above mentioned students with disabilities failing courses at the high school. In addition, the above mentioned case study indicates a change of placement was made for a student without following the appropriate procedures identified in IDEA. Based on the record review, parents were not provided prior written notice prior to the change in placement for the student.

The following case study identifies additional concerns regarding a student who has been in high school for three years and pursuing a special education diploma:

- According to enrollment records, the student enrolled in Mitchell County High School 7/23/2007.
- The grade placements are reflected on the transcript as follows: FY 08- 9th grade; FY 09- 9th grade; FY 10- 12th grade.
- An interview with the principal indicated the student would be graduating spring FY 10.
- When asked if the student had participated in state assessments, the principal responded he was not sure but did not think the student took the state assessment.
- The transcript for FY 08 indicated the student failed 8 out of 8 courses.
- The transcript for FY 09 indicated the student failed 1 out of 8 courses.
- The grade report provided by the system at time of monitoring indicated the student was failing 8 out of 8 courses.

The compliance agreement dated June 8, 2009 states:

SWDs (students with disabilities) will not be awarded special education diplomas without the completing of requirements outlined in the student's IEP/course of study/transition plan.

The requirement states a student should complete their IEP goals and objectives in order to be awarded a special education diploma yet the student has experienced two of three years failing course work. Courses should be the pathway for students to access the curriculum needed to successfully complete the requirements identified in the IEP. The GaDOE is concerned that the school may identify students as meeting IEP requirements yet all indication of coursework taken indicates the student is not meeting requirements. Mitchell County needs to reexamine the alignment of student's individual needs with the courses designed to assist students in accessing curriculum and progressing in order to meet the requirements of their IEPs.

Required Actions to Achieve Compliance

High-Risk Status

Pursuant to 34 C.F.R. § 80.12, the GaDOE designates the Mitchell County School System as a "high-risk" grantee. Accordingly, the GaDOE will impose the following special conditions for the Mitchell County School System to receive federal IDEA funds on or after the date of this report. Additionally, these special conditions apply to IDEA funds previously awarded by the GaDOE that are still available for obligation on the date of this report.

These special conditions are applied to IDEA funds in accordance with the regulations governing "high-risk" grantees in the Education Department General Administrative Regulations (EDGAR), 34 C.F.R. § 80.12. The Mitchell County School System has not made substantial progress in improving its compliance to the requirements of IDEA. Therefore, these special conditions are imposed on Mitchell County School System's IDEA funds to ensure that the school system implements IDEA in accordance with applicable legal requirements.

Special Conditions

1. Hire a Consultant. The GaDOE will require the Mitchell County School System to hire a special education consultant with a portion of their FY 11 IDEA funds. This position is to be in place for at least one school year at which time the GaDOE will determine if there is a need for Mitchell County to continue to set aside funds for this position in future years. The consultant will be selected by the GaDOE for the primary purpose of monitoring Compliance, Budget, Professional Development and the Delivery of FAPE to all students with disabilities in the Mitchell County School System. The consultant will be hired on a contract basis with the terms of contract time and salary to be determined.

The consultant will be provided full access to all schools in the Mitchell County School System as well as all records for students with disabilities, including full access to the student information system. Final recommendations of professional development for all staff, related to special education programs will be determined and/or approved by the consultant. If professional development costs are incurred, the costs will be covered by the system. All resources that are available at no costs will be utilized if available, such as the Southwest GLRS.

Additional information was provided during onsite interviews that raised concerns of service delivery in other schools in Mitchell County. The onsite visit was for the purpose of monitoring and reviewing compliance issues identified in the letters received by the GaDOE however, the consultant will be conducting an in depth review of all special education student files to ensure compliance and delivery of FAPE to all students with disabilities in the system. If additional areas of noncompliance are identified in other schools in Mitchell County, the corrective action will be determined by the consultant and GaDOE and will require correction on the timeline established.

The consultant will hold a parent meeting at each school, open to all parents of students with disabilities. The purpose of this meeting will be to explain the Rights of Parents of students with disabilities. This may require multiple meetings at each school in order to ensure all parents have an opportunity to participate.

Structures will be developed with the consultant to provide ongoing data to the GaDOE on the system's progress. Reporting to the GaDOE will occur, at a minimum, once per month. If the consultant is aware of any decision that is made by a school or the system in violation of IDEA, immediate correction is required as well as a summary description and reason of the occurrence by the school or system. The noncompliance will be identified in the monthly report to the Department.

2. Provide Training. All individuals identified to serve as LEA Representatives for the school system (required member of the IEP team) will be required to participate in extensive training in special education. This training will be determined and scheduled by the consultant.

3. Provide Compensatory Services. The Mitchell County School System will provide the GaDOE with the names and addresses of all students graduating this school year, FY 10. The State will send letters to each family sharing the options available to their students including the option of returning to school until their 22 birthday or returning to school for additional individualized services or other activities on a schedule to be determined based on each individual student.

The GaDOE, the consultant, and the Mitchell County School system will work collaboratively to establish a plan for offering supplementary services and compensatory services to all students who have a pattern of continuous failure in their course work. At this time, compensatory services are being required for the 17 students identified at the high school with excessive failures. This includes students who may graduate this spring with a special education diploma. If additional students in other Mitchell County Schools are identified as having multiple failures or IEP services not being provided, compensatory services will be required for those students as well.

Failure to Comply with Special Conditions

Failure to comply with these special conditions or further noncompliance with the requirements of IDEA will result in the GaDOE requesting the State Board of Education to hold all state and federal funds due to Mitchell County School System. These terms and conditions do not preclude the GaDOE from taking any authorized enforcement or other actions at any time.

Reconsideration and Modifications

The Mitchell County School System may request reconsideration of the aforementioned special conditions by submitting to the Deputy Superintendent for Standards, Instruction, and Assessment a resolution adopted by the Mitchell County Board of Education stating the reasons why the board believes any particular condition should be amended or removed. Additionally, the GaDOE may impose additional special conditions or modify these conditions as appropriate.

Removal of Special Conditions

The GaDOE will remove the special conditions at such time as the Mitchell County School System demonstrates, to the GaDOE's satisfaction, its compliance with the requirements of IDEA.

Maintenance of Effort

As required by 34 C.F.R. § 300.608, the Mitchell County School System cannot reduce its maintenance of effort as provided under 34 C.F.R. § 300.203 until the GaDOE determines the school system is in compliance with IDEA.