

FLORIDA DEPARTMENT OF EDUCATION



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July 27, 2009

Dr. James W. Browder, Superintendent
Lee County School District
2855 Colonial Boulevard
Ft. Myers, FL 33966-1012

Dear Superintendent Browder:

The Bureau of Exceptional Education and Student Services is in receipt of your district's response to the preliminary findings of its 2008-09 Exceptional Student Education (ESE) Compliance Self-Assessment. This letter and the attached document comprise the final report for Lee County School District's 2008-09 self-assessment monitoring process.

The self-assessment system is designed to address the major areas of compliance related to the State Performance Plan (SPP)/Annual Performance Report (APR) required under the Individuals with Disabilities Education Act (IDEA). SPP Indicator 15, Timely Correction of Noncompliance, requires that the state identify and correct noncompliance **as soon as possible, but in no case later than one year from identification**. While any incident of noncompliance is of concern, in accordance with the language in SPP Indicator 15, the Bureau's current monitoring system considers the timeliness of correction of noncompliance to be of greatest significance.

The results of district self-assessments are included in the State's APR and are used to inform oversight activities, including the selection of districts for on-site monitoring, and the local educational agency (LEA) determinations required under Section 300.603, Title 34, Code of Federal Regulations, which result in districts being identified as "meets requirements," "needs assistance," "needs intervention," or "needs substantial intervention."

On March 30, 2009, the preliminary report of findings from the self-assessment process was released to your district's ESE Director. The preliminary report detailed student-specific incidents of noncompliance that required immediate correction. Districts were required to correct all student-specific noncompliance no later than May 26, 2009, and to provide evidence to the Bureau no later than June 2, 2009. In addition, the preliminary report identified any standards for which the noncompliance was considered systemic (i.e., evident in $\geq 25\%$ of the records reviewed).

BAMBI J. LOCKMAN

Chief

Bureau of Exceptional Education and Student Services

Superintendent Browder
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In the event that there were systemic findings, a corrective action plan (CAP) was required. Lee County School District's CAP was submitted to the Bureau for review and approval. We look forward to receiving the district's report on their results no later than **January 27, 2010**. Your district's adherence to this schedule is required in order to ensure correction of systemic noncompliance within a year as required by OSEP and Florida's SPP.

In its 2008-09 self-assessment, Lee County School District assessed 65 standards. One or more incidents of noncompliance were identified on 21 of those standards (32.3%). The following is a summary of the district's timely correction of student-specific incidents of noncompliance:

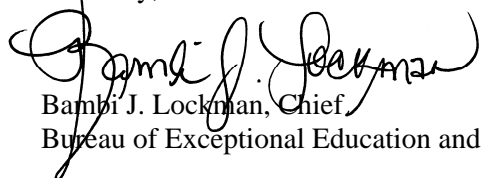
Correction of Noncompliance by Student

	Number	Percentage
Records Reviewed/Protocols Completed	29	–
Total Items Assessed	679	–
Noncompliant	91	13%
Timely Corrected	91	100%

The attached *Lee District Summary Report: Findings of Noncompliance by Standard* contains a summary of the findings reported by the individual standard or regulation assessed. In the event there were systemic findings of noncompliance on specific standards that required the development of a CAP, those items are designated by shaded cells. In addition, a Matrix of Services review was required. Lee County School District reviewed 11 matrixes for students reported at the 254 or 255 cost factors for weighted funding through the Florida Education Finance Program. Discrepancies were found in nine (81.8 %) of those records; verification of correction was required.

We understand that the implementation of this self-assessment required a significant commitment of resources and appreciate the time and attention your staff has devoted to the process thus far. If you have questions regarding this process, please contact your assigned district liaison for monitoring or Patricia Howell, Program Director, at (850) 245-0476 or via electronic mail at patricia.howell@fldoe.org.

Sincerely,



Bambi J. Lockman, Chief
Bureau of Exceptional Education and Student Services

Attachment

- cc: Carl Brunick
Mike Bursztyrn
Frances Haithcock
Mary Jane Tappen
Kim C. Komisar
Patricia Howell
Annette Oliver
Sheila Gritz
Donnajo Smith

Florida Department of Education
Bureau of Exceptional Education and Student Services

Self-Assessment 2008 - 2009

Lee District Summary Report: Findings of Noncompliance by Standard

This report provides a summary of the district's results and must be used when developing a corrective action plan. Results are reported by standard, with systemic noncompliance (occurrence in $\geq 25\%$ of possible incidents) indicated as appropriate. See the *Student Report: Incidents of Noncompliance* for student-specific findings. Results are based on the following:

Number of EP protocols completed: 7	Total number of protocols: 29
Number of standards per EP: 16	Total number of standards: 679
Number of SP protocols completed: 7	Total number of incidents of noncompliance (NC): 91
Number of standards per SP: 21	Overall % incidents of noncompliance: 13%
Number of T16 protocols completed: 15	
Number of standards per T16: 28	

Percent of noncompliance is calculated as the # of incidents of noncompliance for a given standard divided by the # of protocols reviewed for that standard, multiplied by 100.

* Correctable for the student(s): A finding for which immediate action can be taken to correct the noncompliance.

** Individual CAP: For a finding which cannot be corrected for an individual student, a corrective action plan (CAP) is required to address how the district will ensure future compliance; this plan will be limited in scope, based on the nature of the finding.

*** Systemic CAP: For a finding of noncompliance on a given standard that occurs in $\geq 25\%$ of possible incidents, a corrective action plan (CAP) is required to ensure future compliance; this plan must address the systemic nature of the finding and will be broader in scope than an individual CAP.

Note: In the event that there is a systemic finding of noncompliance on a standard that requires an individual CAP, only a systemic CAP is required.

Self-Assessment 2008 - 2009
Lee District Summary Report: Findings of Noncompliance by Standard

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
T16-1	The notice to the IEP team meeting included a statement that a purpose of the meeting was the consideration of postsecondary goals and transition services, that the student would be invited, and indicated any agency likely to provide or pay for services during the current year that would be invited. (34 CFR 300.322(b)(2); Rule 6A-6.03028(3)(b), FAC.)		X	2	13.3%	
T16-2	The student was invited to the IEP meeting. (34 CFR 300.321(b)(1); Rule 6A-6.03028(4)(h), FAC.)	X		1	6.7%	
T16-3	The student's strengths, preferences, and interests were taken into account. If the student was unable to attend the meeting, other steps were taken to ensure the student's preferences and interests were considered. (34 CFR 300.43 and 300.321(b)(2); Rule 6A-6.03028(4)(h), FAC.)	X		2	13.3%	
T16-4	For students age 14 and older: the IEP contains a statement of the student's desired post-school outcome; a statement of the student's transition services needs that focuses on the student's course of study is incorporated into applicable components of the IEP; and the IEP team considered the need for instruction in the area of self determination. (Rule 6A-6.03028(7)(i), FAC.)	X		9	60.0%	X
T16-6	If an agency likely to provide or pay for services during the current year is involved, a team member or designee was designated as responsible for follow-up with the agency and the IEP team was reconvened to identify alternative strategies if the agency failed to provide services as indicated on the IEP. (34 CFR 300.324(c)(1); Rule 6A-6.03028(8)(d), FAC.)	X		2	13.3%	
T16-7	The transition IEP for a 17-year-old includes a statement that the student has been informed of the rights that will transfer at age 18. (34 CFR 300.320(b); 34 CFR 300.520(a)(1))		X	1	6.7%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
T16-8	A separate and distinct notice of the transfer of rights was provided closer to the time of the student's 18th birthday. (34 CFR 300.320(c), 300.520(a)(1))		X	1	6.7%	
T16-9	There is a measurable postsecondary goal or goals in the designated areas (i.e., education/training and employment; where appropriate, independent living). (34 CFR 300.320(b)(1))	X		8	53.3%	X
T16-10	The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))	X		8	53.3%	X
T16-11	There is/are annual goal(s) or short-term objectives or benchmarks that reasonably enable the student to meet the postsecondary goals. (34 CFR 300.320(a)(2))	X		7	46.7%	X
T16-12	There are transition services on the IEP that focus on improving the academic and functional achievement of the student to facilitate the student's articulation to post-school. (34 CFR 300.320(b)(2))	X		6	40.0%	X
T16-13	The transition services include course(s) of study that focus on improving the academic and functional achievement of the student to facilitate the student's articulation from school to post-school. (34 CFR 300.320(b)(2))	X		6	40.0%	X
T16-14	If transition services are likely to be provided or paid for by another agency, a representative of the agency was invited to participate in the IEP. (34 CFR 300.321(b)(3))	X		5	33.3%	X
T16-15	The district obtained consent from the parent or from the student whose rights have transferred prior to inviting to the IEP team meeting a representative of an agency likely to provide or pay for transition services. (34 CFR 300.321(b)(3))		X	2	13.3%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
T16-16	The IEP includes coordinated, measurable, annual IEP goals and transition service that will reasonably enable the student to meet the postsecondary goals. (34 CFR 300.320(b))	X		10	66.7%	X
EP-4	The parents were provided notice of the EP team meeting a reasonable amount of time prior to the meeting, at least one attempt to invite the parent was through a written notice, and a second attempt was made if no response was received from the first notice. (Rule 6A-6.030191(2), FAC.)		X	1	14.3%	
EP-8	The appropriate team members were present at the EP meeting. (Rule 6A-6.030191(3)(a)-(g), FAC.)	X		1	14.3%	
EP-11	The EP includes a statement of goals, including benchmarks or short-term objectives. (Rule 6A-6.030191(4)(b), FAC.)	X		4	57.1%	X
EP-13	The EP contains a statement of how the student's progress will be measured and reported to the parents. (Rule 6A-6.030191(4)(d), FAC.)	X		7	100.0%	X
EP-15	The EP shows evidence that the parent was provided a copy of the EP free of charge. (Rule 6A-6.030191(2)(f), FAC.)		X	3	42.9%	X
EP-16	The EP shows evidence that each teacher of the gifted student was both informed of their responsibility and had access to the student's EP. (Rule 6A-6.030191(7), FAC.)	X		5	71.4%	X