

FLORIDA DEPARTMENT OF EDUCATION



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May 28, 2010

Mr. Alberto M. Carvalho, Superintendent
Miami-Dade County School District
1450 N.E. Second Avenue, Suite 912
Miami, Florida 33132

Dear Superintendent Carvalho:

The Bureau of Exceptional Education and Student Services is in receipt of your district's response to the preliminary findings of its 2009–10 Exceptional Student Education (ESE) Compliance Self-Assessment. This letter and the attached document comprise the final report for Miami-Dade County School District's 2009–10 Level 1 and Fall Cycle Level 2 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 education 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 February 5, 2010, the preliminary report of findings from the 2009-10 Level 1 and Fall Cycle Level 2 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 and to provide evidence to the Bureau no later than April 5, 2010. 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

Your district had systemic findings for which a corrective action plan (CAP) was required. Miami-Dade 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 **December 6, 2010**. Your district's adherence to this schedule is required in order to ensure correction of systemic noncompliance within a year as required by Office of Special Education Programs (OSEP) and Florida's SPP.

In its 2009–10 Level 1 and Fall Cycle Level 2 self-assessment, Miami-Dade County School District assessed 108 standards. One or more incidents of noncompliance were identified on 52 of those standards (48.1%). The following is a summary of the district's timely correction of student-specific incidents of noncompliance:

Correction of Noncompliance by Student

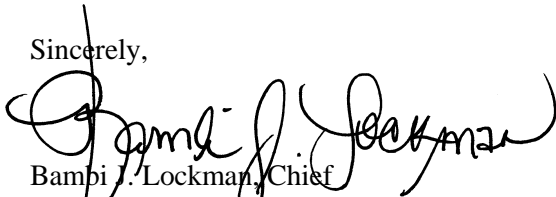
	Number	Percentage
Records Reviewed/Protocols Completed	56	-
Total Items Assessed	1496	-
Noncompliant	194	13%
Timely Corrected (within 60 days)	174	89.7%
Corrected (61 days – a year)	20	10.3%

The attached *Miami-Dade County 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. Miami-Dade County School District reviewed 15 matrixes for students reported at the 254 or 255 cost factors for weighted funding through the Florida Education Finance Program. Cost factor discrepancies were found in nine (60%) 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: Will Gordillo Patricia Howell
Edna Waxman Jill Snelson
Frances Haithcock Sheila Gritz
Mary Jane Tappen Karen Denbroeder
Kim C. Komisar

Florida Department of Education
Bureau of Exceptional Education and Student Services

2009 – 2010 Self-Assessment
Level 1 and Fall Cycle Level 2

Miami-Dade County 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 A protocols completed: 15
Number of standards per A: 23
Number of DJJ protocols completed: 11
Number of standards per DJJ: 31
Number of LRE protocols completed: 15
Number of standards per LRE: 28
Number of T16 protocols completed: 15
Number of standards per T16: 26

Total number of protocols: 56
Total number of standards: 1496
Total number of incidents of noncompliance (NC): 194
Overall % incidents of noncompliance: 13%

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.

Florida Department of Education
Bureau of Exceptional Education and Student Services

**2009 – 2010 Self-Assessment
Level 1 and Fall Cycle Level 2**

Miami-Dade County District Summary Report: Findings of Noncompliance by Standard

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
A-2	The IEP for a school-age student includes a statement of present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general curriculum. For a prekindergarten student, the IEP contains a statement of how the disability affects the student's participation in the appropriate activities. (34 CFR 300.320(a)(1))	X		5	33.3%	X
A-3	The IEP includes measurable annual goals, including academic and functional goals, designed to meet the student's needs that result from the disability to enable the child to be involved in and make progress in the general curriculum and meet the student's other needs that result from the disability. Benchmarks or short-term objectives should be included for students with disabilities who take alternate assessments aligned to alternate achievement standards or any other student with a disability as determined by the IEP team. (34 CFR 300.320(a)(2))	X		9	60.0%	X
A-5	The IEP contains a statement of related services, including location and anticipated initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		3	20.0%	
A-6	The IEP contains a statement of supplementary aids and services, including location and anticipated initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		1	6.7%	
A-7	The IEP contains a statement of supports for school personnel. (34 CFR 300.320 (a)(4))	X		1	6.7%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
A-10	The parent provided consent for the student to receive instructional accommodations not permitted on statewide assessments and acknowledged the implications of such accommodations. (S. 1008.22(3)(c)6, F.S.; Rule 6A-6.03028(3)(h), F.A.C.)	X		4	26.7%	X
A-15	The concerns of the parents for enhancing the education of their child were considered in developing the IEP. (34 CFR 300.324(a)(1)(ii); 300.322(c)-(d); and 300.305(a))	X		1	6.7%	
A-16	The IEP team considered, in the case of a student whose behavior impedes his or her learning, the use of positive behavior interventions and supports, and/or other strategies to address the behavior. (34 CFR 300.324(a)(2)(i))	X		1	6.7%	
A-21	The student's progress toward meeting the annual goals was measured, and the report of progress was provided as often as progress was reported to the nondisabled population. (34 CFR 300.320(a)(3))	X		4	26.7%	X
A-22	The IEP had been reviewed at least annually, and revised as appropriate, to address: any lack of progress toward the annual goals; any lack of progress in the general curriculum, if appropriate; the results of reevaluation; information about the student provided to, or by, the parent; and/or, the student's anticipated needs or other matters. (34 CFR 300.324(b)(1))	X		4	26.7%	X
LRE-2	The parents were provided notice of the IEP 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. (34 CFR 300.322(a)(1))		X	1	6.7%	
LRE-4	The notice contained a listing of persons invited to the meeting, by title and position. (34 CFR 300.321(a)-(b) and 300.322(b))		X	1	6.7%	
LRE-7	The IEP for a school-age student includes a statement of present levels of academic achievement and functional performance, including how the	X		7	46.7%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	student's disability affects involvement and progress in the general curriculum. For a prekindergarten student, the IEP contains a statement of how the disability affects the student's participation in the appropriate activities. (34 CFR 300.320(a)(1))					
LRE-8	The IEP includes measurable annual goals, including academic and functional goals, designed to meet the student's needs that result from the disability to enable the child to be involved in and make progress in the general curriculum and meet the student's other needs that result from the disability. Benchmarks or short-term objectives should be included for students with disabilities who take alternate assessments aligned to alternate achievement standards or any other student with a disability as determined by the IEP team. (34 CFR 300.320(a)(2))	X		12	80.0%	X
LRE-11	The IEP contains a statement of supplementary aids and services, including location and anticipated initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		1	6.7%	
LRE-14	There is alignment among the present level of academic and functional performance statement, the annual goals (and short-term objectives/benchmarks, if applicable), and the services identified on the IEP. (34 CFR 300.320(a))	X		6	40.0%	X
LRE-15	The student participates in nonacademic and extracurricular services and activities with nondisabled students to the maximum extent appropriate. (34 CFR 300.107 and 300.117)	X		4	26.7%	X
LRE-17	The IEP contains an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class. (34 CFR 300.320(a)(5))	X		5	33.3%	X
LRE-19	The IEP team considered the strengths of the student; the academic, developmental and functional needs of the student; the results of the initial evaluation or most recent evaluation; and the results of the student's performance on any statewide or districtwide assessment. (34 CFR 300.324(a)(1))	X		3	20.0%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
LRE-20	The concerns of the parents for enhancing the education of their child were considered in developing the IEP. (34 CFR 300.324(a)(1)(ii); 300.322(c)-(d); and 300.305(a))	X		3	20.0%	
LRE-21	The IEP team considered, in the case of a student whose behavior impedes his or her learning, the use of positive behavior interventions and supports, and/or other strategies to address the behavior. (34 CFR 300.324(a)(2)(i))	X		1	6.7%	
LRE-23	The IEP team considered, in the case of a student who is blind or visually impaired, that provision is made for instruction in braille and other use of braille. (34 CFR 300.324(a)(2)(iii))	X		1	6.7%	
LRE-24	The IEP team considered the communication needs of the child, including, for a student who is deaf or hard-of-hearing, consideration of the student's opportunities for direct communication with peers and professional personnel in the student's mode of communication, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. (34 CFR 300.324(a)(2)(iv))	X		1	6.7%	
LRE-26	The student's progress toward meeting the annual goals was measured, and the report of progress was provided as often as progress was reported to the nondisabled population. (34 CFR 300.320(a)(3))	X		1	6.7%	
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 identified any other agency that would be invited to send a representative. (34 CFR 300.322(b)(2))		X	8	53.3%	X
T16-2	The student was invited to the IEP team meeting. (34 CFR 300.321(b)(1))	X		2	13.3%	
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	X		1	6.7%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	ensure the student's preferences and interests were considered. (34 CFR 300.43(a)(2) and 300.321(b)(2); Rules 6A-6.03028(3)(c)7 and 6A-6.03411(nn)2, F.A.C.)					
T16-4	Beginning in eighth grade, or during the school year in which the student turns 14, whichever is sooner, the IEP must include a statement of whether the student is pursuing a course of study leading to a standard diploma or a special diploma. (Rule 6A-6.03028(3)(h)8, F.A.C.)	X		3	20.0%	
T16-5	For students age 16, or younger if determined appropriate by the IEP team, the IEP contains the consideration of instruction or the provision of information in the area of self-determination to assist the student to be able to actively and effectively participate in IEP team meetings and to self-advocate, if appropriate. (Rule 6A-6.03028(3)(h)9b, F.A.C.)	X		11	73.3%	X
T16-7	The 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(c) and 300.520(a)(1); Rule 6A-6.03028(3)(h)10, F.A.C.)		X	1	6.7%	
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) and 300.520(a)(1)); Rule 6A-6.03311(8)(c), F.A.C.)		X	1	6.7%	
T16-9	There is a measurable postsecondary goal or goals in the designated areas (i.e., education/training, employment, and, where appropriate, independent living skills). (34 CFR 300.320(b)(1); Rule 6A-6.03028(3)(h)9a, F.A.C.)	X		15	100.0%	X
T16-10	The measurable postsecondary goal was based on age-appropriate transition assessment. (34 CFR 300.320(b)(1))	X		12	80.0%	X
T16-11	The IEP includes annual goals (and short-term objectives/benchmarks, if applicable) related to the student's transition services needs. (34 CFR 300.320(b); Rule 6A-6.03028(3)(h)2-3, F.A.C.)	X		4	26.7%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
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 from school to post-school. (34 CFR 300.320(b)(2))	X		5	33.3%	X
T16-13	The transition services include course(s) of study needed to assist the student to reach the postsecondary goal(s). (34 CFR 300.320(b)(2))	X		4	26.7%	X
T16-16	The IEP includes appropriate measurable postsecondary goals that are annually updated and based upon: an age-appropriate transition assessment; transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals; and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP team meeting with the prior consent of the parent or student who has reached the age of majority. (34 CFR 300.320(b)-(c) and 300.321(b); Rule 6A-6.03028(3)(b)-(c) and (h), F.A.C.)	X		15	100.0%	X
DJJ-2	The parents were provided notice of the IEP 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. (34 CFR 300.322(a)(1))		X	1	9.1%	
DJJ-3	The notice of the IEP team meeting contained the time, location and purpose of the meeting. (34 CFR 300.322(b))		X	1	9.1%	
DJJ-4	The notice contained a listing of persons invited to the meeting, by title and position. (34 CFR 300.321(a)-(b) and 300.322(b))		X	1	9.1%	
DJJ-5	The parents were members of any group making decisions about the educational placement of the student. If neither parent was able to attend		X	3	27.3%	X

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	the IEP team meeting, there is documentation of attempts to ensure parent participation. (34 CFR 300.322(c)-(d); 300.328; and 300.501(c))					
DJJ-6	The appropriate team members were present at the IEP team meeting. (34 CFR 300.321(a)-(b))	X		1	9.1%	
DJJ-7	The IEP for a school-age student includes a statement of present levels of academic achievement and functional performance, including how the student's disability affects involvement and progress in the general curriculum. (34 CFR 300.320(a)(1))	X		1	9.1%	
DJJ-8	The IEP includes measurable annual goals, including academic and functional goals, designed to meet the student's needs that result from the disability to enable the child to be involved in and make progress in the general curriculum and meet the student's other needs that result from the disability. Benchmarks or short-term objectives should be included for students with disabilities who take alternate assessments aligned to alternate achievement standards or any other student with a disability as determined by the IEP team. (34 CFR 300.320(a)(2))	X		10	90.9%	X
DJJ-18	The IEP contains a statement of supports for school personnel. (34 CFR 300.320 (a)(4))	X		1	9.1%	
DJJ-19	There is evidence of the provision of supports for school personnel as specified on the IEP: lesson plans, log(s), interview(s), other. (Rule 6A-6.05281(1)(c), F.A.C.)	X		1	9.1%	
DJJ-21	The IEP contains an explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class. (34 CFR 300.320(a)(5))	X		5	45.5%	X
DJJ-24	The IEP team considered, in the case of a student whose behavior impedes his or her learning, the use of positive behavior interventions and supports, and/or other strategies to address the behavior. (34 CFR 300.324(a)(2)(i))	X		1	9.1%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
DJJ-26	The IEP team considered, in the case of a student who is blind or visually impaired, that provision is made for instruction in braille and other use of braille. (34 CFR 300.324(a)(2)(iii))	X		1	9.1%	
DJJ-27	The IEP team considered the communication needs of the child, including, for a student who is deaf or hard-of-hearing, consideration of the student's opportunities for direct communication with peers and professional personnel in the student's mode of communication, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode. (34 CFR 300.324(a)(2)(iv))	X		1	9.1%	
DJJ-29	The student's progress toward meeting the annual goals was measured, and the report of progress was provided as often as progress was reported to the nondisabled population. (34 CFR 300.320(a)(3))	X		3	27.3%	X
DJJ-30	The IEP had been reviewed at least annually, and revised as appropriate, to address: any lack of progress toward the annual goals; any lack of progress in the general curriculum, if appropriate; the results of reevaluation; information about the student provided to, or by, the parent; and/or, the student's anticipated needs or other matters. (34 CFR 300.324(b)(1))	X		1	9.1%	