

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

T. WILLARD FAIR, *Chairman*

Members

DR. AKSHAY DESAI

MARK KAPLAN

ROBERTO MARTÍNEZ

JOHN R. PADGET

KATHLEEN SHANAHAN

SUSAN STORY

Dr. Eric J. Smith
Commissioner of Education



May 28, 2010

Dr. James W. Browder, Superintendent
Lee County School District
2855 Colonial Blvd.
Fort Myers, FL 33966

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 2009–10 Exceptional Student Education (ESE) Compliance Self-Assessment. This letter and the attached document comprise the final report for Lee 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.

BAMBI J. LOCKMAN
Chief

Bureau of Exceptional Education and Student Services

Superintendent Browder
May 28, 2010
Page 2

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). **There were no systemic findings of noncompliance for Lee County School District; the district is to be commended for this.**

In its 2009–10 Level 1 and Fall Cycle Level 2 self-assessment, Lee County School District assessed 57 standards. One or more incidents of noncompliance were identified on three of those standards(5.3%) . The following is a summary of the district's timely correction of student-specific incidents of noncompliance:

Correction of Noncompliance by Student

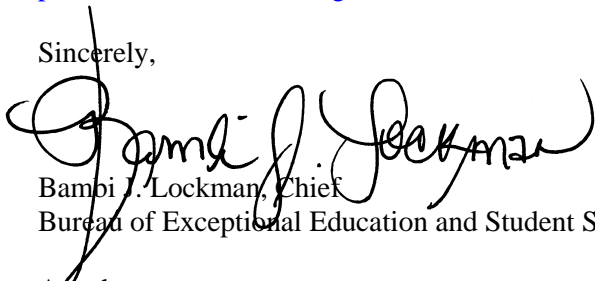
| | Number | Percentage |
|--------------------------------------|---------------|-------------------|
| Records Reviewed/Protocols Completed | 18 | - |
| Total Items Assessed | 503 | - |
| Noncompliant | 3 | 0.6% |
| Timely Corrected | 3 | 100% |

The attached *Lee County District Summary Report: Findings of Noncompliance by Standard* contains a summary of the findings reported by the individual standard or regulation assessed. The district had no systemic findings of noncompliance on specific standards that required the development of a CAP. 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. Cost factor discrepancies were found in four (36.4%) 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 Patricia Howell
Mike Bursztyń Anne Bozik
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
Lee 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 DJJ protocols completed: 7
Number of standards per DJJ: 31
Number of T16 protocols completed: 11
Number of standards per T16: 26

Total number of protocols: 18
Total number of standards: 503
Total number of incidents of noncompliance (NC): 3
Overall % incidents of noncompliance: 0.6%

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
Lee County District Summary Report: Findings of Noncompliance by Standard**

| Noncompliance (NC) | | *Correctable for the Student(s) | **Individual CAP | # NC | % NC | ***Systemic CAP |
|--------------------|---|---------------------------------|------------------|------|------|-----------------|
| 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 | | 1 | 9.1% | |
| T16-10 | The measurable postsecondary goal was based on age-appropriate transition assessment. (34 CFR 300.320(b)(1)) | X | | 1 | 9.1% | |
| 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 | | 1 | 9.1% | |