FLORIDA DEPARTMENT OF EDUCATION

Dr. Eric J. Smith
Commissioner of Education

June 20, 2008

Dr. Margaret Smith, Superintendent
Volusia County School District
P.O. Box 2118
Deland, Florida 32721-2118

Dear Dr. Smith:

The Bureau of Exceptional Education and Student Services is in receipt of your district's response to the preliminary findings of its Exceptional Student Education (ESE) Compliance Self-Assessment. This letter and the attached document(s) comprise the final report for Volusia County School District's 2007-08 ESE monitoring.

The self-assessment system is designed to address the major areas of compliance related to the State Performance Plan (SPP). SPP Indicator 15, Timely Correction of Noncompliance, requires that the state identify and correct noncompliance **as soon as possible, but no later than one year from identification**.

As indicated in prior communication with district ESE staff, it was anticipated that there might be an increase in the number of findings of noncompliance over previous monitoring activities due to the design of the self-assessment protocols and sampling system. While any incident of noncompliance is of concern, it is important to note that, 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.

On February 22, 2008, the preliminary report of findings from the self-assessment process was released to the district. The preliminary report detailed student-specific incidents of noncompliance that required immediate correction, and identified any standards for which the noncompliance was considered systemic (i.e., evident in $\geq$ 25% of the records reviewed). In the event that there were systemic findings, a corrective action plan (CAP) was required. In addition,

BAMBI J. LOCKMAN
Chief
Bureau of Exceptional Education and Student Services

the district participated in a validation review to ensure the accuracy of the self-assessment data. As a result of the validation review, additional incidents or findings of noncompliance requiring correction were identified.

In accordance with guidance from the Office of Special Education Programs (OSEP), U.S. Department of Education, a finding of noncompliance is identified by the standard (i.e., regulation or requirement) that is violated, not by the number of times the standard is violated. While each *incident* of noncompliance must be corrected for the individual student affected, multiple incidents of noncompliance regarding a given standard that occur within a school district are reported as a single *finding* of noncompliance for that district. These results are included in the Bureau's annual reporting to OSEP.

Districts were required to correct all student-specific noncompliance no later than April 25, 2008, and to provide evidence to the Bureau no later than April 30, 2008. We are pleased to report that Volusia County School District completed the required corrective actions and submitted the verifying documentation within the established timeline.

Volusia County was required to assess 129 standards. One or more incidents of noncompliance were identified on 6 of those standards (5%). The following is a summary of Volusia County School District's correction of student-specific incidents of noncompliance:

Correction of Noncompliance by Student

	Number	**Percentage**
Records Reviewed/Protocols Completed	25	–
Total Items Assessed	688	–
Noncompliant	21	3%
Timely Corrected	21	100%

The *Volusia District Summary Report: Findings of Noncompliance by Standard* (Attachment 1) contains a summary of the findings reported by the individual standard or regulation assessed. These data include revisions to the preliminary report that resulted from the validation review. Systemic findings are designated by shaded cells in the table. As noted in this attachment, no findings of noncompliance were determined to be systemic in nature and the district was not required to develop a CAP to address the identified standards.

The results of district self-assessments conducted during 2007-08 will be used to inform future monitoring activities, including the selection of districts for on-site monitoring, and in 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."

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 Dr. Kim C. Komisar, Administrator, at kim.komisar@fldoe.org or via phone at (850) 245-0476.

Sincerely,

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

Attachments

cc: Bill Fink
Pat Gibson
Frances Haithcock
Kim C. Komisar
Ken Johnson
Sheila Gritz

Florida Department of Education
Bureau of Exceptional Education and Student Services

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Volusia 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 ≥ 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 IE protocols completed: 13
Number of standards per IE: 18
Number of IEP protocols completed: 14
Number of standards per IEP: 38
Number of MD protocols completed: 7
Number of standards per MD: 9
Number of STA protocols completed: 4
Number of standards per STA: 6
Number of STB protocols completed: 11
Number of standards per STB: 28
Number of EBD disabilities completed: 2
Number of standards per EBD: 11
Number of OHI disabilities completed: 1
Number of standards per OHI: 5
Number of SLD disabilities completed: 10
Number of standards per SLD: 14

Total number of protocols: 49
Total number of standards: 1328
Total number of incidents of noncompliance (NC): 8
Overall % incidents of noncompliance: 0%

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 ≥ 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.

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Volusia District Summary Report: Findings of Noncompliance by Standard

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
STB-1	The notice to the IEP team meeting included: • A statement that a purpose of the meeting was the development of a statement of the student's transition services needs (beginning at age 14) or the consideration of the postsecondary goals and transition services (beginning at age 16) • A statement that the student would be invited • Indication that any agency likely to provide or pay for services during the current year would be invited. (34 CFR 300.322(b)(2); Rule 6A-6.03028(3)(b), FAC.)		X	1	9.1%	
STB-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		1	9.1%	
STB-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		1	9.1%	
IEP-35	If the current IEP represents a change of placement/change of FAPE from the previous IEP, or the district refused to make a change that the parent requested, the parent received appropriate prior written notice. (34 CFR 300.503)		X	2	14.3%	
IE-10	The date of referral for a formal individual evaluation was no more than ten (10) working days after the date of receipt of parent consent. (Section II.E of the Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students SP&P))		X	2	15.4%	

IE-13	The evaluation was conducted within 60 school days of the receipt of referral for evaluation and parental consent for evaluation. (Rule 6A-6.0331(4)(b), FAC.)		X	1	7.7%	

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Volusia County School District Corrective Action Plan

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	No Systemic Findings				