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June 20, 2008

Dr. Richard DiPatri, Superintendent
Brevard County School District
2700 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Dr. DiPatri:

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 Brevard 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. Your district's validation review revealed no inconsistencies in the original report of data.

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 Brevard County School District completed the required corrective actions and submitted the verifying documentation and CAP within the established timeline.

Brevard County was required to assess 56 standards. One or more incidents of noncompliance were identified on 24 of those standards (43%). The following is a summary of Brevard County School District's correction of student-specific incidents of noncompliance:

Correction of Noncompliance by Student

	Number	Percentage
Records Reviewed/Protocols Completed	40	—
Total Items Assessed	1120	—
Noncompliant	96	8%
Timely Corrected	96	100%

The *Brevard 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, one or more findings of noncompliance were determined to be systemic in nature and the district was required to develop a CAP to address the identified standards. Brevard County School District's CAP was submitted to the Bureau for review and approval, and is provided in Attachment 2. Please note that a timeline for implementation, evaluation, and reporting of results on the part of the district is included in the CAP. 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.

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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. We look forward to receiving the district’s report on the results of its corrective action plan, due to the Bureau no later than **December 22, 2008**. 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: Karen Palladino
Eva Lewis
Frances Haithcock
Kim C. Komisar
Laura Harrison
Sheila Gritz
Marilyn Hibbard

Florida Department of Education
Bureau of Exceptional Education and Student Services

ESE Self-Assessment
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Brevard 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 LRE protocols completed: 30
Number of standards per LRE: 28
Number of STB protocols completed: 10
Number of standards per STB: 28

Total number of protocols: 40
Total number of standards: 1120
Total number of incidents of noncompliance (NC): 96
Overall % incidents of noncompliance: 8%

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.

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Brevard District Summary Report: Findings of Noncompliance by Standard

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
STB-1	<p>The notice to the IEP team meeting included:</p> <ul style="list-style-type: none"> • 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. <p>(34 CFR 300.322(b)(2); Rule 6A-6.03028(3)(b), FAC.)</p>		X	2	20.0%	
STB-2	<p>The student was invited to the IEP meeting. (34 CFR 300.321(b)(1); Rule 6A-6.03028(4)(h), FAC.)</p>	X		1	10.0%	
STB-3	<p>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.)</p>	X		1	10.0%	
STB-4	<p>For students aged 14 and older:</p> <ul style="list-style-type: none"> • The IEP contains a statement of the student's desired post-school outcome • A statement of the student's transition service needs is incorporated into applicable components of the IEP • The IEP team considered the need for instruction in the area of self determination. 	X		1	10.0%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	(Rule 6A-6.03028(7)(i), FAC.)					
STB-6	<p>If an agency likely to provide or pay for transition services is involved:</p> <ul style="list-style-type: none"> • A team member or designee was designated as responsible for follow-up with the agency • The IEP team was reconvened to identify alternative strategies if the agency failed to provide services as indicated on the IEP. <p>(34 CFR 300.324(c)(1); Rule 6A-6.03028(8)(d), FAC.)</p>	X		2	20.0%	
STB-9	<p>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))</p>	X		9	90.0%	X
STB-10	<p>The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))</p>	X		8	80.0%	X
STB-11	<p>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))</p>	X		8	80.0%	X
STB-12	<p>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))</p>	X		9	90.0%	X
STB-13	<p>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))</p>	X		9	90.0%	X
STB-16	<p>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))</p>	X		3	30.0%	X
LRE-3	<p>The notice to the IEP team meeting contained the time, location and purpose of</p>		X	2	6.7%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
	the meeting. (34 CFR 300.322(b))					
LRE-4	The notice contained a listing of persons invited to the meeting, by title and position. (34 CFR 300.322(b))		X	4	13.3%	
LRE-6	The appropriate team members were present at the IEP meeting. (34 CFR 300.321(a)-(b))	X		6	20.0%	
LRE-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, as well as a statement of the remediation needed to achieve a passing score on the general statewide assessment. 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); Rule 6A-6.03028(7)(a), FAC.)	X		1	3.3%	
LRE-8	The IEP includes measurable annual goals, including academic and functional goals, and short-term objectives or benchmarks, 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. (34 CFR 300.320(a)(2))	X		1	3.3%	
LRE-9	The IEP contains a statement of special education services/specially designed instruction, including location as well as initiation, duration and frequency. (34 CFR 300.320(a)(4) and (7))	X		4	13.3%	
LRE-14	There is alignment among the present level of academic and functional performance statement, the annual goals and short term objectives/benchmarks, and the services identified on the IEP. (34 CFR 300.320(a))	X		1	3.3%	
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		2	6.7%	

Noncompliance (NC)		*Correctable for the Student(s)	**Individual CAP	# NC	% NC	***Systemic CAP
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		15	50.0%	X
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))	X		2	6.7%	
LRE-26	The report of progress was provided as often as progress was reported to the nondisabled population and described the progress towards annual goals and the extent to which that progress was sufficient to enable the student to achieve such goals by the end of the year. (34 CFR 300.320(a)(3); Rule 6A-6.03028(7)(g), FAC.)	X		2	6.7%	
LRE-27	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 by the parent; and/or, the student's anticipated needs. (34 CFR 300.324(b)(1))	X		2	6.7%	
LRE-28	The student's general education teachers, ESE teachers, and related service providers were provided access and information regarding specific responsibilities for IEP implementation. (34 CFR 300.323(d))	X		1	3.3%	

**Florida Department of Education
Bureau of Exceptional Education and Student Services**

**ESE Self-Assessment
2007 – 08**

Brevard County School District Corrective Action Plan

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
STB-9	<p>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))</p>	<p>Corrective Action Plan Activities for STB 9,10,11,12,16:</p> <p>1. The district's computerized IEP program (Excent) was updated on April 4, 2008 to include drop-downs that can be selected and edited for individual students on the transition page for postsecondary goals for students 16 years of age and older. The goals, located on the transition page, address education/training, employment, and independent living (if needed). These have been written with the capacity to edit in order to reflect the individual desires/needs of the students. Sample dropdowns will be sent to the DOE by US Mail.</p> <p>2. During March 2008, the ESE teachers, who have students found to be in non-compliance for secondary transition during the Self-Assessment Monitoring Activity, were informed personally by Sandy Dacri, ESE Resource Teacher, of the need to revise this portion of the IEP for those selected students. An instructional memorandum was sent via email to explain the new drop-downs available on</p>	<p>Corrective Action Plan Timelines for STB 9,10,11,12,16:</p> <p>1. Drop-downs available for editing for individual students added to computerized IEP program April 4, 2008. Training on the use of these drop-downs is being included in all Excent training beginning immediately.</p> <p>2. Completed</p>	<p>Corrective Action Plan Resources for STB 9,10,11,12,16:</p> <p>Quality IEP Manual: Florida Department of Education</p> <p>Excent and Quality IEP Training by District Staff</p> <p>On-Line Matrix and IEP Module</p> <p>DOE PowerPoint and conference calls: "Secondary Transition and Compliance 2008" DOE</p> <p>Interagency Council of</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
		<p>Excent. A copy of this memorandum will be sent to the DOE by US Mail. The additional support was provided as questions were addressed. The PowerPoint, "Secondary Transition and Compliance 2008" from the DOE was also sent to assist in the process.</p> <p>3. Quality IEP trainings will continue to be provided throughout the school year and at individual school requests. In addition, there will be mandatory training in the new transition procedures for ESE department heads and staffing specialists for every school in the district. This training will cover the secondary transition requirements aligned with Florida's 2007-2008 Self-Assessment for Exiting II, SPP 13-Secondary Transition B (16).</p> <p>4. The May 2008 Excent Newsletter that is distributed to all ESE teachers, will include a description of the additional drop-down options and directions for use.</p> <p>5. The Brevard Transition Team is in the process of creating a transition resource for the district entitled, "Space Coast Spectrum of Services Guide for Students with Disabilities". This will be available at schools and agencies and will be given to parents and students at IEP meetings beginning the 2008/09 school year.</p> <p>6. Sandy Dacri, ESE Resource Teacher/Transition Contact and David O'Brien, Excent Teacher/Trainer attended the Florida sponsored, "Transition Assessment - The Tools and How to Use Them". District personnel will continue to attend ongoing trainings provided by the DOE.</p>	<p>3. Ongoing beginning May 2008 and continuing throughout the 2008-2009 school year</p> <p>4. To be completed May 2008</p> <p>5. Brochure to be completed August 2008 and handed out at IEP meetings during 2008/09 school year</p> <p>6. Initial training attended March 27, 2008. Ongoing attendance at trainings as offered.</p>	<p>Brevard "Directory of Services"</p> <p>Interagency Council of Brevard: "Space Coast Spectrum of Services Guide for Students with Disabilities"</p> <p>Brevard Public Schools: "Transition Support Services for Students with Disabilities"</p> <p>On-going transition related trainings by the Florida DOE</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
		<p>7. On or before October 31, 2008, a district team will review 20 IEPs at Bayside High School at random. The team will assess the IEPs for 100% compliance in all transition areas as measured by the self-assessment standards 9, 10, 11, 12, 13, and 16.</p>	<p>7. October 31, 2008</p>		
STB-10	<p>The measurable postsecondary goals were based on age-appropriate transition assessment(s). (34 CFR 300.320(b)(1))</p>	<p>See STB- 9</p>	<p>See STB- 9</p>	<p>See STB- 9</p>	
STB-11	<p>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))</p>	<p>See STB- 9</p>	<p>See STB- 9</p>	<p>See STB- 9</p>	
STB-12	<p>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))</p>	<p>See STB- 9</p>	<p>See STB- 9</p>	<p>See STB- 9</p>	
STB-13	<p>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))</p>	<p>1. A drop-down box in the computerized IEP's Statement of Transition Services page was revised to more specifically address the 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. A copy of this drop-down information will be sent to the DOE by US Mail.</p> <p>2. There will be an on-going review of the list of services currently available in our community and we will adjust our selection menus on our computerized IEP program</p>	<p>1. Completed April 2008</p> <p>2. Beginning April 2008 and ongoing</p>	<p>Quality IEP Manual: Florida Department of Education</p> <p>"Secondary Transition and Compliance 2008" – DOE PowerPoint and conference calls</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
		<p>when needed.</p> <p>3. In April 2008 a new brochure entitled, "Transition Support Services for Students with Disabilities" was distributed to schools and agencies. The information included opportunities for students at the independent and supported levels: World of Work (WOW), Practical Applications of Career Exploration (PACE), Learn to Earn Internships, Learner Empowerment through Agency Partnerships (LEAP), Project SEARCH, and Job Placements/Supported Employment.</p> <p>4. Quality IEP trainings will continue to be provided throughout the school year and at individual school requests. In addition, there will be mandatory training in the new transition procedures for ESE department heads and staffing specialists for every school in the district. This training will cover the secondary transition requirements aligned with Florida's 2007-2008 Self-Assessment for Exiting II, SPP 13-Secondary Transition B (16). A schedule of projected IEP and Excent trainings for 2008/09 will be sent to the DOE by US Mail.</p>	<p>3. April 2008 publication of brochure with on-going distribution</p> <p>4. Beginning May 2008 and continuing throughout the 2008-2009 school year</p>	<p>Interagency Council of Brevard Directory of Services</p> <p>Interagency Council of Brevard "Space Coast Spectrum of Services Guide for Students with Disabilities"</p> <p>On-going transition related trainings by the DOE</p> <p>District staff conducting trainings on Quality IEP and Excent IEP writing</p>	
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))	See STB- 9	See STB- 9	See STB- 9	
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.	1. For students who are in PreKindergarten programs, the District's computerized IEP program (Excent) was updated in March 2008 so the teachers	1. Completed March 2008	For this Standard: Quality IEP	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
	(34 CFR 300.320(a)(5))	<p>who are writing the IEP are now required to select a drop-down in the area where the explanation of participation with nondisabled peers is located. From this drop-down, teachers must write in the words to explain the specific reason(s) that the student spends time apart from nondisabled peers based on the student's individual needs and disability. A copy of the Excent drop-down will be sent to the DOE by US Mail.</p> <p>2. During March 2008, all PreKindergarten teachers, who have students found to be in non-compliance during the Self-Assessment Monitoring Activity, were informed personally by Nancy Ray, ESE Resource Teacher, of the need to revise this portion of the IEP for those selected students. These teachers were told about the new drop-down available on Excent during these personal conversations. All IEP meetings have been held and the corrections made. Copies of the corrected pages of these IEPs will be sent to the DOE by US Mail.</p> <p>3. On March 25, 2008, all PreKindergarten teachers in the district were notified through e-mail of the revisions needed to adequately address this area of their IEPs. A copy of that e-mail message will be sent to the DOE by US Mail.</p> <p>4. Quality IEP and Excent in-service training is conducted with new ESE teachers at the time the teacher begins working in Brevard County. In addition, there are IEP and Excent refresher trainings scheduled throughout the school year for veteran teachers to attend. The importance of having the IEP give an explanation of a student's instructional</p>	<p>2. Completed March 2008</p> <p>3. Completed March 2008</p> <p>4. First training scheduled for August 2008 for new teachers. Additional trainings scheduled throughout the school year for</p>	<p>Manual: Florida Department of Education</p> <p>Excent Training by District Staff</p> <p>On-Line IEP and Matrix Module</p>	

#	Findings of Noncompliance	Activities	Timelines	Resources	Results/Status
		<p>time apart from nondisabled peers will be trained in the Quality IEP and Excent training sessions and the drop-down for individual explanation of each student's needs will be highlighted and explained during these trainings. A copy of the schedule for Excent and IEP trainings will be sent to the DOE by US Mail.</p> <p>5. A newsletter is sent to all ESE Teachers monthly from the Excent teacher trainers. The May 2008 newsletter will include a description of how teachers are to document the explanation for the time a student is instructed apart from non-disabled peers.</p>	<p>new teachers as hired and for veteran teachers</p> <p>5. May 2008</p>		