

FLORIDA DEPARTMENT OF EDUCATION



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April 1, 2011

Mr. Lawrence D. Tihen, Interim Superintendent
Lee County School District
2855 Colonial Blvd.
Fort Myers, Florida 33966-1012

Dear Superintendent Tihen:

The Bureau of Exceptional Education and Student Services is in receipt of your district's response to the preliminary findings of its 2010-11 Exceptional Student Education (ESE) Compliance Self-Assessment. This letter and the attached document comprise the final report for Lee County School District's 2010-11 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 January 5, 2011, the preliminary report of findings from the 2010-11 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 March 7, 2011. In addition, districts are required to demonstrate that they are now correctly implementing each of the standards identified as noncompliant (i.e., 100 percent compliance).

BAMBI J. LOCKMAN

Chief

Bureau of Exceptional Education and Student Services

Superintendent Tihen
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In its 2010-11 Level 1 and Fall Cycle Level 2 self-assessment, Lee County School District assessed 84 standards. One or more incidents of noncompliance were identified on two of those standards (2.4%). In accordance with the October 17, 2008, guidance from the Office of Special Education Programs (OSEP), incidents of noncompliance corrected prior to the Bureau's dissemination of the preliminary report are not reported as findings of noncompliance for the purposes of the SPP/APR. The following summary of the district's timely correction of student-specific incidents of noncompliance has been adjusted for the district's early correction:

Correction of Noncompliance by Student

	Number	Percentage
Records Reviewed/Protocols Completed	34	-
Total Items Assessed	880	-
Noncompliant	1	0.1%
Timely Corrected	1	100%

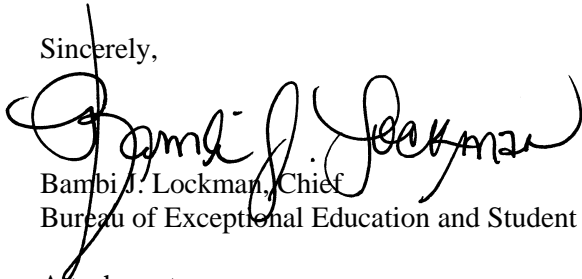
The attached *Lee County District Summary Report: Findings of Noncompliance by Standard* contains a summary of the findings reported by the individual standard or regulation assessed. In addition, a Matrix of Services review was required. Lee County School District reviewed 11 matrixes for students reported at the 254 or 255 cost factors for weighted funding through the Florida Education Finance Program. Cost factor discrepancies were found in three (27.3%) of those records. Verification of correction was submitted by the district.

In addition to the individual correction(s) reported above, the district was required to demonstrate 100 percent compliance for each standard that was identified as noncompliant through review of a random sample of student records. Your district has provided the required records to demonstrate 100 percent compliance on all of the targeted standards, and no further corrective actions are 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: Mike Bursztyn Patricia Howell
Frances Haithcock Anne Bozik
Mary Jane Tappen Sheila Gritz
Kim C. Komisar

Florida Department of Education
Bureau of Exceptional Education and Student Services

2010 – 2011 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 corrective actions. See the *Student Report: Incidents of Noncompliance* for student-specific findings. Results are reported by standard, and are based on the following:

Number of DJJ protocols completed: 7
Number of standards per DJJ: 31
Number of IEP protocols completed: 11
Number of standards per IEP: 37
Number of T16 protocols completed: 16
Number of standards per T16: 16

Total number of protocols: 34
Total number of standards: 880
Total number of incidents of noncompliance (NC): 2
Overall % incidents of noncompliance: 0.2%

Total number of different standards assessed: 84
Total number of different standards for which noncompliance was identified: 2
% of different standards for which noncompliance was identified: 2.4%

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 which requires immediate action(s) to correct the noncompliance

** **Ensure future compliance:** For findings which cannot be corrected for individual students, corrective actions are required to address how the district will ensure future compliance

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**2010 – 2011 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)	**Ensure Future Compliance	# NC	% NC
DJJ-6	The appropriate team members were present at the IEP team meeting. (34 CFR §300.321(a)-(b))	X		1	14.3%
IEP-11	The appropriate team members were present at the IEP team meeting. (34 CFR §300.321(a)-(b))	X		1	9.1%