



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Honorable Eric Smith  
Commissioner  
Florida Department of Education  
325 West Gaines Street, Suite 1514  
Tallahassee, Florida 32399-0100

MAR 12 2009

Dear Commissioner Smith:

The purpose of this letter is to inform you of the results of the Office of Special Education Programs' (OSEP's) verification visit to the Florida Department of Education (FDE) during the week of November 17, 2008. As indicated in my letter to you dated August 7, 2008, OSEP is conducting verification visits to a number of States as part of our Continuous Improvement and Focused Monitoring System (CIFMS) for ensuring compliance with, and improving performance under, Part B and Part C of the Individuals with Disabilities Education Act (IDEA). CIFMS is designed to ensure compliance and improve performance with Parts B and C<sup>1</sup> of the IDEA. Sections 616 and 642 of the IDEA require the Department to monitor States with a focus on: (1) improving early intervention and educational results and functional outcomes for infants, toddlers, children, and youth with disabilities; and (2) ensuring that States meet the program requirements, particularly those most closely related to improving results for infants, toddlers, and children with disabilities.

The purpose of the verification visit is to verify the effectiveness of the State's systems for general supervision, collection of State-reported data, and fiscal management, as well as the State's systems for improving child and family outcomes and protecting child and family rights. During the verification visit, OSEP: (1) analyzed the components of the State's general supervision, data and fiscal systems to determine whether they are reasonably designed to ensure compliance and improve performance; and (2) reviewed the accuracy of the data the State submitted for selected indicators in the State's FFY 2006 Annual Performance Report (APR)/State Performance Plan (SPP).

As part of the verification visit to Florida, OSEP staff met with Bambi Lockman, Bureau Chief, Bureau of Exceptional Education and Student Services (ESE), State personnel responsible for implementing the general supervision, data or fiscal systems, and local agency staff. Prior to and during the visit, OSEP staff reviewed a number of documents, including the following: (1) Florida's Federal Fiscal Year (FFY) 2006 APR submitted to OSEP in February 2008; (2) Florida's SPP submitted to OSEP in December 2005 and

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<sup>1</sup> OSEP conducted its Part C verification visit to the Florida Department of Health (the State's Lead Agency for Part C) during the week of November 17, 2008, and will be issuing a letter describing the results of that visit under separate cover.

updated in 2007 and 2008; (3) Florida's eligibility document submissions under Part B of the IDEA for FFY 2008; (4) OSEP's Verification Visit letter to Florida dated October 20, 2003; (5) FDE's website; and (6) other pertinent information.<sup>2</sup>

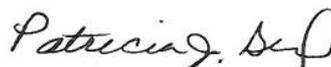
OSEP developed critical elements that were used to guide its evaluation of Florida's general supervision, data, and fiscal systems. OSEP's analysis of each critical element is set out in the enclosure to this letter. OSEP also conducted focused monitoring activities in Leon, Flagler, and Marion school districts to address issues related to policies, procedures and practices relating to the provision of a smooth and effective transition from Part C to Part B IDEA programs as required in 34 CFR §300.124.

The enclosure also includes an explanation of OSEP's observations and findings, including noncompliance with 34 CFR §300.222 related to notice and an opportunity for a hearing, section 615(i)(2)(C)(ii) of IDEA related to the appeals of due process hearings, and sections 616(a) and 616(e) of IDEA related to annual determinations for LEAs, and the required actions that the State must take to address the noncompliance.

We appreciate the cooperation and assistance provided by FDE personnel prior to and during our visit, especially the comprehensive documentation compiled in response to OSEP's requests for information.

We look forward to collaborating with the State as you continue to work to improve results for infants, toddlers, and children with disabilities and their families. If you have any questions or wish to request technical assistance, please do not hesitate to call your OSEP State Contact, Sheila Friedman, at 202-245-7349.

Sincerely,



Patricia J. Guard  
Acting Director  
Office of Special Education Programs

Enclosure

cc: Bambi Lockman  
Bureau Chief

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<sup>2</sup> Documents reviewed as part of the verification process were not reviewed for legal sufficiency, but rather to inform OSEP's understanding of your State's systems.