



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

Honorable John L. Winn
Commissioner of Education
325 West Gaines Street
Tallahassee, FL 32399-0100

APR 13 2006

Dear Commissioner Winn:

Thank you for your timely submission of Florida's State Performance Plan (SPP) for review under Part B of the Individuals with Disabilities Education Act (IDEA). Section 616(b) of the Act requires States to submit, within one year after the date of enactment of the reauthorized IDEA, an SPP that evaluates the State's efforts to implement the requirements and purposes of IDEA and describes how the State will improve implementation. We appreciate the State's efforts in preparing the SPP under a short timeline and in the face of many other competing priorities. In the SPPs, due by December 2, 2005, States were to include: (1) baseline data that reflect the State's efforts to implement Part B of the IDEA; (2) measurable and rigorous targets for the next six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (3) activities the State will undertake to improve implementation of Part B. (The Department extended Florida's due date for an additional 60 days in light of the impact of Hurricanes Katrina and Rita.)

The SPP included a description of the broad stakeholder input that went into its development and clearly delineated both how the State solicited that involvement and how the State used the responses received through that process. The Florida Department of Education (FDOE) involved a large group of stakeholders that were representative of the State and received input via a variety of forums, including the Monitoring Stakeholders Workgroup; 2005 Administrators Management Meeting consisting of district administrators of exceptional education, district administrators of students services, university personnel, and parents; Bureau District Partner's Meeting; Family Network on Disabilities; Florida Developmental Disabilities Council; Access and Opportunity Workgroup; and the State Advisory Committee. Additionally, as part of FDE's dissemination plan, the State placed the SPP on the State's website as a permanent document allowing continued opportunities for public input.

The targets for each of the 20 indicators were measurable and demonstrated the intent of the State to improve performance and compliance for children with disabilities and their families. The State also included a variety of detailed activities with timelines and resources designed to improve performance and, where applicable, compliance with each of the indicators. The activities appeared to be designed to impact performance and compliance and assist the State in meeting the established targets.

The Office of Special Education Programs (OSEP) is pleased to inform you that your State's SPP under Part B meets the requirements of section 616(b) to include measurable and rigorous targets and improvement activities. The State must make its SPP available through public

means, including posting on the State educational agency's (SEA's) website, distribution to the media, and distribution through public agencies. (Section 616(b)(2)(C)(ii)(I))

Under section 616(b)(2)(C)(ii)(II) of the Act, the State must annually report to OSEP on its performance under the SPP. The State's first Annual Performance Report (APR) on its progress in meeting its targets is due to OSEP by February 1, 2007. Attached to this letter you will find Table A addressing issues identified during our review of the SPP that – while not requiring disapproval of your plan – will affect our annual determination of State performance and compliance based on data presented in the State's APR. As a result, your State needs to provide additional information as part of its February 2007 APR submission. Table B includes OSEP's analysis of your submission related to previously-identified noncompliance or other issues included in our January 21, 2004 verification letter and our October 4, 2004, February 28, 2005, and August 19, 2005 letters that responded to your State's Federal fiscal year (FFY) 2002 APR and FFY 2003 APRs.

The State's longstanding noncompliance regarding due process hearing timelines required by 34 CFR §300.511(a) and (c) is reported under indicator 17 in Table B. The State must provide data demonstrating compliance by June 1, 2006. Failure to provide data demonstrating compliance at that time may result in the State's designation as a "high-risk" grantee or may otherwise affect its FFY 2006 grant award.

Also, in separate correspondence, OSEP has addressed the provision of speech and language services as a related service, a matter that has been a longstanding issue in Florida. Although FDE made some progress in demonstrating compliance with these requirements, FDE did not succeed in meeting all of the required actions outlined in its FFY 2004 and 2005 grant awards. Specifically, OSEP is very concerned that the State has not yet revised its statute or notified all appropriate local educational agency (LEA) personnel that a child enrolled in special education who needs speech and language services as a related service to benefit from special education must receive those services, whether or not he or she meets the State's criteria for speech and language services. As you are aware, the Department determined that FDE is a "high-risk grantee" because of its failure to make adequate progress toward timely correction of this noncompliance. The State's continued failure to comply with these actions will impact the State's FFY 2006 Part B funds.

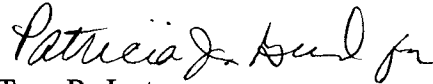
In addition to reporting to OSEP, the State must report annually to the public on the performance of each LEA located in the State on the targets in the State's performance plan. (Section 616(b)(2)(C)(ii)(I)) The requirement for public reporting on LEA performance is a critical provision related to ensuring accountability and focusing on improved results for children with disabilities. OSEP will be providing technical assistance regarding the reporting on LEA performance, at the National Accountability Conference, September 18 and 19, 2006 in Denver and through periodic technical assistance conference calls.

We hope that your State found the August 5, 2005 guidance on submission of the SPPs and the technical assistance that we provided through the August 11-12, 2005 Summer Institute, periodic conference calls, and the [SPP Resources](#) website helpful in this endeavor. If you have any feedback on our past technical assistance efforts or the needs of States for guidance, we would be

happy to hear from you as we work to develop further mechanisms to support State improvement activities.

Thank you for your continued work to improve results for children and youth with disabilities and their families. We encourage you to work closely with your State Contact as you proceed in implementing improvement activities and developing your APR. If you have any questions regarding the SPP or the APR, please contact Sheila Friedman at 202-245-7349.

Sincerely,



Troy R. Justesen
Acting Director
Office of Special Education
Programs

Enclosures

Table A

Table B

cc: Ms. Bambi Lockman
State Director of Special Education