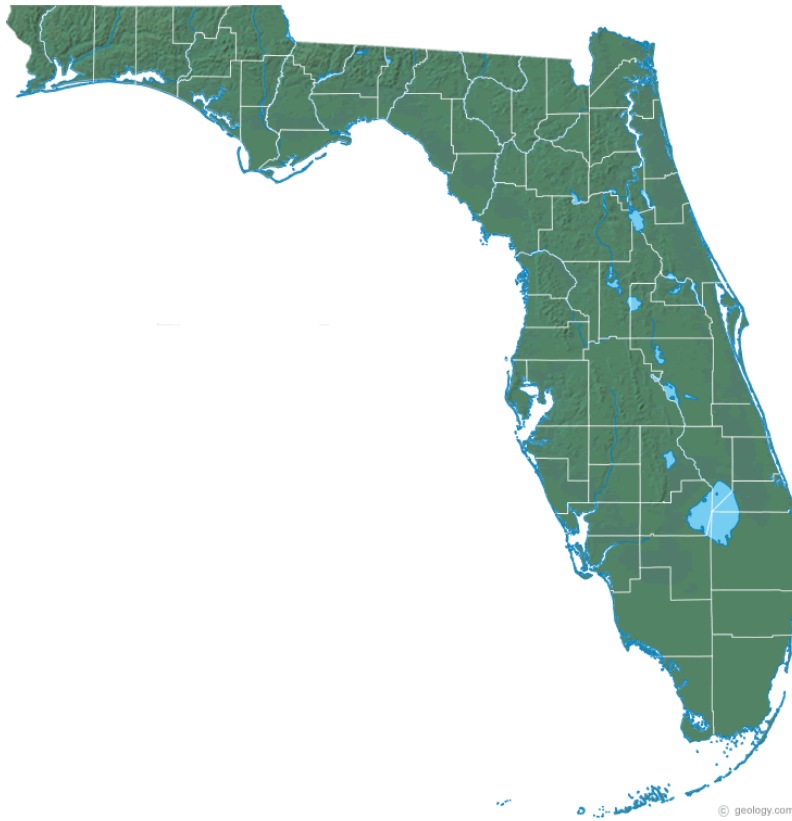


# Broward County School District

Final Report: On-Site Monitoring

Exceptional Student Education Programs

October 26–29, 2009



Bureau of Exceptional Education and Student Services  
Florida Department of Education

This publication is available through the Bureau of Exceptional Education and Student Services, Florida Department of Education. For additional information on this publication, or for a list of available publications, contact the Clearinghouse Information Center, Bureau of Exceptional Education and Student Services, Division of Public Schools, Florida Department of Education, Room 628 Turlington Building, Tallahassee, Florida 32399-0400.

Telephone: (850) 245-0477

Fax: (850) 245-0987

E-mail: [cicbiscs@FLDOE.org](mailto:cicbiscs@FLDOE.org)

Web site: <http://www.fldoe.org/ese/>

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January 14, 2010

Mr. James F. Notter, Superintendent  
Broward County School District  
600 S.E. Third Avenue, 10<sup>th</sup> Floor  
Ft. Lauderdale, Florida 33301-3125

Dear Superintendent Notter:

We are pleased to provide you with the *Final Report of On-Site Monitoring of Exceptional Student Education (ESE) Programs* for Broward County School District. This report was developed by integrating multiple sources of information related to our on-site visit on October 26–29, 2009, including student record reviews, interviews with school and district staff, classroom observations, and parent focus groups held in the district and via teleconferences. The final report will be posted on the Bureau of Exceptional Education and Student Services' Web site and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

The Broward County School District was selected for an on-site monitoring visit due to the number of students reported for weighted funding through the Florida Education Finance Program (FEFP) and the number of dispute resolution requests (i.e., due process hearing requests; state complaints; mediations) related to exceptional student education. Specifically, the district's rates for reporting students at the 255 matrix level and parent requests for dispute resolution were greater than 150 percent of the state rates. Ms. Denise Rusnak, ESE Director, and Ms. Cynthia Park, Director of Advanced Academics, and their staff were very helpful during the Bureau's preparation for the visit and the on-site monitoring. In addition, Bureau staff members were welcomed and assisted by the principals and other staff at all of the schools that were visited. The Bureau's on-site monitoring activities identified discrepancies in the matrix of services documents that require corrective action.


**BAMBI J. LOCKMAN**  
*Chief*

*Bureau of Exceptional Education and Student Services*

Mr. James F. Notter  
January 14, 2010  
Page 2

Thank you for your commitment to improving services for exceptional education students in Broward County. If there are any questions regarding this final report, please contact Patricia Howell, Program Director, Monitoring and Compliance, at (850) 245-0476, or via electronic mail at [Patricia.Howell@fldoe.org](mailto:Patricia.Howell@fldoe.org).

Sincerely,



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

Enclosure

cc: Denise Rusnak  
Lida Yocum  
Cynthia Park  
Donna Turner  
Kim C. Komisar  
Patricia Howell  
Annette Oliver

**Broward County School District  
Final Report: On-Site Monitoring  
Exceptional Student Education Programs**

**October 26–29, 2009**

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



**Broward County School District**

**Final Report: On-Site Monitoring  
Exceptional Student Education Programs**

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**Broward County School District**  
**Final Report of On-Site Monitoring**  
**Exceptional Student Education Programs**  
**October 26–29, 2009**

## **Authority**

The Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (Bureau), in carrying out its roles of leadership, resource allocation, technical assistance, monitoring, and evaluation, is required to oversee the performance of district school boards in the enforcement of all laws and rules (Sections 1001.03(8) and 1008.32, Florida Statutes (F.S.)). In fulfilling this requirement, the Bureau conducts monitoring activities of the exceptional student education (ESE) programs provided by district school boards, in accordance with ss. 1001.42 and 1003.57, F.S. Through these monitoring activities, the Bureau examines and evaluates procedures, records, and ESE programs; provides information and assistance to school districts; and otherwise assists school districts in operating effectively and efficiently. One purpose of the Individuals with Disabilities Education Act (IDEA) is to assess and ensure the effectiveness of efforts to educate children with disabilities (Section 300.1(d) of Title 34, Code of Federal Regulations [34 CFR §300.1(d)]), and districts are required to make a good faith effort to assist children with disabilities to achieve their stated goals and objectives in the least restrictive environment. In accordance with IDEA, FDOE is responsible for ensuring that its requirements are carried out and that each educational program for children with disabilities administered in the state meets the educational requirements of the state (34 CFR §§300.120, 300.149, and 300.600). The monitoring system reflects FDOE's commitment to providing assistance, service, and accountability to school districts, and is designed to emphasize improved educational outcomes for students while continuing to conduct those activities necessary to ensure compliance with applicable federal laws and regulations and state statutes and rules.

## **Monitoring Process**

### **District Selection**

For the 2008–09 school year, the Bureau's ESE monitoring system comprised **basic** (Level 1) and **focused** (Level 2) self-assessment activities, as well as **on-site visits** conducted by Bureau staff (Level 3). This system was developed to ensure that school districts comply with all applicable laws, regulations, and state statutes and rules, while focusing on improving student outcomes related to State Performance Plan (SPP) indicators.

Decisions regarding the components of Level 1 and Level 2 monitoring for 2008–09 were driven by the following: issues raised in recent Office of Program Policy and Governmental Accountability (OPPAGA) reports and legislative action regarding gifted education and matrix of services; issues addressed during the on-site monitoring of Florida's ESE programs by the Office of Special Education Programs (OSEP); and the requirements of the SPP/Annual Performance Report (APR).

All districts were required to complete Level 1 activities. In addition, those districts that were newly identified for targeted planning or activities by the Bureau SPP indicator teams for one or more selected SPP indicators were required to conduct Level 2 self-assessment activities using indicator-specific protocols. Districts selected for Level 3 monitoring conducted Level 1 activities and Level 2 activities as applicable. Preliminary selection of districts for consideration for Level 3 monitoring was based on the following, and resulted in the identification of 22 districts:

- >150 percent of the state rate for students reported at the 254 and 255 **matrix** levels (state rate for 254: 4.84 percent; 255: 2.08 percent; 254/255 combined: 6.92 percent)
- >150 percent of the state rate for formal requests for **dispute resolution** (state rate: 0.12 percent)
- **Correction of noncompliance** not completed within the required timeline (one year from identification)

On-site monitoring was reserved for those situations that require classroom observations or staff interviews, and for those that cannot be adequately addressed through student record desk reviews (e.g., individual educational plan [IEP] implementation, services being provided in accordance with the matrix). The list of 22 districts was further narrowed by raising the limit for the matrix of services to 200 percent of the state rate or meeting the original criteria for selection in more than one area (i.e., matrix, dispute resolution, and correction of noncompliance).

In a letter dated March 6, 2009, the Broward County School District superintendent was informed that the Bureau would be conducting an on-site monitoring visit related to the district's ESE programs due to matrix levels being greater than 150 percent of the state rate for 255 and dispute resolution requests (i.e., due process hearing requests, state complaints, mediations) being greater than 150 percent of the state rate.

## **On-Site Activities**

### ***Monitoring Team***

On October 26–29, 2009, the following staff members from the Bureau of Exceptional Education and Student Services and the Bureau of Curriculum and Instruction conducted an on-site monitoring visit to review matrix of services documents for students with disabilities and to review the educational services for exceptional students (students with disabilities and students who are gifted) enrolled in the Broward County School District:

- ESE Monitoring and Compliance
  - Annette Oliver, Program Specialist (Team Leader)
  - Patricia Howell, Program Director
  - Brenda Fisher, Program Specialist
  - Vicki Eddy, Program Specialist
  - Jill Snelson, Program Specialist
- Dispute Resolution
  - Karlene Deware, Program Specialist
- Gifted Services
  - Donnajo Smith, Program Specialist

- ESE Program Development and Services
  - Martha Murray, Program Specialist

### ***School Visits***

The following schools were selected for on-site visits for reviews of matrix of services documents for cost factors 254 and 255, implementation of educational plans (EPs) for students who are gifted, and implementation of IEPs for students with disabilities:

- Dania Elementary School
- Everglades Elementary School
- Falcon Cove Middle School
- Fox Trail Elementary School
- J.P. Taravella High School
- Lighthouse Care Center of Florida
- Pine Ridge Alternative Center
- Silver Lakes Elementary School
- Stirling Elementary School
- Sunset School
- The Quest Center
- Whispering Pines School

IEPs and matrix of services documents for students from the following schools also were reviewed:

- Bennett Elementary
- Blanche Ely High
- Cypress Run Education Center
- Gator Run Elementary School
- Indian Ridge Middle School
- Lanier-James Education Center
- Pioneer Middle

### ***Parent Focus Groups***

As indicated above, the rate of requests by parents for assistance with dispute resolution was one trigger for selecting Broward County School District for on-site monitoring. In order to obtain feedback from parents regarding their experiences with the district's ESE programs, parents of students with disabilities enrolled in the following schools were invited to participate in focus group discussions conducted by Bureau staff:

- Dania Elementary School
- Falcon Cove Middle School
- Fox Trail Elementary School
- J.P. Taravella High School (ninth-grade students)
- Lighthouse Care Center of Florida (seventh-, eighth-, and ninth-grade students)
- Pine Ridge Alternative Center (elementary, middle, and ninth-grade students)
- Stirling Elementary School
- Sunset School (elementary, middle, and ninth-grade students)
- The Quest Center (elementary, middle, and ninth-grade students)
- Whispering Pines School (elementary, middle, and ninth-grade students)

Informational flyers were mailed to 990 parents of students with disabilities, 489 of whom were in elementary school and 501 of whom were in middle or high school. In addition to pertinent information regarding the focus group sessions, the flyers included a contact number for parents to contact the Bureau with any other comments or concerns. Forty-one (41) flyers were returned to the Bureau as undeliverable. Face-to-face focus group sessions were held on October 27, 2009 (elementary school), and October 28, 2009 (middle and high school). In order to encourage participation by families that could not attend on those dates, teleconferences were conducted on November 4 and 5, 2009. Despite these efforts, only two parents participated in the face-to-face focus groups. The two participants indicated that other parents had expressed interest in providing feedback to the Bureau, but were unable to attend in person. They were again provided the information regarding the scheduled conference calls and encouraged to disseminate this information to other families. One additional parent participated in the conference call.

### ***Student Focus Groups***

Twenty-one gifted students at Falcon Cove Middle School and J.P. Taravella High School participated in student focus groups conducted by Bureau staff.

### ***Data Collection***

Prior to the on-site visit, FDOE staff conducted interviews with district staff who work with students with disabilities and gifted students, as well as administrators from two of the schools selected for on-site monitoring. Other interviews were conducted on-site.

Monitoring activities included the following:

- District-level interviews – 4
- School-level administrators interviews – 36
- School-level faculty and staff interviews – 61
- Parents participating in focus groups – 3
- Students participating in focus groups – 21
- Record reviews – 86
  - 77 students with disabilities
  - 9 gifted students
- Classroom observations – 58
- Case studies – 60

## **Results**

These results reflect the data collected through the activities of the on-site monitoring and are reported by topic (i.e., matrix of services, services to gifted students, behavioral supports for students with disabilities). Overall impressions, comments, or recommendations also are included.

### **Matrix of Services**

Section 1011.62(1)(e), F.S., describes the Florida Education Finance Program (FEFP) funding model for exceptional student education programs, including basic, at-risk, support levels IV and V for exceptional students, career cost factors, and a guaranteed allocation for ESE programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. This model is designed to provide funds to a

school district for the services that the district pays for or provides. If the district has a cost sharing arrangement for services, they may not be reported for weighted funding by the district. In addition, the nature and intensity of the services indicated on the matrix are to be consistent with the services described in the exceptional student's IEP. If a student with a disability is enrolled in a special program (e.g., dropout prevention program) and requires a service that is routinely provided to all students in that program, including nondisabled students, the district cannot claim weighted funding for that service via the matrix.

Within the matrix, five domains are used to group the types of services, and five levels are used to describe the nature and intensity of services within each domain. The total number of points is determined by adding together the scores for each domain and applicable special considerations and results in a rating of Level 1, Level 2, Level 3, Level 4, or Level 5. In order to generate funds at weighted cost factors of 254 or 255, a matrix of services must be completed at least once every three years by personnel who have received approved training. School districts must ensure that each matrix of services document reflects the student's current services. If services change as a result of an IEP team decision, a new matrix of services document must be completed. If services do not change as a result of an IEP team meeting, and the matrix is less than three years old, the existing document may be reviewed and remain in effect. Matrix of services documents are required for McKay Scholarship students at all cost factor levels and may be completed for students with disabilities receiving services above Level 1 in Department of Juvenile Justice facilities and charter schools.

The district is to be commended for the procedures in place to ensure that matrix of services documents are timely completed by staff appropriately trained in the process. The Web-based IEP system used by the district includes processes that alert users of missing information and required actions, including the requirement that matrix documents be reviewed. In addition, the school district requires matrix documents for students reported at the 254 and 255 levels to be reviewed annually, when services have changed, or when the student has an interim IEP team meeting. The school district uses the Florida Diagnostic and Learning Resources System (FDLRS) Associate Centers to conduct annual training sessions, as well as school-level training, as needed. District staff also can complete Web-based matrix of services training.

Sixty-one matrix of services documents were reviewed for students with disabilities who were reported for funding at the 254 (36 records) or 255 (25 records) cost factors. Matrix reviews are conducted by comparing a student's IEP and supporting documentation with the levels of service reported for each of the five domains (i.e., curriculum and learning environment, social/emotional behavior, independent functioning, health care, communication) and verifying the cost factor calculation. Discrepancies are noted when one or more of the following occurs:

- The IEP does not support the level of service reported on the matrix.
- There is not sufficient evidence that the student needs or is provided the level of service reported on the matrix.
- Required supporting documentation is not available (e.g., log documenting face-to-face consultation).
- There is a calculation error or misapplication of extra points when determining the final cost factor.

Discrepancies that resulted in a change in the total cost factor were noted in 16 of the records. A summary of those findings is provided in Table 1.

**Table 1. Discrepancies by Cost Factor**

Reported by District	Bureau Review	Records Found Discrepant
255	254	13
255	253	2
254	253	1

A summary, by domain, of the specific issues that resulted in discrepancies is provided in Table 2 below.

**Table 2. Discrepancies Resulting in a Change in Cost Factor, by Domain**

Domain	Records Found Discrepant	Comments
A: Curriculum and Learning Environment	0	
B: Social/Emotional Behavior	12	<ul style="list-style-type: none"> <li>• 12 of the 12 discrepancies were noted at two schools</li> <li>• Each record was rated at Level 5 for “intensive, individualized behavior management plan that requires very small group or one-on-one intervention”</li> <li>• Use of this level requires documentation of an individualized, structured behavioral program based on a functional behavioral assessment (FBA)</li> <li>• Record reviews, interviews, and observations did not substantiate use of FBAs as required</li> </ul>
C: Independent Functioning	3	<ul style="list-style-type: none"> <li>• Each record was rated at Level 5 for “continuous supervision to ensure physical safety”</li> <li>• Use of this level requires documentation of student’s behavior that indicates a pattern of regular outburst or self-injurious behavior, with supervision of no more than three students</li> <li>• Record reviews, interviews, and observations did not substantiate this level of need or supervision</li> </ul>
D: Health Care	16	<ul style="list-style-type: none"> <li>• 14 of the 16 discrepancies were noted at the two schools reported under Domain B above</li> <li>• There was a systemic practice of rating Level 5 for “continuous monitoring and assistance related to health care needs” of students administered psychotropic medication</li> <li>• Use of this level for monitoring of medication does not align with guidance in the <i>Matrix of Service Handbook</i></li> <li>• On-site observation did not substantiate continuous monitoring and assistance</li> </ul>
E: Communication	0	

## **Dispute Resolution**

Prior to conducting the on-site visit, Bureau staff reviewed the available dispute resolution data to identify common issues or trends, if any, in parents' requests for assistance in resolving disputes with the district. Sources of information included state complaint investigations, requests for due process hearings and final orders, and mediation sessions, as well as records of parent contacts maintained in the parent database and correspondence files. Based on this review, the decision was made to focus the on-site activities on services to gifted students and the implementation of behavioral supports for students with disabilities, and to conduct parent focus groups to solicit feedback directly from parents of students receiving services through the district's ESE program.

### ***Services to Gifted Students***

The students who participated in the focus group sessions at Falcon Cove Middle School and J.P. Taravella High School were enthusiastic about their schools and provided overall positive responses about services the school district has provided since their becoming eligible as students who are gifted. They reported that they were aware of the EP process and had participated in EP team meetings. The high school students were very aware of resources available in the school and district to assist them in pursuing their postsecondary goals, while the middle school students expressed interest in having more information regarding postsecondary options available to them before high school.

Nine EPs were reviewed on-site in conjunction with conducting student case studies. The EPs showed evidence of individualization based upon student need, and there were no findings of noncompliance regarding their development. District staff reported that resources and technical assistance are provided to support differentiated instruction, and school staff reported that differentiated instruction is provided to gifted students enrolled in general education classes. However, classroom observations conducted at Everglades Elementary School and J.P. Taravella High School did not substantiate the provision of differentiated instruction based upon individual students' needs as referenced on the EPs.

### ***Behavioral Supports for Students with Disabilities***

The overall atmosphere of the schools visited was overwhelmingly positive, with evidence of positive behavioral interventions and supports. Students at all schools visited were actively engaged in classwork assignments. ESE students participated with general education students in the educational environment as well as extracurricular and nonacademic activities.

During the course of conducting student case studies and reviewing matrix of services documents, concerns were noted regarding the development and implementation of FBAs and positive behavioral intervention plans (PBIPs) for students with significant social and emotional difficulties. Although a substantial amount of student-level behavioral data is collected, it was not evident that these data were routinely analyzed and used to inform decisions regarding the appropriateness and/or effectiveness of interventions. The school district acknowledged limitations in current practices regarding FBAs, PBIPs, and the organization of the behavioral data currently being collected, and has begun the process of revising its procedures in this area and will provide the Bureau with a summary of the status of these changes no later than June 9, 2010.

### ***Parent Focus Groups***

Due to the very limited participation of parents in the face-to-face and conference call focus group sessions (three parents total), the results are not considered reflective of the district as a whole. The specific concerns expressed were as follows:

- Parents are not considered equal participants in IEP team meetings; their input is not incorporated into the IEP as a whole but rather is relegated to the “parent input” section of the document; decisions regarding diploma options and student placement are made without consideration of the parents’ wishes.
- Students are served in overly restrictive settings; there are not sufficient behavioral supports, classroom accommodations, or assistive technology tools to support students with disabilities in more inclusive settings.
- Transition planning for postsecondary education and employment is limited and not always effective.

### **Corrective Actions**

1. No later than February 10, 2010, the Broward County School District shall review the 16 IEPs and matrix of services documents for which discrepancies were found that would result in change to the total cost factor (identification of specific students has been provided under separate cover). Based on that review, the district will:
  - Determine whether the current IEP accurately reflects the needs of the student and the services required to meet those needs, and, if warranted, revise the IEP
  - Develop a matrix to reflect the services on the revised IEP
  - Submit to the Bureau documentation of any revisions to the IEPs or the matrix of services documents

Based upon the results of this review, the Bureau will determine whether additional reviews of matrix of services documents and IEPs are required.

2. No later than March 15, 2010, the Broward County School District shall submit amendments to the FEFP program numbers reported via the Automated Student Database for October 2009 (survey 2) for any of the 16 records determined not to support the original reporting level. Evidence of the data correction must be provided to the Bureau at that time.
3. If additional matrix of services and IEP reviews are required by the Bureau as referenced in number 1 above, the district will be notified of the timeline for required amendments within the Automated Student Database.
4. For the remainder of the 2009–10 school year, the Broward County School District shall provide the Bureau with documentation regarding the provision of differentiated instruction based upon the EPs of students enrolled in Everglades Elementary School and J.P. Taravella High School. This documentation shall be provided on the following dates: April 15, 2010, and June 15, 2010. Based upon the results of the Bureau’s review of this documentation, records from other schools may be requested.

## Technical Assistance

The following resources are designed to provide technical assistance, support, and guidance to school districts regarding matrix requirements:

### Publications

The following documents are available through the Bureau's Clearinghouse:

- <http://www.fldoe.org/ese/pdf/matrixnu.pdf> *Use of the Exceptional Student Education Matrix of Services*
- *Exceptional Student Education/Florida Education Finance Program (ESE/FEFP) Matrix of Services Handbook 2004*. Publication 309010B

The following is a partial list of FDOE staff available for future technical assistance in dispute resolution and implementation of IEPs for students with disabilities and students who are gifted and in the completion or review of matrix of services documents.

### ESE Program Administration and Quality Assurance (850) 245-0476

Kim Komisar, Ph.D., Administrator  
[Kim.Komisar@fldoe.org](mailto:Kim.Komisar@fldoe.org)

Patricia Howell, Program Director  
Monitoring and Compliance  
[Patricia.Howell@fldoe.org](mailto:Patricia.Howell@fldoe.org)

Annette Oliver, Program Specialist  
Broward County School District's Bureau-  
District Monitoring Liaison  
[Annette.Oliver@fldoe.org](mailto:Annette.Oliver@fldoe.org)

Karlene Deware, Program Specialist  
Dispute Resolution  
[Karlene.Deware@fldoe.org](mailto:Karlene.Deware@fldoe.org)

Vicki Eddy, Program Specialist  
Monitoring and Compliance  
[Vicki.Eddy@fldoe.org](mailto:Vicki.Eddy@fldoe.org)

Brenda Fisher, Program Specialist  
Monitoring and Compliance  
[Brenda.Fisher@fldoe.org](mailto:Brenda.Fisher@fldoe.org)

Jill Snelson, Program Specialist  
Monitoring and Compliance  
[Jill.Snelson@fldoe.org](mailto:Jill.Snelson@fldoe.org)

### ESE Program Development (850) 245-0476

Martha Murray, Program Development  
[Martha.Murray@fldoe.org](mailto:Martha.Murray@fldoe.org)

### Bureau of Curriculum and Instruction (850) 245-0937

Donnajo Smith, Program Specialist for  
Gifted Students  
[Donnajo.Smith@fldoe.org](mailto:Donnajo.Smith@fldoe.org)

### Clearinghouse Information Center (850) 245-0477

Kathy Ancar, Supervisor  
[cicbiscs@fldoe.org](mailto:cicbiscs@fldoe.org)



**Appendix:**  
**Glossary of Acronyms**



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

**Glossary of Acronyms**

APR	Annual Performance Report
Bureau	Bureau of Exceptional Education and Student Services
CFR	Code of Federal Regulations
FDOE	Florida Department of Education
EP	Educational plan
ESE	Exceptional student education
FBA/PBIP	Functional Behavioral Assessment/Positive Behavioral Intervention Plan
FDLRS	Florida Diagnostic and Learning Resources System Associate Centers
FEFP	Florida Education Finance Program
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
OPPAGA	Office of Program Policy and Governmental Accountability
OSEP	Office of Special Education Programs
SPP	State Performance Plan



**Florida Department of Education  
Dr. Eric J. Smith, Commissioner**

ESE 312985G