



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

DIRECTOR

November 6, 2023

By Email

Honorable Joseph A. Ladapo
State Surgeon General
Florida Department of Health
4052 Bald Cypress Way
Tallahassee, FL 32399

Email: joseph.ladapo@flhealth.gov

Dear Dr. Ladapo:

The purpose of this letter is to provide an update on the status of the findings and corrective actions identified by the U.S. Department of Education's Office of Special Education Programs (OSEP), as reported in the Differentiated Monitoring and Support (DMS) report (monitoring report) sent to the Florida Department of Health (FDOH) on January 19, 2021.

Specifically, OSEP's January 19, 2021, monitoring report identified three findings of noncompliance with the Individuals with Disabilities Education Act (IDEA) Part C requirements and found that FDOH failed to:

1. Provide all early intervention services as identified on the individualized family service plan (IFSP) of infants and toddlers with disabilities in a timely manner and ensure early intervention services are individualized to meet the needs of the child and family as determined by the IFSP team as required by IDEA Sections 635 and 636, as well as 34 C.F.R. §§ 303.12, 303.342, 303.343, and 303.344(d).
2. Monitor its Local Early Steps (LES) early intervention service programs for compliance as required by IDEA Section 635(a)(10) and 34 C.F.R. § 303.120(a) for the fiscal requirements including the statewide system of payments policy and payor of last resort requirements in IDEA Section 640 and 34 C.F.R. §§ 303.510(b), 303.520, and 303.521; and
3. Ensure that the State has a methodology, including policies and procedures, to track all State and local public funding sources to enable the State to ensure compliance with the IDEA Part C Maintenance of Effort (MOE) requirements in 34 C.F.R. § 303.225(b).

OSEP's January 19, 2021, monitoring report also required FDOH to provide OSEP with a corrective action plan (CAP), including timelines and evidence of implementation, within 90 days of OSEP's monitoring report that:

1. Includes revised monitoring procedures to review whether early intervention services on the initial IFSP are individualized and meet the unique needs of the child and family as determined by the IFSP team;
2. Includes revised monitoring procedures to reflect the IDEA Part C fiscal requirements for (a) payor of last resort and (b) system of payments; and

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3. Includes revised policies and procedures to ensure that the State has a methodology to track all State and local public funding sources to enable it to ensure compliance with the IDEA Part C MOE requirements.

On April 19, 2021, FDOH submitted its CAP of which OSEP approved in a November 1, 2021, Memo to the State. Additionally, OSEP's Memo required FDOH to provide OSEP with evidence of implementation of the activities described in its CAP that demonstrates the State has corrected the three findings of noncompliance identified in OSEP's January 19, 2021, monitoring report.

In letters dated November 1, 2022, and February 27, 2023, FDOH responded to the findings of noncompliance identified by OSEP and provided evidence of implementation of the corrective actions taken to address the noncompliance including (but not limited to):

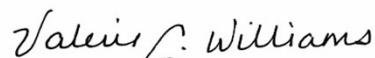
- Revised programmatic monitoring procedures and protocols to address oversight of individualized service delivery decisions.
- Revised fiscal monitoring procedures and protocols, to address LES compliance with its statewide system of payments policy and payor of last resort requirements.
- Evidence of implementation of its programmatic and fiscal monitoring to address the areas identified in OSEP's monitoring report, including the results of the State's monitoring.
- The State's proposed methodology for tracking compliance with IDEA Part C MOE requirements including the mechanism it intends to use for tracking funding sources.

FDOH also reported on the status of its data system and continues to provide OSEP with progress updates on scheduled monthly calls. Additionally, FDOH reported on the technical assistance (TA) activities it has engaged in as result of the noncompliance identified as well as the related professional development activities and TA the State has provided to its LES programs.

Based upon analysis of evidence submitted by FDOH, OSEP has determined that the State has taken the necessary steps to address and resolve the findings of noncompliance and the required corrective actions outlined in OSEP's January 21, 2019, monitoring report.

We appreciate your efforts to improve results for infants and toddler with disabilities and their families. If you have any questions, please contact your OSEP State Lead, Susan Kauffman, via email at susan.kauffman@ed.gov.

Sincerely,



Valerie C. Williams
Director
Office of Special Education Programs

cc: Jessica Meyer
Early Steps Program Administrator
Part C Coordinator
jessica.meyer@flhealth.gov