

**Report of Inquiry
Bureau Resolution Determination
Conducted by the Bureau of Exceptional Education and Student Services
Involving the Marion County School District**

BACKGROUND

The Bureau of Exceptional Education and Student Services (Bureau) received an unsigned state complaint from ■ forwarded from the Department's Inspector General Office on December 3, 2008, alleging that the Marion County School District had violated state laws relating to the education of students who are gifted. A signed complaint letter with all the required components was received via electronic mail (e-mail) on January 27, 2009, which initiated the 90-day timeline for completion of the inquiry process. Specifically, the complainant's allegations involved the following issues:

ISSUE 1: Whether the Marion County School District followed required procedures related to parent input and participation in meetings during the 2008-09 school year

ISSUE 2: Whether the Marion County School District followed the required procedures regarding the provision of counseling as a related service during the 2008-09 school year

The 90-day timeline for the complaint inquiry began on January 28, 2009, with an anticipated completion date of April 28, 2009. The district and the complainant were asked to submit relevant documents and information to the Bureau. The district's documentation was submitted by Ms. Beverly A. Morris, Marion County School Board Attorney. In addition, both parties provided information via telephone interviews.

As part of the inquiry process, relevant portions of the student's educational records were reviewed. The educational records indicated that the student (date of birth: ■) was in grade ■ and determined eligible for special programs for students who are gifted.

ISSUE 1: Whether the Marion County School District followed required procedures related to parent input and participation in meetings during the 2008-09 school year

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

State Board of Education Rule 6A-6.030191 of the Florida Administrative Code (F.A.C.) states: "Educational Plans (EPs) are developed for students identified solely as gifted. Parents are partners with schools and school district personnel in developing, reviewing, and revising the educational plan (EP) for their child. Procedures for the development of the EPs for exceptional students who are gifted, including procedures for parental involvement, shall be set forth in each district's Policies and Procedures for the Provision of Specially Designed Instruction and Related

Services to Exceptional Students document and shall be consistent with the following requirements. (1) Role of parents. The role of parents in developing EPS includes: (a) Providing critical information regarding the strengths of their child; (b) Expressing their concerns for enhancing the education of their child so that they receive a free appropriate public education; (c) Participating in discussions about the child's need for specially designed instruction; (d) Participating in deciding how the child will be involved and progress in the general curriculum; and (e) Participating in the determination of what services the school district will provide to the school and in what setting. (2) Parent participation. Each school board shall establish procedures which shall provide for parents to participate in decisions concerning the EP. Such procedures shall include the following: (a) Each district shall take the following steps to ensure that one (1) or both of the parents of a student who is gifted is present or is afforded the opportunity to participate in each EP meeting: 1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and 2. Scheduling the meeting at a mutually agreed on time and place. (b) A written notice to the parents must indicate the purpose, time, location of the meeting, and who, by title and or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child."

CONCLUSIONS

1. During the 2008-09 school year the district determined that the parent will no longer attend PTO meetings and SAC meetings. The Bureau does not have jurisdiction over such determinations.
2. The Marion County School District followed required procedures related to parent input and participation in EP team meetings and parent conferences with the student's teachers during the 2008-09 school year.

CORRECTIVE ACTION

None

ISSUE 2: Whether the Marion County School District followed the required procedures regarding the provision of counseling as a related service during the 2008-09 school year

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

State Board of Education Rule 6A – 6.030191 (4), F.A.C. states, "Contents of Educational Plans (EPs). EPs for students who are gifted must include: (a) A statement of the student's present levels of performance which may include, but is not limited to, the student's strengths and interests, the student's needs beyond the general curriculum, results of the student's performance on state and district assessments, and evaluation results; (b) A statement of goals, including benchmarks or short term objectives; (c) A statement of the specially designed instruction to be provided to the student; (d) A statement of how the student's progress towards the goals will be measured and reported to parents, and (e) The projected date for the beginning of services, and the anticipated frequency, location, and duration of those services;"

Section 1003.01 (3)(a), Florida Statutes (F.S.) states, “Exceptional student means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities...”

CONCLUSIONS

1. The student has been determined to be a student eligible for gifted education and has an EP. The EP does not include counseling as a related service for the student.
2. There is no evidence that counseling was identified as an area of need for the student during meetings held during the time in question.
3. The Marion County School District followed the required procedures regarding the issue of whether to provide counseling as a related service during the 2008-09 school year.

CORRECTIVE ACTION

None