

Agency Order and Bureau Resolution Summaries

Resulting from Inquiries Conducted by the Bureau
of Instructional Support and Community Services



July–December
2002

These summaries are available through the Bureau of Instructional Support and Community Services, Florida Department of Education, and are designed to assist school districts in the provision of special programs for exceptional students. For additional copies, contact the Clearinghouse Information Center.

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Introduction

Following are summaries of Florida Department of Education Early Resolutions, Bureau Resolution determinations, and Commissioner's Orders entered between July and December 2002. These resolutions and orders were issued after inquiries were made by the Bureau of Instructional Support and Community Services in response to formal complaints filed with the bureau, pursuant to Subsection 300.600–300.662 of Title 34 of the Code of Federal Regulations. Complete copies of the resolutions and orders are available from the bureau.

These summaries are for informational purposes and are not intended to provide legal advice or assistance. Please refer questions to Conflict Resolution, Bureau of Instructional Support and Community Services, 614 Turlington Building, Tallahassee, Florida 32399-0400; (850) 245-0475; Suncom 205-0475; or via electronic mail at eileen.amy@fldoe.org.

The heading for each summary provides the school board or agency involved in the inquiry, the bureau resolution or agency order number, and the effective date of the resolution or order.

Early Resolutions

Volusia County School Board Early Resolution Determination No. 2002-ER1 July 10, 2002

On May 13, 2002, the Bureau of Instructional Support and Community Services received a letter of formal complaint from the parent of a student with disabilities. In her letter, the complainant alleged that the district failed to properly constitute the individual educational plan (IEP) meeting for her son on April 25, 2002; provide her with an informed notice of refusal when requests were made regarding the development of her son's IEP and educational services; and implement her son's IEP as written, including the provision of the Picture Exchange Communication System (PECS) for the 2001-02 school year.

Following contact from the bureau, both the district and the complainant agreed to the early resolution process. The parties met on June 14, 2002, and developed an agreement with a plan for the implementation of the terms of the agreement. The agreement stated that the district would provide a local educational agency representative at all IEP meetings and continue the student's enrollment at his zoned school. In addition, the district would continue the implementation of augmentative

devises with a paraprofessional in the classroom and improved communication between the school and the student's home.

The early resolution agreement also stated that the parent (complainant) would provide contact with the administrator of Silver Sands Middle School on Tuesday, June 18, 2002, to set up a meeting with the administration and the student's summer school teacher to discuss the student's progress and a meeting with the student's ESE teacher, speech/language clinician, and school administration during the week of August 6, 2002, or August 12, 2002, to discuss the student's goals for the 2002-03 school year and to develop lines of communication.

Bureau Resolutions

Broward County School Board

Bureau Resolution Determination No: BISCs 2002-029-RES

August 9, 2002

This formal complaint was filed on behalf of a child who was determined to be eligible for the special program for students who are emotionally handicapped. In her letter of formal complaint, the complainant alleged that the district failed to appropriately discipline the student with consideration of his disability during the 2001-02 school year; consider all of the student's needs, particularly in the area of academics, during the 2001-02 school-year individual educational plan (IEP) development and review process; evaluate the student in a timely manner in order to determine his potential eligibility in an exceptional student education program; and place him in an appropriate placement based on the IEP team's decision.

In her letter of formal complaint, the complainant alleged that the district did not appropriately discipline the student nor address his needs in regard to his disability. A review of the evidence indicated that the student received eight days of out-of-school suspensions and six days of in-school suspensions during the 2001-02 school year. Records indicated that the student's suspensions were implemented in accordance with his IEPs and behavioral plan. In addition, a review of the student's IEP indicated that it contained information regarding organizational strategies, social interactions, redirection, and counseling. It was concluded that the student's needs, including those in the area of academics, were considered during the 2001-02 school-year IEP development and review process.

The complainant further alleged that the district did not assess the student in a timely manner and provide appropriate placement. Documentation indicated that consent for testing was provided in November 2001 with other required activities

begun the same month. Observations and evaluations were completed in January and February of 2002. The student was determined to be eligible for a special program in March 2002 and was provided with special education services in April 2002. A review of the documentation indicated that the IEP team, which included his guardian and other persons knowledgeable about the student's progress, discussed his placement options and other relevant information concerning his placement. It was concluded that the student was evaluated and provided with special education and related services within a reasonable period of time and was placed in an appropriate placement based on his IEP team's decision.

**Broward County School Board
Bureau Resolution Determination No: BISCs 2002-042-RES
December 23, 2002**

This complaint was filed by the parent of a student with disabilities determined eligible for the special program for students with specific learning disabilities (SLD). In the complaint, the parent alleged that the district had failed to provide the parents with the written notices required by the Individuals with Disabilities Education Act (IDEA); provide appropriate and timely evaluations of the student as required by the IDEA; appropriately respond to the parents' request for an independent educational evaluation (IEE) as required by the IDEA; appropriately conduct an eligibility determination, develop an IEP, and determine placement as required by the IDEA; develop for the student an IEP that contains all of the required components; provide the special education and related services as prescribed by the student's IEP; provide the student with a free appropriate public education (FAPE) in accordance with the IDEA; and comply with the charter school provision of the IDEA.

In the first issue, the parent alleged that the district failed to provide the student with the written notices required by the IDEA. A review of the documentation indicated that the parents were provided with copies of the procedural safeguards notice at the time consent for evaluation was given and prior to the student's IEP meetings. Based on the documentation, the parents were also provided with informed written notices inviting them to attend their son's eligibility meeting and IEP meeting. On May 2, 2002, the parents were sent a notice of proposal/refusal form recommending the complainant's son be placed in an exceptional student education (ESE) class; however, the district did not address the district's refusal to provide occupational therapy or the assistive technology requested by the parents. In addition, the eligibility form submitted as evidence was found to contain all of the required components with the exception of a component to document the required review of the eligibility determination by the ESE administrator or designee.

As corrective action, the district was required to ensure that the parents receive prior written notice of any eligibility staffings or IEP meetings and that the district pro-

vide an informed notice of refusal form whenever the district denies a parental request. The district was further required to ensure that the parent sign a consent form prior to the student's initial placement and provision of ESE services. Lastly, the district was required to revise the eligibility staffing form to include documentation indicating a review by the ESE administrator or designee.

In the second issue, the complainant alleged that the district failed to conduct appropriate and timely evaluations of her son as required by the IDEA. Documentation indicated that the assessments conducted by the district were varied, were valid for the purpose used, were administered by qualified evaluators, contained information pertinent to the development of the student's IEP, appeared to adequately reflect the student's aptitude and achievement, and were conducted in a timely manner. Corrective actions were not required.

In issue three, the complainant alleged that the district failed to appropriately respond to the parents' request for an IEE as required by the IDEA. Evidence indicated that on April 23, 2002, the parent requested an occupational therapy (OT) IEE. The district agreed to provide an IEE at public expense conditioned on the parents giving written consent for placement of their son in an ESE program. On May 13, 2002, the district sent the parent a list of three private OT agencies from which to choose. It was concluded that the district did not provide the parent with an OT IEE as requested nor did it initiate a due process hearing to show that the district's evaluation was appropriate. As corrective actions, the district was required to ensure that an IEE is promptly provided at public expense or a due process hearing is immediately initiated to determine that the district's evaluation is appropriate. In addition, if the parents request information as to how an IEE may be obtained, the district was required to provide them with the district's criteria for an IEE and any other appropriate information.

In issue four, the complainant alleged that the district failed to appropriately conduct an eligibility determination, develop an IEP, and determine a placement for the complainant's son as required by the IDEA. Records indicated that the pre-referral process for the complainant's son was conducted from September through October of 2001, with formal evaluations conducted from November 2001 through January of 2002. The complainant's son was determined eligible for SLD on February 28, 2002. The IEP, with a recommendation for placement in an ESE program, was not developed until May 24, 2002. It was concluded that the district was in violation of the requirement to develop an IEP within 30 days of the determination of eligibility. As corrective action, the district was required to ensure that the complainant's son's IEP is developed within 30 days of the determination of eligibility.

In issue five, the complainant alleged that the district failed to develop an IEP that contained all of the required components for the complainant's son. Following a review of the student's May 24, 2002, IEP, it was concluded that it contained all of

the required components and that the IEP team completed the IEP form with the appropriate information. Corrective actions were not required.

In issue six, the complainant alleged that the district failed to provide special education and related services as prescribed by the student's IEP. Documentation indicated that the parent did not sign the consent form for her son to receive the services prescribed by the IEP developed on May 24, 2002, until June 28, 2002. The complainant's son was eligible for but did not attend extended school year (ESY). The student was withdrawn from the district prior to the 2002-03 school year. There were no corrective actions issued.

In issue seven, the complainant alleged that the district failed to provide the complainant's son with FAPE. It was concluded that the district was unable to provide FAPE to the complainant's son because the parent did not sign the consent form for the student to receive the services prescribed by the IEP developed on May 24, 2002, until June 28, 2002, at which time the 2001-02 school year had ended. The complainant chose to withdraw her son from district schools. Corrective actions were not required.

In the final issue, the complainant alleged that the district had violated the charter school provision of the IDEA. Based on the conclusions presented in the previous issues, it appears that the district has failed to ensure that the staff of the charter school is sufficiently trained as to the implementation of the requirements of the IDEA and corresponding state law. As corrective action, the district was required to develop a plan to ensure that the staff of the charter school is trained in IDEA compliance procedures and submit this plan to the Bureau of Instructional Support and Community Services. It was also recommended that the district implement oversight procedures that improve the district's ability to track more closely the identification, evaluation, and placement of students with disabilities who attend the charter school, as well as the provisions of FAPE for these students.

**Charlotte County School Board
Bureau Resolution Determination No: BISCS 2002-041-RES
December 13, 2002**

This complaint was filed by the parent of a student with disabilities determined eligible for the special program for students with specific learning disabilities (SLD). In the complaint, the parent alleged that the district had failed to implement her son's individual educational plan (IEP) for the 2002-03 school year, specifically regarding the provision of extended school year (ESY) services for the summer of 2002, and did not afford the complainant the opportunity to participate in the development of his 2002-03 school year IEP, including the development of his goals and objectives for ESY services. During the complaint investigation, the complainant's

advocate added two additional issues. The complainant alleged in the additional issues that the district failed to ensure the participation of the student's regular education teacher as a member of the IEP team to the extent appropriate in the development and review of his 2002-03 school year IEP and failed to provide the regular education teacher with access to the student's IEP during the 2001-02 school year and inform the regular education teacher about his or her specific responsibilities related to the implementation of his IEP. In response to the draft findings of fact, the advocate added two additional issues for the formal complaint inquiry. In the two additional issues, the complainant alleged that the district failed to implement her son's IEP for the 2001-02 school year, specifically regarding the provision of books-on-tape, and failed to provide an "informed notice of refusal" form within a reasonable time in response to the complainant's request for one-to-one tutoring for her son as part of the ESY services provided for the summer of 2002.

In the first issue, the complainant alleged that the district did not fully implement the ESY plan developed at the mediation session held on May 2, 2002. A review of the student's IEP indicated that ESY services were considered and specified three days per week. Documentation further indicated that the complainant withdrew her son from the ESY program after two days of participation. It was concluded that the district provided ESY services for the summer according to the student's IEP. Corrective actions were not stipulated.

In the second issue, the complainant alleged that the district had discouraged parent participation in the development of her son's IEP. A review of the evidence indicated the complainant attended the IEP meeting on March 4, 2002, and April 4, 2002. Notes recorded at the meeting indicated the complainant's participation in the development of the IEP. Corrective actions were not indicated.

In issue three, the complainant alleged that the student's regular education teacher was not present when ESY services were discussed for the 2002-03 school year. Records indicated that the regular education teacher participated in the March 4, 2002, and April 4, 2002, IEP meeting and the development of the 2002-03 school year IEP. Corrective actions were not required.

In the fourth issue, the complainant alleged that the student's regular education teacher for the 2001-02 school year had been provided the student's accommodations but had not been provided the IEP in its entirety. Documentation indicated that regular education teachers provided input regarding the student's general education courses at each IEP meeting that had occurred during the 2001-02 school year. Corrective actions were not issued.

In issue five, the complainant alleged that the district failed to implement her son's IEP for the 2001-02 school year, specifically regarding the provision of books-on-tape. Documentation indicated that the complainant requested repeatedly that the district provide her son textbooks on tape; however, a review of the student's IEP

described only a set of textbooks for home use as an accommodation. The district did not provide the parent with an “informed notice of refusal to take action” form when the request for talking books was not granted or incorporated into his IEP document. As corrective action, the district was to provide the complainant with an “informed notice” each time the district refused to grant the complainant’s request regarding the provision of educational services. Copies of such notices are to be provided to the Bureau of Instructional Support and Community Services within 10 days of the date that such notices are provided to the complainant.

In the final issue, the complainant alleged that the district failed to provide an “informed notice of refusal” form within a reasonable time in response to the complainant’s request for one-to-one tutoring for her son as part of the ESY services provided for the summer of 2002. Documentation indicated that the complainant requested a one-to-one tutor on March 4, 2002, and again on June 18, 2002. The district provided the complainant with a “informed notice of refusal” form on June 26, 2002. It was concluded that the district provided the complainant with a “informed notice of refusal” in a timely manner. Corrective actions were not required.

**Flagler County School Board
Bureau Resolution Determination No: BISCS 2002-031-RES
August 19, 2002**

This complaint was filed by a parent on behalf of her son, who had been determined to be eligible for the special program for students who are severely emotionally disturbed (SED). In her letter of formal complaint, the parent alleged the district failed to follow appropriate procedures to ensure that the nonpublic school program to which her son was assigned in accordance with his individual educational plan (IEP) complied with the requirements regarding the licensure and certification of staff and to notify the parent in writing that her son was assigned to the classroom of an out-of-field teacher. In addition, the complainant alleged that the district failed to develop an IEP for her son with the appropriate team members in a timely manner during the 2001-02 school year; invite the parent to all of the IEP meetings held on her son’s behalf, providing adequate prior notice of all of the IEP meetings to her; and implement her son’s IEP as written for the 2001-02 school year, including the provision of behavioral supports and psychological services.

In the first issue, the parent alleged that the district did not follow appropriate procedures to ensure that the nonpublic school program complied with the requirements regarding the licensure and certification of staff. A review of the documentation indicated that a contract existed between the Flagler County School District and The Devereux Foundation. As a condition of the contract, the state’s requirements regarding the certification and licensure of staff were to be incorporated and a list of personnel and their qualifications were to be provided to the School Board prior to

the beginning of the school year. In addition, the Devereux Foundation was required to submit a list of out-of-field teachers for approval prior to the second full time equivalent (FTE) survey period. It was determined that the Devereux Foundation did not provide a list of personnel and their qualifications to the district by the start of the school year. As corrective action, the district was to provide the Bureau of Instructional Support and Community Services with a list of the personnel who worked at the Devereux Day School and their qualifications and ensure that the terms of any future contracts are complied with.

In this issue, the parent alleged that she did not receive written notification that her child might receive instruction by an out-of-field teacher. A review of the documentation indicated that the complainant requested information regarding the certification status and qualifications of the personnel who were responsible for providing instruction to her son. It was determined that the complainant was not provided with information regarding the certification status and qualifications of the personnel who were responsible for providing instruction to her son. As corrective action, the district was required to provide the complainant a written statement of the certification status of personnel who were responsible for providing instruction to her son, respond to verbal or written requests made by the complainant regarding the certification status or qualifications of personnel who are responsible for teaching her son within a reasonable period of time, and ensure that the parents of students enrolled at Devereux Day School by Flagler County Schools for the purpose of receiving a free appropriate public education (FAPE) are notified in writing if their child may be taught by an out-of-field teacher. Evidence of compliance was to be provided to the Bureau for the remainder of the present school year and the 2003-04 school year.

In addition, the complainant alleged that the district failed to convene the appropriate team members to develop an IEP for her son in a timely manner. A review of the evidence indicated that the district developed an IEP for the complainant's son on October 17, 2001, with his first day attending school in the district being August 13, 2001. The documented participants at the IEP meeting on October 17, 2001, included the local education agency representative, the complainant, the Devereux principal, a general education teacher, and others. An ESE teacher was not included on the IEP team at this meeting. It was concluded that the individuals who were identified as participants on the meeting participation forms for the meetings on October 17, 2001, and February 14, 2002, were not the same individuals who attended the meetings. As corrective actions, the district was required to ensure that there was an IEP in place for her son at the start of the school year, ensure that the correct participants are present at the development of all IEPs for her son, and ensure that the parent is notified in advance regarding the participants at any IEP meetings held on behalf of her son. Documentation regarding all corrective actions was to be provided to the bureau for the remainder of the present school year and the 2003-04 school year.

The complainant also alleged that the district failed to invite her to all of the IEP meetings and argued whether the district provided adequate prior notice of all IEP meetings to her. Documentation indicated that five meetings were scheduled during the 2001-02 school year for the purpose of developing or reviewing her son's IEP or placement. A review of the records indicated that the parent attended each of the meetings, and for three of these meetings, the complainant was notified two days in advance. For the fourth IEP meeting, the parent was notified seven days in advance, and for the fifth meeting, notice was provided 14 days in advance. A meeting was held on February 6, 2002, and no documentation of advance written parental notice was provided; however, the parent still had attended the meeting. Corrective actions were not required.

In the final issue, the complainant alleged that the district failed to implement her son's IEP as written for the 2001-02 school year, including the provisions of behavioral supports and psychological services. A review of the student's IEP indicated the following related services: individual counseling for two hours per week in the therapy room and group counseling for 45 minutes per day in the therapy room. Documentation indicated that individual counseling was provided to the complainant's son for approximately one hour per week from October 25, 2001 and December 19, 2001. There was no documentation that indicated that daily group counseling services were provided. As corrective action, the district was required to determine the necessity for a plan for the provision of compensatory counseling services, and if it is determined that compensatory services were to be provided to the complainant's son through the IEP process, the district shall submit documentation of the implementation of the IEP to the bureau.

**Hamilton County School Board
Bureau Resolution Determination No: BISCS 2002-034-RES
October 7, 2002**

This complaint was filed by the parents of a student with disabilities who had been determined to be eligible for the special program for students who have a specific learning disability (SLD). The complainants alleged that the district had failed to provide them with access to and copies of their son's 2001-02 individual educational plan (IEP) in a timely manner; provide them with progress reports as often as such reports were provided to the parents of his nondisabled peers during the 2001-02 school year; implement the student's IEP during the second semester of the 2001-02 school year; follow appropriate procedures regarding his reevaluation for the consideration of his dismissal from and his readmission to exceptional student education (ESE) programs; and provide his parents with an invitation with all of the required components to his May 9, 2002, IEP meeting.

In the first issue, the complainants alleged that the district failed to provide them with access to copies of their son's 2001-02 IEP in a timely manner. Evidence indicated that the parents requested their son's records on May 13, 2002, and received them on July 15, 2002. It was concluded that the requested information was not provided within the required 45-day time limit established by federal law or the 30-day time limit established by state law. As corrective action, the district was required to provide the parents with requested documents within the specified 30-day timeline and a copy of the requested documentation was to be provided to the Bureau of Instructional Support and Community Services throughout the 2002-03 school year.

In this issue, the parents alleged that the district failed to provide them with progress reports as often as reports were provided to the parents of their son's nondisabled peers during the 2001-02 school year. Records indicated that the district issues midterm reports and quarterly report cards to all students. A review of the documentation indicates that the student's parents were provided with two midterm reports and report cards; however, the report card did not reflect the student's progress toward his annual goals on his IEP. As corrective action the district was required to provide the parents with reports regarding their son's progress as often as such reports are provided to the parents of nondisabled students.

The parents further alleged that the district failed to implement their son's IEP during the second semester of the 2001-02 school year. A review of the student's IEP indicated pull-out sessions with the ESE consulting teacher were to occur weekly; however, during the second semester, they occurred monthly. It was concluded that the district did not implement the student's IEP as specified during the second semester. As corrective action, the district was to provide the bureau with documentation quarterly, indicating that the student had been receiving the services as described on his IEP.

The parents also alleged that the district failed to follow appropriate procedures regarding the student's reevaluation for and consideration of his dismissal from and readmission to ESE programs. Documentation indicated that the IEP team followed appropriate procedures when reevaluating the complainant's son and considered all relevant information during the May 9, 2002, IEP meeting. In addition, the complainant's son was not dismissed from the exceptional student education program during the May 9, 2002, meeting.

In the final issue, the parent alleged that the district failed to provide them with an invitation containing all the required components to their son's May 9, 2002, IEP meeting. Documentation indicated that the parents were provided with a written invitation and a verbal notice by telephone. It was concluded that the district provided the parents with an invitation with all the required components to the May 9, 2002, IEP meeting.

Hernando County School Board
Bureau Resolution Determination No: BISCS 2002-024-RES
July 11, 2002

This letter of formal complaint was filed by a parent of a student with a disability whose records indicated that he had been determined to be eligible for the special program for students who are physically impaired (PI). In her letter, the complainant alleged that the School Board of Hernando County failed to implement the student's individual educational plan (IEP) and behavioral plan (BP) during the 2001-02 school year.

A review of the student's IEP indicated goals regarding self-control, independent toileting needs, visual motor skills, classroom routine, personal space, touching appropriately, and taking turns. A further review of the records indicated that the student's teacher participated in the meeting where the behavioral plan was developed and was informed of her responsibilities regarding the plan. It was concluded that there was insufficient evidence to support a finding of a violation regarding the allegation.

Highlands County School Board
Bureau Resolution Determination No: BISCS 2002-028-RES
July 6, 2002

The Bureau of Instructional Support and Community Services received a formal complaint from an advocate on behalf of a student with disabilities who had been determined eligible for special programs for students who have mental handicaps and speech and language impairments. In his letter of formal complaint, the complainant alleged that the district failed to conduct an evaluation of the child in a timely manner, implement the student's individual educational plan (IEP) during the 2001-02 school year, and appropriately discipline the student taking his disability into consideration during the 2001-02 school year.

In the first allegation, the complainant alleged that the district failed to evaluate the student in a timely manner. The complainant requested additional evaluations at the beginning of the 2001-02 school year. The district responded by administering psychological, neuropsychological, neurological, speech and language, and functional behavioral assessments. It was determined that the student was evaluated in a timely manner.

In addition, the complainant alleged that the district did not implement the student's IEP during the 2002-02 school year. Work samples and descriptions of activities were reviewed, including two functional behavior assessments, that indicated the district appropriately implemented the student's 2001-02 school year IEP.

Finally, the complainant alleged that the district did not appropriately discipline the student, taking his disability into consideration. Evidence indicated that the student had a total of 34 discipline offences. On six occasions, the student was given out-of-school suspensions. A review of the suspension reports does not indicate a pattern of suspensions or exclusionary practices. Records indicated that the district completed functional behavioral assessments, developed behavioral intervention plans, and conducted a manifestation determination. It was determined that the district conducted appropriate disciplinary measures and appropriately disciplined the student during the 2001-02 school year. There were no corrective actions required.

Highlands County School Board
Bureau Resolution Determination No: BISCS 2002-030-RES
July 6, 2002

This complaint was filed by an advocate on behalf of a student with disabilities who had been determined eligible for special programs for students who have autism and who are speech and language impaired. In his formal letter of complaint, the complainant alleged that the district proposed a change of placement for the student that was not on the individual educational plan (IEP).

A review of the evidence indicated that the IEP was developed on March 19, 2001, for the remainder of the 2001-02 school year and for the 2002-03 school year. The goals, short-term objectives, services, and placement described on the IEP did not indicate a specific placement and, therefore, did not propose a change of placement that was not based on the individual educational plan (IEP) team's decision. There were no corrective actions required.

Hillsborough County School Board
Bureau Resolution Determination No: BISCS 2002-026-RES
July 19, 2002

On May 6, 2002, the Bureau of Instructional Support and Community Services received a letter of formal complaint from the parent of a student with disabilities who had not yet been determined eligible for exceptional student education programs. The complainant specifically alleged that the district failed to conduct an evaluation of her son in a timely manner.

Based on a review of the documentation, the investigation indicated that the complainant provided informed parental consent for an evaluation of her son on February 27, 2002. The district was unable to comply due to the complainant's son not passing the vision screening until May 30, 2002. Records indicated that the evaluation process began on May 31, 2002, and was completed on June 21, 2002, with an eligibility staffing being held on June 26, 2002. There were no corrective actions required.

**Lee County School Board
Bureau Resolution Determination No: BISCS 2002-033-RES
August 30, 2002**

This complaint was filed by the parent of a student with a disability who had been determined to be eligible for the special program for students with specific learning disabilities. The complainant specifically alleged that the district had failed to appropriately discipline the complainant's son with consideration of his disability during the 2001-02 school year and provide the complainant with access to her son's educational records.

In this issue, the complainant alleged that the district failed to appropriately discipline her son with consideration of his disability during the 2000-01 school year. A review of the records indicated that the complainant's son was suspended from October 25, 2001, through November 7, 2001. On October 27, 2001, a manifestation determination meeting was held, and it was concluded that the student's behavior was not a manifestation of his disability. Records further indicated that an alternative placement was recommended and that the parent consented to a functional behavior assessment. However, the parent objected to the alternative placement and instead sought a hospital/homebound placement. On November 5, 2001, the individual educational plan (IEP) team met and determined that a hospital/homebound placement was appropriate. The student's IEP was reviewed and revised on December 17, 2001, at which time the student was dually enrolled in both a hospital/homebound placement and a public high school. It was concluded that the district appropriately disciplined the student with consideration to his disability.

The complainant further alleged that the district failed to provide the complainant with access to her son's educational records. Based on documentation provided by the district, the information requested by the parent pertained to a conversation held during a meeting on October 17, 2001. It was indicated that the district did not provide the requested records because the requested records did not exist. Therefore, based on the information provided, there was no violation of the applicable records laws.

**Lee County School Board
Bureau Resolution Determination No: BISCs 2002-038-RES
November 25, 2002**

This complaint was filed by the parents of a student with a disability who had been determined to be eligible for the special programs for students who are developmentally delayed and speech and language impaired. The complainants alleged that the district had failed to provide an independent educational evaluation (IEE) at public expense as they requested, respond to their request for a specific private evaluator, provide extended school year (ESY) services for their son during the summer of 2002 as required by his individual educational plan (IEP), and provide the educational services required by the IEP to give him the opportunity to participate in and benefit from the general curriculum in the least restrictive environment during the 2001-02 school year.

In the first issue, the complainants alleged that the district failed to provide an IEE at public expense as requested by the complainants and a response to the complainants' request for a specific private evaluator. Evidence indicated that the district agreed to the IEE and provided the complainants with a list of possible evaluators. However, the district did not provide the complainants with an "informed notice of proposal or refusal to take action" form regarding their request for a specific independent evaluator. The investigation also determined that the district did not reimburse the complainants for the IEE nor did the district initiate a due process hearing to demonstrate that the parents' requested independent evaluator did not meet agency criteria for an evaluator. As a corrective action, the district was required to either reimburse the complainants for the IEE or initiate a hearing under Section 300.507 of Title 34 of the Code of Federal Regulations. If the district initiates a hearing, then the district must provide the complainants with an "informed notice of refusal to take a specific action" form, including all of the required components. The district shall provide the Bureau of Instructional Support and Community Services with documentation indicating implementation of the corrective action.

The complainants alleged in the second issue that the district failed to provide ESY services to their son during the summer of 2002 as required by his IEP. Documentation indicated that ESY was considered and recommended by the IEP team for the summer of 2002; however, the complainants indicated that their son would not attend at the school site where the ESY services were being offered. The complainants' son did not attend at the school site or participate in ESY services during the summer of 2002. Corrective actions were not indicated.

In issue three, the complainants alleged that the district failed to provide the educational services required by the IEP to give their son the opportunity to participate in and benefit from the general curriculum in the least restrictive environment during the 2001-02 school year. A review of the student's IEP indicated services in a separate class and participation in the general curriculum which included music and

schoolwide activities with his nondisabled peers. It was concluded that the complainants' son was provided the opportunity to participate in and benefit from the general curriculum in the least restrictive environment during the 2001-02 school year. Corrective actions were not required.

**Lee County School Board
Bureau Resolution Determination No: BISCs 2002-039-RES
November 26, 2002**

This complaint was filed by the parent of a student with disabilities determined eligible for special programs for students who are physically impaired and speech and language impaired. In her letter, the complainant alleged that the district failed to offer the complainant the opportunity to participate in the meeting that it held regarding her daughter's education during the 2002-03 school year; provide the complainant with an "informed notice of refusal to take a specific action" form in response to her requests regarding the identification, evaluation, or educational placement of or the provision of a free appropriate public education to her daughter during the 2002-03 school year; and implement her daughter's IEP that was developed for the 2002-03 school year.

In the first issue, the complainant alleged that the district failed to offer her the opportunity to participate in the meetings that the district held regarding her daughter's education during the 2002-03 school year. Records indicated that an individual educational plan (IEP) meeting occurred on July 22, 2002, that the parents attended. In addition, three more meetings occurred at the beginning of the 2002-03 school year. It was concluded that these meetings were informal meetings as defined by Section 300.501 of Title 34. Corrective actions were not required.

In the second issue, the complainant alleged that the district failed to implement her daughter's IEP that was developed for the 2002-03 school year. Documentation submitted by the district indicated that not all services described on the IEP were being implemented. Due to the complainant's daughter only attending 100 days of school during the initial 20 school days of the 2002-03 school year, it was concluded that insufficient information was submitted to determine whether the student's IEP was implemented as written for the beginning of the 2002-03 school year. As corrective action, the district was required to submit documentation on a quarterly basis that demonstrates that the complainant's daughter's IEP is being implemented. Corrective actions are required through the 2003-04 school year.

In the final issue, the complainant alleged that the district failed to provide the complainant with an "informed notice of refusal to take a specific action" form in response to her request regarding the identification, evaluation, or educational placement of or the provision of a free appropriate public education to her daughter

during the 2002-03 school year. Documentation indicated that the complainant requested additional time for her daughter in the area of physical therapy and an independent educational evaluation in the areas of assistive technology and speech/language. No “informed notice of refusal to take a specific action” forms were provided to the complainant in response to her requests. It was concluded that the evidence that was provided was insufficient to establish that the district’s failure to provide such forms constituted a violation of law. It was recommended that if the complainant makes an oral request regarding the identification, evaluation, or placement of, or the provision of FAPE for the complainant’s daughter, the district provide the complainant with an “informed notice to take a specific action” form indicating the proposal or the refusal of the action with the required components.

**Leon County School Board
Bureau Resolution Determination No: BISCS 2002-036-RES
November 25, 2002**

This complaint was filed by the parents of a student with a disability who had been determined to be eligible for the special program for students who are physically impaired. The complainants alleged that the district had failed to provide the parents with a prior written notice of refusal to provide extended school year (ESY) services during the 2001-02 through 2002-03 school years.

In this issue, the parents alleged that the district failed to provide them with a prior written notice of refusal to provide ESY services during the 2001-02 through 2002-03 school year. A review of the documentation indicated that the parents sent several letters to the district regarding extended school year. The complainants received two “informed notice of refusals to take a specific action” forms in response to their specific requests regarding ESY services. It was concluded that both forms contained all of the components required by federal and state law. No corrective actions were issued.

**Marion County School Board
Bureau Resolution Determination No: BISCS 2002-040-RES
November 27, 2002**

This formal complaint was filed by the parents of a student with disabilities who had been determined eligible for the special program for students who are speech and language impaired. In their complaint, the parents alleged that the district had failed to provide their daughter with special education services specified on her individual educational plan (IEP), including speech therapy, during the 2002-03 school year. They also alleged that the district failed to appropriately assess her in

the area of occupational therapy (OT) in response to the complainants' request and determine her eligibility for the related service of OT.

The complainants alleged in this issue that the district failed to provide their daughter with special education services specified on her IEP, including speech therapy, during the 2002-03 school year. A review of the student's IEP dated August 29, 2002, described speech and language therapy one to three times per week. The district acknowledged that the complainants' daughter did not receive services for a period of three weeks due to the district's lack of a speech pathologist. As corrective action the district was required to develop a plan to provide speech services that were not provided to the complainants' daughter. The district was further required to provide evidence to the Bureau of Instructional Support and Community Services to indicate that the services were provided.

The complainants further alleged that the district failed to appropriately assess their daughter in the area of OT in response to the complainants' request and determine her eligibility for the related service of OT. Evidence indicated that the complainants requested an OT evaluation on August 29, 2002. The evaluation was completed on September 26, 2002, with an eligibility staffing on October 21, 2002. The complainants were provided with an "informed notice" form indicating that their daughter did not meet the eligibility criteria for the related service of OT. Corrective actions were not required.

Miami-Dade County School Board
Bureau Resolution Determination No: BISCS 2002-022-RES
July 12, 2002

This complaint was filed by a parent of a student with disabilities determined eligible for the special program for students who are homebound or hospitalized (H/H). In her letter of formal complaint, the parent alleged that the district failed to provide an appropriate prior written notice with all of the required components when the complainant's son was determined to be eligible for and was placed in the special program for students who are homebound or hospitalized.

A review of the records indicated that the district did not conduct an eligibility staffing to determine the student's eligibility for the H/H program nor provide the complainant with an "informed notice and consent for placement" form prior to the placement of her son in the H/H program as required by law. It was further determined that the district's policies and procedures for the identification and placement of students into the H/H program were not consistent with the requirements of Rule 6A-6.03020, F.A.C. The investigation's final conclusion was that the designations of "part-time" and "full-time" placement or the requirement of a prior written notice to

parents of such placement is not applicable; a student's placement in the H/H program is determined through the IEP process.

As corrective actions, the district was required to revise its policies and procedures for the identification and placement of students in the H/H program to conform to Rule 6A-6.03020, FAC, and to ensure that all students who are receiving services in the H/H program have had an eligibility staffing and that their parents have signed an "informed notice and consent for placement" form. Verification of compliance was to be provided to the Bureau of Instructional Support and Community Services.

**Okaloosa County School Board
Bureau Resolution Determination No: BISCS 2002-025-RES
July 12, 2002**

This complaint was filed by the parents of a student with disabilities whose individual educational plan (IEP) indicated that the complainants' son is eligible for special programs for students who are deaf or hard-of-hearing and who have speech and language impairments. The student was an out-of-state transfer student at the beginning of the 2000-01 school year and, therefore, a temporary IEP was developed for him on August 14, 2000. In their letter of formal complaint, the parents alleged that the district failed to implement the student's IEPs as developed by the IEP teams for the 2000-01 and 2001-02 school years; identify, evaluate, and determine the eligibility of their son for a special education program in a reasonable time; provide their son with a qualified teacher and appropriate instructional materials that allowed him to access the general education curriculum as indicated on his IEP; and provide their son with access to the general education curriculum, specifically the science fair and the spelling bee, with his nondisabled peers.

Following a review of the documentation, it was determined that the complainant's son was eligible for special programs for students who are deaf or hard-of-hearing and who have speech and language impairments. On August 14, 2000, he was temporarily staffed as a transfer student. A permanent IEP was developed on February 28, 2001, following an evaluation and eligibility determination. He received special education services in a separate class setting and an inclusive setting with specific language incorporated into his 2000-01 and 2001-02 IEPs to address a Bridging American Sign Language with English (BASLE) curriculum. Evidence further indicated that the district made attempts to provide the student's teachers with the content knowledge necessary to provide him with instruction in a curriculum specifically designed for him, rather than change the curriculum. His grades, progress reports, and other assessment measures indicated that he had made adequate progress in his academic classes.

The investigation found that the complainant's son was identified, evaluated, and determined to be eligible for a special education program in a reasonable time. It was further concluded that the complainant's son was provided with access to the general education curriculum with modifications to his regular class schedule; however, the IEPs did not contain goals for specific subject areas, and the goals and objectives were not measurable. It was concluded that the documentation that was provided to the investigation did not establish the complete implementation of the student's IEPs for the 2000-01 and 2001-02 school years. Documentation also indicated that he had access to the general education population through academic and nonacademic activities such as the science fair and spelling bee and was provided with a qualified teacher and appropriate instructional materials.

As corrective action, the district was required to convene an IEP team to develop an IEP for the complainant's son with measurable annual goals and objectives in accordance with Section 300.347(a) of Title 34 and the corresponding state requirements contained in Rule 6A-6.03028(1), FAC, and if the parents make a request regarding the identification, evaluation, or placement of, or the provision of a free appropriate public education to, the student, and the IEP team denies such a request, then the district shall promptly provide the parents with an "informed notice of refusal." The district was further required to provide documentation to verify compliance with the resolution determination.

Okaloosa County School Board
Bureau Resolution Determination No: BISCS-2002-037-RES
November 7, 2002

This complaint was filed by the parents of a student with disabilities who had been determined to be eligible for special programs for students who are physically impaired. The complainants alleged that the district failed to require individuals who reviewed the student's records to sign the access log in her cumulative folder during the 2000-01 through 2001-02 school years and provide an "informed notice of refusal" to the parents when accommodations were requested during individual educational plan (IEP) meetings during the 2000-01 through 2001-02 school years.

In this issue, the complainants alleged that the district failed to require individuals who reviewed their daughter's records to sign the access log in her cumulative folder during the 2000-01 through 2001-02 school year. Following a review of the documents, it was concluded that teachers and other authorized school staff reviewed the student's records. It was further concluded that authorized employees of school districts are not required to sign access logs in cumulative folders.

The complainants further alleged that the district failed to provide an "informed notice of refusal" to the parents when accommodations were requested during IEP

meetings during the 2000-01 and 2001-02 school years. District staff indicated that the parents requested accommodations during the September 18, 2001, IEP meeting. The accommodations were refused by the IEP team. As evidence, the district provided an updated "notice of refusal" form to the Bureau of Instructional Support and Community Services and alleged that the notice was given to the parent on September 18, 2001. It was concluded that the information provided to Bureau staff was insufficient to support a violation of law.

**Orange County School Board
Bureau Resolution Determination No: BISCS-2002-032-RES
August 19, 2002**

This complaint was filed by the parent of a student with a disability who had been determined eligible for special programs for students who have speech and language impairments. The complainant in her letter alleged that the district failed to provide the parents with the opportunity to participate in meetings related to the son's education and falsified records related to those meetings. A review of the records indicated a parental signature on the consent for evaluation form, the parent notification letter, the initial IEP, the staffing committee notes, the staffing form, and the informed notice of placement form. The January 16, 2001, consent for reevaluation form and the February 16, 2001, parent notification letter also contained the complainant's signature. The Bureau of Instructional Support and Community Services could not determine if these signatures were falsified as alleged by the complainant. It was concluded, based on the evidence, that the complainant participated in her son's education. Corrective actions were not required.

**Pasco County School Board
Bureau Resolution Determination No: BISCS 2002-023-RES
July 10, 2002**

This complaint was filed by a parent of a student with a disability who had been determined eligible for the special program for students who are mentally handicapped. In addition, he receives speech therapy. In their letter, the complainants alleged that the district failed to obtain parental consent prior to disclosing confidential information regarding their son during the 2000-01 school year, complete job performance evaluations for their son and provide them copies as required by his 2001-02 school year individual educational plan (IEP), and provide behavior interventions as required by their son's IEP for the 2001-02 school year.

Concerning the parental allegation of providing confidential information to outside parties, the district indicated that the district had no knowledge of information being

shared with an outside party. In a further allegation, the parents alleged that they did not receive copies of job performance evaluations for their son; however, documentation provided to the Bureau of Instructional Support and Community Services indicated that the parents were provided the forms on June 11, 2002. Finally, the parents alleged that their son's IEP team did not discuss strategies that positively address his behavior. Records indicated that the student's IEP documented the annual goal regarding behavior and that it was further discussed by the parents and staff on January 23, 2001. It was concluded that the information provided to the Bureau was insufficient to support a finding of a violation of law; however, it was recommended that the district contact the complainants to inquire whether they would like a staff member to review their son's educational records with them.

Polk County School Board
Bureau Resolution Determination No: BISCS 2002-027-RES
July 24, 2002

This complaint was filed by the parents of a student with a disability who had been determined eligible for the special program for students with specific learning disabilities. In their letter, the complainants alleged that the district failed to develop individual education plans (IEPs) in the appropriate manner for their son for the 1998-99 through 1999-00 school years, follow appropriate discipline procedures for him in accordance with his IEPs and his behavioral intervention plans (BIPs) for the 1998-99 through 2001-02 school years, and involve the parents when proposing a change in his placement.

In the first of three allegations, the complainants alleged that two of their son's IEP meetings were attended only by their son's teacher and the complainants; however, both IEPs were signed by various personnel. The district confirmed the allegation and admitted that the student's IEP team had not consistently included all of the appropriate members. The complainants further alleged that their son had numerous inappropriate behavioral referrals and was inappropriately removed from classes. Documentation indicated that the complainant's son received four transportation referrals, four other discipline referrals, and four class removals during the 1998-99 through 2001-02 school years.

In addition, he was suspended (including in- and out-of-school suspensions) for 16 days in 1998-99, 12 days in 1999-00, 23 days in 2000-01, and 18 days in 2001-02. Documentation indicating that he was provided with special education services during these suspensions was not provided to Bureau of Instructional Support and Community Services. It was concluded that the functional behavioral assessment requested by the complainants for their son was not completed until February 2002; however, six of the seven IEPs developed for their son addressed behavioral con-

cerns and contained annual goals, short-term objectives, or other services that address behavior.

Finally, the complainants alleged that their son was removed from a weightlifting class without their knowledge and that the staff proposed that their son attend an alternative school without consulting the IEP team. The investigation indicated that the complainants son was removed from the weightlifting class; however, an “informed notice” was provided to the parents. District staff further indicated that placement at an alternative school was one of the options discussed at his IEP and behavior intervention staffing on April 24, 2002, but was not the option chosen by the IEP team.

As corrective action the district was to ensure that all of the appropriate members attend the IEP meetings and that special education services are provided to the complainant’s son during in-school suspensions and after ten days of out-of-school suspensions. The district was required to provide verification to the bureau of the district’s compliance.

**St. Johns County School Board
Bureau Resolution Determination No: BISCS 2002-035-RES
October 7, 2002**

This complaint was filed by an advocate on behalf of a parent of a student with disabilities. The student had been determined eligible for special programs for students who are mentally handicapped and who are severely emotionally disturbed. Specifically, the complainant and the parent alleged that the district failed to provide the special education and/or related services specified on the student’s individual educational plan (IEP) for the 2000-01 through 2001-02 school years and provide the student with support to reach her academic goals. In addition, the allegations stated that the district failed to appropriately place the student in accordance with the IEP team’s decision, convene an IEP meeting to develop appropriate behavioral interventions and strategies to address her behavior, and appropriately discipline the student with consideration of her disability during the 2000-01 school year. The complainant further alleged that the district failed to provide the parent with an “informed notice” before her educational placement was changed, provide counseling services for the student as requested by the parent and recommended by an independent evaluator, appropriately consider extended school year (ESY) services, and provide the student’s parents with periodic progress reports concerning her progress in achieving the goals and objectives on her 2001-02 IEP.

In this issue, the complainant alleged that the district failed to provide special education services and supports as described on the student’s IEP for the 2000-01 through

2001-02 school year. A review of the documentation indicated that the district provided the student with special education services as described on her IEP.

In addition, the complainant alleged that the district failed to appropriately place the student in accordance with the IEP team's decision. Records indicated that the IEP team had considered the least restrictive environment for the student when determining her placement and placed the student in accordance with the IEP team's decisions.

The complainant further alleged that the district failed to convene an IEP meeting to develop appropriate behavior interventions and strategies to address the student's behavior. Records provided by the district indicated that the student's behavior was addressed and the independent evaluations were reviewed during IEP team meetings. Documentation further indicated that the parent was invited to all IEP meetings but did not attend every meeting.

In this issue, the complainant alleged that the district failed to appropriately discipline the student with consideration for her disability during the 2000-01 school year. Evidence indicated that the student's behavior had been addressed through suspensions and that the student's behavior plans had been developed by a team of professionals who were familiar with the student's behaviors.

The complainant further alleged that the district failed to provide the parent with an "informed notice" before the student's educational placement was changed. Documentation indicated that the student's IEP team had determined that the student would change schools. It was concluded that the student's move to a new school did not constitute a change of placement because she would still receive the same amount of special education services and would still spend the same amount of time with peers at the new school.

In this issue, the complainant alleged that the district failed to provide counseling services for the student as requested by the parent and recommended by an independent evaluator. A review of the student's IEPs indicated that her annual goals were based on information provided by her counselor and by evaluations. It was concluded that counseling services were provided to the student in accordance with her IEP.

The complainant also alleged that the district failed to consider extended school year (ESY) services appropriately. Documentation indicated that ESY services had been considered at all of the student's IEP team meetings and that the student had received ESY services through the hospital/homebound program during the Summer of 2002.

In the final issue, the complainant alleged that the district failed to provide the parent with periodic progress reports concerning the student's progress in achieving

the goals and objectives on her 2001-02 IEP. Documentation indicated that the district provided the parent with progress reports and interim progress reports; however, the reports focused on behavior and did not specifically address the student's progress toward her annual goals described on her IEP. As corrective actions, the district was required throughout the 2002-03 school year to provide the Bureau of Instructional Support and Community Services copies of all of the student's progress reports that specifically addressed her progress toward her annual goals.

Commissioner's Orders

Miami-Dade County School Board
Agency Order No. DOE 2002-788-FOF
September 30, 2002

This complaint was filed by a concerned citizen who alleged that the district failed to appropriately respond to parental requests for an independent educational evaluation (IEE), consider the results of IEEs provided by parents during individual educational plan (IEP) meetings, and implement reevaluation procedures in district-developed manuals in accordance with state and federal law.

In this issue, the complainant alleged that the district failed to respond to parental requests for an IEE and failed to consider the results of the IEEs provided by parents during the IEP meeting. A review of the district's procedure indicated the use of a team to review psychological testing information when students are tested by independent evaluators. The team makes recommendations to the student's IEP team. The IEP team considers the recommendations. In addition, the Bureau of Instructional Support and Community Services reviewed the records of students evaluated by independent evaluators and indicated that the IEP teams considered the IEEs. It was concluded that the district's procedure for considering the results of an IEE were in accordance with state and federal law.

The complainant also alleged that the district failed to implement reevaluation procedures in district-developed manuals in accordance with state and federal law. A review of the district's psychological services manual indicated that the appropriate information regarding the reevaluation of students with disabilities was in accordance with current state and federal law. It was recommended, however, that the district review and update the manual to ensure that it contains only the information that is currently applicable to students with disabilities.

Miami-Dade County School Board
Agency Order No: DOE-2002-791-FOF
November 4, 2002

This complaint was filed by an advocate on behalf of a student with disabilities. The student had been determined to be eligible for the special program for students who are mentally handicapped. In her letter, the advocate alleged that the district failed to invite agency representatives to participate in the transition planning for students with disabilities who are 16 years of age or older; include the required transition components in individual educational plan (IEP) meeting invitation notices to the parents and conduct the meeting with the appropriate team members, including the students; address all of the necessary components in the IEPs when considering the needed transition services for a students with disabilities; provide the student's parents with an "informed notice of refusal to take action" when her parents requested a specific work-placement for her; and provide the parents of students with disabilities with sufficient information regarding diploma options, including the standard diploma option.

In this issue, the complainant alleged that the district failed to invite agency representatives to participate in the transition planning for students with disabilities who are 16 years of age or older, including the student in question. A review of the student's records indicated that the May 2002 IEP meeting was to review reevaluation information, so an agency representative was not invited. For the remainder of students with disabilities, 25 records were reviewed with 19 invitations for the corresponding IEP meetings. Documentation indicated that an agency representative attended 21 IEP meetings when the purpose of such meeting was to consider transition services.

The complainant also alleged that the district failed to include the required transition components in IEP meeting invitation notices to the parents and conduct the meeting with the appropriate team members, including the students. A review of 25 student records indicated that 28 IEP meetings were held during the 2001-02 school year. The review further indicated that 20 of the 25 records indicated the purpose of the meeting and five did not. All students in the review attended their IEP meeting during the 2001-02 school year. As corrective action the district was required to submit to the Bureau of Instructional Support and Community Services the records of 15 students over the age of 16 with disabilities, including copies of invitations and IEP documentation on a quarterly basis for review.

The complainant further alleged that the district failed to address all the necessary components in the IEP when considering needed transition services for a student with disabilities. Records of 26 students were reviewed. The review indicated that 25 of 26 student IEPs described measurable goals. All 26 IEPs contained a description of the students' special education and related services, the IEP teams' considerations of program services and personnel support as appropriate, and needed transition

services. As corrective action, the district was required to reconvene an IEP meeting for the student whose IEP did not contain measurable goals. The revised IEP must be submitted to the bureau.

In this issue, the complainant alleged that the district failed to provide the student's parents with an "informed notice of refusal to take action" when her parents requested a specific work-placement for her. A review of the documents indicated that the parents requested a specific goal and work-study placement be included in their daughter's IEP. The district provided the parents with an "informed notice of refusal to take action" that included all of the components as required by law.

In the final issue, the complainant alleged that the district failed to provide the parents of students with disabilities with sufficient information regarding diploma options, including the standard diploma option. The records of 25 students' referenced the selected diploma option and the option was clearly indicated on each of the students' IEPs. It was concluded that the parents of students with disabilities had been provided with sufficient information regarding diploma options including the standard diploma option.

**Palm Beach County School Board
Agency Order No: DOE-2002-794-FOF
November 21, 2002**

This complaint was filed by an advocate on behalf of a parent and her child with a disability. The student had been determined to be eligible for the special program for students who are physically impaired. The complainant alleged that the district failed to ensure that the Parents as Liaisons (PALS) who are assigned to serve as surrogate parents did not have a conflict of interest with the child; to develop the student's July 29, 2002, individual educational plan (IEP) with the required participants; or develop the student's August 14, 2001, IEP with all of the required components.

In this issue, the complainant alleged that some of the surrogate parents used in the district have interests that conflict with the interests of the children whom they represent because they are paid by the district and work in the district's offices. A review of the documents and interviews with individuals who have served as PALS indicated that federal and state laws permit school districts to pay surrogate parents and that individuals who have served as surrogate parents did not feel that they were school board employees nor did they have a conflict of interest when serving as surrogate parents. District staff further indicated that the parents as liaisons are consultants under contract and wear district badges to enable them to access the district's buildings. It was concluded that the surrogate parents did not have a

conflict of interest with the children they represent. Corrective actions were not required.

The complainant further alleged that personnel from her agency should have been invited to a meeting on July 29, 2002, because the agency provides transition services to the student. Evidence indicated that the purpose of the July 29, 2002, meeting was to discuss the need for a reevaluation with the appropriate participants invited. There was no evidence to indicate that transition services were discussed. Corrective actions were not issued.

In the final issue, the complainant alleged that the student's IEP developed on August 14, 2001, was not appropriate. A review of the student's August 14, 2002, IEP indicated that transition, participation in non-academic activities, and all of the other required components were addressed. The August 14, 2002, IEP did list the student's name and that of a staff member incorrectly in one of the sections. This was corrected in a later IEP. Corrective actions were not required; however, the Bureau of Instructional Support and Community Services recommended that the district review the student's IEPs for typographical errors.



The New Department of
Education

Jim Horne, Commissioner

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