

# Agency Order and Bureau Resolution Summaries

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



January–June  
2003

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 from January through June 2003. 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.*

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## Early Resolutions

### **Jackson County School Board Early Resolution Determination No. 2003-ER1 January 14, 2003**

On December 4, 2002, the Bureau of Instructional Support and Community Services received a formal complaint from a parent on behalf of her child with a disability. In her letter of formal complaint the parent alleged that the district failed to implement the student's individual educational plan during the first semester of the 2002-03 school year, follow appropriate discipline procedures for the student, and develop and implement behavioral intervention plans for the 2002-03 school year.

Letters dated December 5, 2002, notified the complainant and the district staff of the bureau's receipt of the complaint letter and requested that the district submit documentation regarding the investigation by December 20, 2002. On December 19, 2002, the district submitted a copy of an Early Resolution Agreement.

The Early Resolution Agreement resulted in the expunging of a three-day suspension by Grand Ridge School and the enrollment of the student at Marianna High School for his final semester. The student was to attend class regularly and follow school rules. The complainant was aware that an Early Resolution Agreement did not interfere with her rights to pursue mediation or due process remedies in the future.

# Bureau Resolutions

**Alachua County School District**

**Bureau Resolution Determination No: BISCS 2003-023-RES**

**June 26, 2003**

This complaint was filed by the parent of a student with a disability who had been determined eligible for the special programs for students who are educable mentally handicapped and speech and language impaired. In her letter of formal complaint the parent alleged that the district failed to consider positive behavior interventions, strategies, and supports to address the student's problem behaviors when developing his individual educational plan (IEP) for the 2002-03 school year. In addition, the parent alleged that the district failed to implement the student's IEP, specifically regarding the provision of social skills training and behavioral support in the classroom, and administer an evaluation to the student that was sufficiently comprehensive to identify all of his special education and related services needs.

In the first issue the parent alleged that the student's IEP should have included a behavioral plan. A review of the documents indicated that the student had no behavior referrals prior to the April 24, 2003, incident that led to the student's two-day suspension. Documentation further indicated that the student's IEP team considered the student's behavior when developing his October 15, 2001, IEP and determined that no goals, interventions, strategies, or supports were needed in this area. A reevaluation conference was held on April 30, 2002, at which the complainant provided written consent for the district to conduct a functional behavior assessment. A corrective action was not required.

In the second issue the parent alleged that the district failed to implement the student's IEP, specifically regarding the provision of social skills training and behavioral support in the classroom. The student's October 15, 2001, and October 7, 2002, IEPs indicated social skills as a student strength, not as a need. Documentation indicated, however, that the student received social skills training as part of his classroom instruction and received support from a behavior specialist on a monthly basis. The investigation concluded that the district implemented the student's IEP regarding the provision of social skills training and behavioral support. Corrective actions were not required.

In the third issue the parent alleged that the district failed to administer an evaluation that was sufficiently comprehensive to identify all of the student's special education and related services needs. Documentation indicated that the student was determined eligible for speech and language services and occupational therapy (OT) on August 30, 2001. The student was dismissed from OT on December 4, 2002, based

on the IEP team's determination that the student had mastered the goal and the lack of continuing need for such services. A corrective action was not required.

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**Brevard County School District**  
**Bureau Resolution Determination No: BISCS 2003-018-RES**  
**April 24, 2003**

This complaint was filed by the parent of a student with a disability who had been determined eligible for the special program for students who are mentally handicapped. In her letter of formal complaint the parent alleged that the district failed to provide her with progress reports that included all of the required components. In addition the parent alleged that the district failed to implement the student's individual educational plan (IEP) as developed and ensure that the student made adequate progress toward the stated goals.

In the first issue the parent alleged that the district failed to provide her with progress reports of her daughter that included all of the required components. Documentation provided by the district indicated progress reports were completed as required by the student's IEP and as indicated in the district's secondary handbook. A corrective action was not required.

In the second issue the parent alleged that the district failed to implement the student's IEP as developed and ensure that she made adequate progress toward the stated goals. Based on documentation provided by the district, it was determined that there was insufficient evidence to indicate that all short-term objectives stated in the student's IEP were implemented and that all evaluations recommended by the IEP team were completed. As a corrective action the district was to ensure that the goals and objectives described on the student's IEP are implemented as described. Evidence of compliance was to be submitted to the bureau throughout the 2003-04 school year.

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**Duval County School District**  
**Bureau Resolution Determination No: BISCS 2003-012-RES**  
**May 5, 2003**

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. The parents in their letter of formal complaint alleged that the district failed to provide their son with educational services, failed to provide them with an informed notice in response to their request for changes to the special education services that were provided to their son, and failed to provide them with an opportu-

nity to participate in the development of their son's 2002-03 school year individual educational plan (IEP). In addition, the parents alleged that the district failed to ensure that their son's regular education teachers participated as members of the IEP team in the development and review of his 2002-03 school year IEP and provide adequate and timely staff development training opportunities for their son's teachers regarding the implementation of the Individuals with Disabilities Education Act.

In the first issue the complainants alleged that the district failed to provide their son the necessary accommodations, specifically the "textbook-on-tape." They further alleged that the district was inconsistent as to the provision of "oral testing and responses." The student's 2002-03 school year IEP described full participation in general education classes, with consultation provided by his special education teachers. Based on the documentation, it was determined that there was insufficient evidence to indicate that all accommodations were provided as required by the student's IEP. As corrective action the district was required to develop specific strategies to ensure that the student would consistently receive the accommodations specified on his IEP. The district was to provide evidence of compliance through the end of the 2003-04 school year.

In the second issue the complainants alleged that their son's IEP team failed to include accommodations that had been recommended by the private evaluator and failed to provide an informed notice of refusal form. Documentation indicated that the IEP team considered the independent educational evaluation report and this consideration was reflected in the student's IEP documents. In addition, the accommodations requested by the complainants were also included on the student's IEP. It was concluded that the district responded to the complainants' requests and did not refuse their requests. Corrective actions were not issued.

In the third issue the complainants alleged that the district had developed their son's IEP without parental participation. Evidence indicated that at least one parent was in attendance at each of the student's IEP meetings that were held during the 2002-03 school year. It was concluded that the district provided the complainants' with an opportunity to participate in the development of their son's 2002-03 school year IEPs. Corrective actions were not required.

In the fourth issue the complainants alleged that their son's regular education teachers were not present at all parts of his IEP meeting. Documentation indicated that a regular education teacher participated in part of each of the three IEP meetings held for the student during the 2002-03 school year. However, documentation indicated that the regular education teachers who participated in the November 27, 2002, IEP meeting were not the student's regular education teachers at the time. As corrective action the district was required to ensure the participation of regular education teachers as members of the student's IEP team, to the extent appropriate, in the development and review of the student's IEP. The district was to provide evidence of compliance through the end of the 2003-04 school year.



In the final issue the complainants alleged that their son's teachers were untrained in educating a student who has a learning disability in the general classroom. Documentation provided to the bureau indicated that the district had provided adequate and timely staff development training opportunities for the student's teachers regarding the provision of accommodations and modifications to students with specific learning disabilities. Based on this information it was concluded that there was no evidence to indicate a violation. Corrective action was not issued.

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**Hendry County School District**  
**Bureau Resolution Determination No: BISCS 2003-004-RES**  
**February 7, 2003**

This complaint was filed by the parents of two students with disabilities. The younger child had been determined eligible for the special programs for students who are autistic and who have a speech and language impairment. The student also required occupational therapy. The older child had been determine eligible for the special program for students who are speech and language impaired. In their letter of complaint the parents alleged that the district had failed to provide their sons with speech and language (S/L) services as described on their individual educational plans (IEPs) during the 2002-03 school year, provide qualified personnel to instruct their younger child in a specific methodology that had been recommended in an independent education evaluation (IEE), and provide the parents with progress reports that contained all of the required components as often as parents are informed of their nondisabled children's progress.

In the first issue the parents alleged that the district failed to provide their children with S/L services as described on their IEPs from August 26, 2002, through December 12, 2002. A review of the documentation indicated that the younger son did not receive 17 sessions of S/L therapy and the older son was not provided with 13 sessions of S/L therapy during the time in question. It was concluded that the district did not provide S/L services as described on the student's IEPs. As corrective action the district was required to ensure that S/L services were provided to both students as described on their IEP and to determine, if appropriate, the amount of compensatory services to be provided to each student. Documentation was required to indicate the district's compliance and to demonstrate that compensatory services had been provided.

In the second issue the parents alleged that the district's speech therapist did not use the specific methodology that had been recommended in an IEE. Documentation indicated that the speech therapist was certificated by the State of Florida in "Speech Correction or Speech Language Impaired." The student's 2002-03 school year IEP prescribed that a private school would provide program support but did not indicate as to the methodology or strategies to be used. It was concluded that the meth-

odology was not described on the student's IEP. Corrective actions were not required; however, it was recommended that the district continue to work with the private school regarding the program supports for the complainants' son.

In the final issue, the parents alleged that the district did not provide them with progress reports as often as the district provided progress reports to parents with children who did not have a disability. Records showed that the district provided one S/L progress report for the younger child and none for the older child during the entire 2001-02 school year and fall semester of 2002-03 school year. It was concluded that the district did not provide progress reports to the complainants as often as the district provided same to the parents of nondisabled students. As corrective action the district was required to ensure that the complainants were provided progress reports, with all the required components, as often as parents are informed of their nondisabled children's progress. Evidence of compliance was to be provided through the 2003-04 school year.

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**Hillsborough County School District**  
**Bureau Resolution Determination No: BISCS 2003-009-RES**  
**March 19, 2003**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students who are deaf or hard-of-hearing, speech and language impaired, and visually impaired. The student also received occupational therapy. The parent in his letter of formal complaint alleged the district failed to implement the individual educational plan (IEP), specifically as to behavioral management, during the 2002-03 school year.

In the issue the complainant specifically alleged that the district's use of the Rifton chair was misused in disciplining his son. A review of the student's IEP described "proximity control" and "supplementary aid/services" to be provided for the complainant's son. The district acknowledged that on September 6, 2002, the Rifton chair was used as an accommodation due to safety concerns. It was concluded that insufficient information was provided to the bureau to establish that the Rifton chair was inappropriately used as a disciplinary measure. It was found that the district implemented the student's IEP, specifically as to behavioral management, during the 2002-03 school year. Corrective actions were not required; however, it was recommended that in the future, the student's IEP team consider a wide range of appropriate strategies that could be used to address the student's behaviors and reference a variety of such strategies specifically in his IEPs.

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**Hillsborough County School District**  
**Bureau Resolution Determination No: BISCS 2003-011-RES**  
**April 17, 2003**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students who are autistic and speech and language impaired. The student also required occupational therapy. In her letter of formal complaint the parent alleged that the district failed to appropriately develop the student's August 15, 2002, individual educational plan (IEP) based on his unique educational needs, propose a change in the student's placement based on an IEP's team's decision, and provide the parent with access to, or copies of, the student's educational records. In addition the parent alleged that the district failed to provide her sufficient advance notice of an IEP meeting to be held on December 12, 2002; an informed notice in response to her request for a change in her child's speech therapy service; and copies of her child's progress reports as often as such reports are provided to the parents of nondisabled peers.

In the first issue the complainant alleged that the district was improperly implementing the student's IEP by not providing services in accordance with his previous out-of-state IEP. A review of the records indicated that a temporary IEP was developed for the student upon his enrollment in the district. Documentation further indicated that the IEP was based on a review of the out-of-state IEP documentation and the complainant's input. The investigation concluded that the district appropriately developed the student's temporary IEP to address his needs. Corrective actions were not required.

In the second issue the complainant alleged that the district proposed a change in the student's placement that was not based on an IEP team decision. Based on a review of the student's August 15, and September 11, 2002, IEP documentation, the student received special education services in a separate classroom and was enrolled in the Kindergarten Early Learning Program. A review of the October 2, 2002, IEP meeting documentation indicated that the IEP team reviewed the student's placement and determined he should remain in a separate classroom setting and that the Diagnostic and Evaluation Education Planning Center was the appropriate placement. The complainant participated in each of the IEP meetings; therefore, it was concluded that there was no indication that placement decisions were made outside of the IEP team meeting process. Corrective actions were not required.

In the third issue the complainant alleged that the district failed to provide the student's parent with access to, or copies of, her son's educational records. Documentation indicated that the complainant requested and reviewed copies of her son's educational records on October 9, and December 12, 2002. The investigation concluded that the complainant had access to her son's educational records. Corrective actions were not required.

In the fourth issue the complainant alleged that the district failed to provide her with sufficient advanced notice of the IEP meeting held on December 12, 2002. A review of the records indicated that the district mailed a prior parent notification form to the complainant on November 26, 2002, for the December 12, 2002, IEP meeting. Records further indicated that the complainant cancelled the December 12, 2002, IEP meeting. Based on this information, it was determined that there was no violation of law. Corrective actions were not required.

In the fifth issue the complainant alleged that the district failed to provide her with an informed notice when she requested a change to her son's speech therapy services. Evidence provided by the district indicated that the complainant requested changes regarding the delivery of speech services to her son and the methodology used. The district denied the request and provided the complainant with an informed notice of refusal to take a specific action form. The form was dated September 20, 2002, and included all of the components required by law. Corrective actions were not required.

In the final issue the complainant alleged that the district failed to provide the complainant with copies of her son's progress report as often as such reports were provided to the parents of nondisabled students. Documentation indicated that the complainant requested reports regarding her son's progress. The district provided the complainant with ongoing verbal reports and progress reports/notes regarding her son; however, it was concluded that the district did not provide the complainant with formal progress reports. As a corrective action the district was required to ensure that the complainant was provided with progress reports for her son with all of the required components as often as other parents are informed of their nondisabled children's progress. Evidence of compliance was required to be provided to the bureau through the completion of the 2003-04 school year.

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**Hillsborough County School District**  
**Bureau Resolution Determination No: BISCS 2003-024-RES**  
**June 26, 2003**

This complaint was filed by the parent of a student with a disability who had been determined eligible for the special program for students who are educable mentally handicapped and speech and language impaired. The student also required occupational therapy. In her letter of formal complaint the parent alleged that the district failed to provide special education in accordance with the student's individual educational plan (IEP) for the 2002-03 school year.

In this complaint the parent alleged that her daughter had not received the special education services specified on her IEP for the 2002-03 school year due to the amount of time that the classroom aide was out of the classroom. A review of the student's IEP indicated she would receive instruction in a small group setting with specialized curriculum. A classroom aide was not specified in the student's IEP. The investigation concluded that the district provided special education services as specified on the student's IEP. Corrective actions were not required.

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**Indian River County School District**  
**Bureau Resolution Determination No: BISCS 2003-010-RES**  
**April 10, 2003**

This complaint was filed by the parents of a student with a disability who had been determined eligible for the special program for students who are severely emotionally disturbed. In their letter of formal complaint the parents alleged that the district failed to employ certified teachers who were appropriately prepared to implement their son's individual educational plan (IEP) as written for the 2002-03 school year and provide progress reports to the complainants as specified in his 2002-03 school year IEP. In addition the complainants alleged that the district failed to provide a reevaluation for their son as they requested on January 28, 2003.

In the first issue the complainants alleged that two of their son's teachers were not certified in special education and did not know how to handle the students in their son's classes. Records provided by the district indicated that all of the student's teachers held current State of Florida teaching certificates and had received specialized training in exceptional student education policies, procedures, and behavior management. The investigation concluded that the teachers were appropriately prepared to implement the student's IEP. Corrective actions were not required.

In the second issue the complainants alleged that progress reports had not been provided in accordance with the student's 2002-03 school year IEP. A review of the student's 2002-03 school year IEP indicated the provision of weekly and biweekly reports. Documentation indicated that the district provided progress reports to the complainants as specified on the student's 2002-03 school year IEP. Corrective actions were not required.

In the third issue the complainants alleged that the district failed to provide a reevaluation for their son as they requested on January 28, 2003. Documentation provided by the district indicated that the student's reevaluation process had been initiated. The investigation concluded that the district had begun the reevaluation process as requested by the complainants. Corrective actions were not required.

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**Lake County School District**  
**Bureau Resolution Determination No: BISCS 2003-008-RES**  
**March 18, 2003**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students who are emotionally handicapped and who have specific learning disabilities. In her letter of formal complaint the complainant alleged that the district failed to provide the accommodations/modifications specified on her child's individual educational plan (IEP) that was developed for the 2002-03 school year, consider the appropriate educational placement in the least restrictive environment , and implement her 2002-03 school year IEP's specifications regarding placement.

In the first issue the complainant alleged that the district failed to provide the accommodations and modifications specified on her child's 2002-03 school year IEP. Documentation indicated that the complainant participated in the development of the modifications and accommodations described on the 2002-03 school year IEP. In addition, the documentation indicated that the student's teachers were knowledgeable of the modifications and accommodations and provided them, including adjustments of them as requested by the complainant. Corrective actions were not required.

In the second issue the complainant alleged that the district failed to consider the appropriate educational placement and implement the 2002-03 school year IEP's specifications regarding placement. Records indicated that the student's placement was determined by the IEP team based on the student's needs, goals, and parental input. Corrective actions were not required.

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**Lee County School District**  
**Bureau Resolution Determination No: BISCS 2003-006-RES**  
**March 5, 2003**

This 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. The student also required occupational therapy. In their complaint the parents alleged that the district failed to provide them with an informed notice prior to changing the student's placement during the 2002-03 school year and to seek parental input prior to their son's alleged change of placement during the 2002-03 school year. In addition, the parents alleged that the district failed to implement their son's individual educational plan (IEP) as written while he was assigned to the district's homebound or hospitalized (H/H) program during the 2002-03 school year.



In the first issue, the parents alleged that the district did not provide them with an informed notice prior to changing their son's placement. Documentation indicated that the student's special education services were to be provided in a separate exceptional student education class during the 2002-03 school year. Based on information provided by the district, the student's schedule was changed at the beginning of the second quarter of the 2002-03 school year. The parents were informed of the change by letter dated October 3, 2002. It was concluded that the student's placement was changed without an IEP meeting or an informed notice to the parents. As a corrective action the district was required to provide the parents with an informed notice each time the IEP team proposed or refused to change the educational placement of their son. Evidence of compliance was to be provided to the bureau each time such notice is provided to the parents.

In the second issue, the parents alleged that the district failed to seek their input prior to their son's alleged change of placement. It was concluded that the parents were not provided with an opportunity to provide input prior to their son's change of placement. As corrective action the district was required to hold an IEP meeting prior to any changes in the student's placement. The district was further required to provide a copy of the student's IEP to the bureau each time an IEP was developed.

In the final issue, the parents alleged that the district failed to implement their son's IEP as written while he was assigned to the H/H program during the 2002-03 school year. The student's IEP developed on December 5, 2002, described H/H services to begin on December 9, 2002. A review of the documentation indicated H/H services began on December 17, 2002. It was concluded that the H/H services were delayed by one week. As corrective action the district was required to ensure that special education services were provided in accordance with the student's IEP. The district was also required to meet with the parents to determine if compensatory services were appropriate. Documentation was to be submitted to the bureau regarding the planning activity for compensatory services and if the services were provided.

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**Leon County School District**  
**Bureau Resolution Determination No: BISCS 2003-017-RES**  
**June 2, 2003**

This complaint was filed by the parent of a student with a disability who had been determined eligible for the special program for students with specific learning disabilities. In her letter of formal complaint the complainant alleged that the district failed to implement the student's individual educational plan (IEP) for the 2002-03 school year.

A review of the student's IEP indicated the need for test accommodations and included a program modification/accommodation form as an attachment. The form

identified 12 strategies to be used in the regular classroom. Based on the documentation, it was concluded that the accommodation strategies described in the student's IEP were being implemented. A corrective action was not required.

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**Martin County School District**  
**Bureau Resolution Determination No: BISCS 2003-021-RES**  
**June 21, 2003**

This complaint was filed by the parent of a student with a disability who had been determined eligible for the special program for students who are visually impaired. The student also required occupational therapy. In her letter of formal complaint the complainant alleged that the district failed to provide the student with educational services and employ qualified exceptional student education (ESE) personnel.

In the first issue the complainant alleged that the district failed to provide the student with educational services, including unique skills vision instruction and orientation and mobility services, and accommodations/modifications in the regular classroom, as required by her individual educational plan (IEP) for the 2002-03 school year. Based on the records, the student was to receive daily unique skills vision instruction and weekly orientation and mobility services. Additionally, materials were to be modified or adapted. A review of the documentation indicated that the services specified on the student's IEP had been provided to her. Based on the information, it was determined that there was insufficient evidence to support a finding of a violation. Corrective actions were not required.

In the second issue the complainant alleged that the district failed to employ qualified ESE personnel to provide the special education services described on the student's 2002-03 school year IEP. Evidence indicated that the student's teacher was certified in the appropriate areas as required. It was concluded that the district hired a qualified substitute teacher to provide additional assistance in the general education classroom during the teacher's absence. No corrective action was required.

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**Miami-Dade County School District**  
**Bureau Resolution Determination No: BISCS 2003-001-RES**  
**January 24, 2003**

This complaint was filed by an advocate representing the parents of a student with disabilities who had been determined eligible for the special programs for students who are gifted, specific learning disabled, and language impaired. The student also received occupational therapy services. In her letter of complaint the advocate alleged that the district failed to provide the student with language therapy as re-



quired by her individual educational plan (IEP), from August 26, 2001, through October 30, 2002; and provide the student's parents with access to, or copies of, their child's educational records.

In the first issue the advocate alleged that the district had not provided the student with language therapy, as required by her IEP, from August 26, 2001, through October 30, 2002. Based on the documents provided by the district it was concluded that the student did not receive all of her weekly language therapy sessions from August 26, 2001, through October 30, 2002. As corrective action the district was required to ensure that language therapy services were provided in accordance with the student's IEP, and that the student's IEP team meet to develop a plan for compensatory services, if needed. Evidence of compliance was to be submitted to the bureau by June 30, 2003.

In the second issue the advocate alleged that the district had refused the parents' request for their daughter's language therapy logs. As documentation the district provided an informed notice of refusal indicating that the therapy logs were not considered student records according to Section 1002.22(2)(c) of the Florida Statutes. It was concluded, based on Florida Statute, that the requested records were not student records and that the informed notice included all the components required by law. No corrective action was required.

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**Miami-Dade County School District**  
**Bureau Resolution Determination No: BISCS 2003-002-RES**  
**January 30, 2003**

This complaint was filed by an advocate representing the parents of a student with a disability who had been determined eligible for the special program for students who are other health impaired. In her letter of complaint the advocate alleged that the district failed to provide the student's parents with access to, or copies of, her educational records; conduct a timely evaluation of the student and make an appropriate determination regarding her eligibility for special programs for students who are speech and language (S/L) impaired; follow proper procedures regarding the scheduling of the student's individual educational plan (IEP) meetings in a timely manner when requested; provide written notice of the student's IEP meetings with all of the required components; and conduct the IEP meetings with the necessary participants.

In the first issue the complainant alleged that the district failed to provide the student's parents with access to, or copies of, their child's educational records in a timely manner. A review of the records indicated that the student's parents made a written request for their daughter's educational records on October 4, 2002, and again on October 10, 2002. The district provided the records to the parents on No-

vember 5, 2002, within the 45-day time limit established by federal law, but two days past the 30-day time limit established by state law. As corrective action the district was required to ensure that if the student's parents requested their daughter's educational records in the future, the district was to provide them within the 30-day timeline. Evidence of compliance was to be provided to the bureau through the 2002-03 school year.

In the second issue the advocate alleged that the district failed to conduct timely evaluations of the student and make an appropriate determination regarding the student's eligibility for special programs for students who are S/L impaired. Documentation indicated that the parents gave consent for three evaluations on February 13, 2002. Records showed those evaluations were conducted, with the final one conducted on July 26, 2002. The results were reviewed with the parents at the November 5, 2002, IEP meeting. The district conducted an eligibility staffing and determined the student was ineligible for special programs for students who are speech and language impaired. It was concluded that there was no violation of law; no corrective action was required. It was recommended, however, that if the student is to be reevaluated, the district attempt to schedule any discussions about the result with the parents as soon as possible.

In the final issue the advocate alleged that the district failed to follow proper procedures regarding the scheduling of the student's IEP meetings in a timely manner when requested, provide written notice of the IEP meetings with all the required components, and conduct the IEP meetings with the necessary participants. A review of the records indicated that the district scheduled two IEP meetings for the student. The parents were provided with a notice for both meetings and each notice contained all of the required components. It was concluded that the district provided the student's parents with a notice of their daughter's IEP meetings in a timely manner, that the notice contained all of the required components, and that the meeting included the necessary participants. No corrective action was required.

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**Miami-Dade County School District**  
**Bureau Resolution Determination No: BISCS 2003-003-RES**  
**February 7, 2003**

This complaint was filed by an advocate representing the parents of a student with disabilities who had been determined eligible for the special programs for students with specific learning disabilities (SLD) and who are speech and language (S/L) impaired. In her letter of complaint the advocate alleged that the district failed to hold an eligibility meeting for the student during the 2001-02 school year with the proper people in attendance while considering the appropriate information; provide an independent educational evaluation (IEE) for him upon request; appropriately develop individual educational plans (IEPs) for him during the 2001-02 through

2002-03 school years, with the required components; and follow appropriate procedures when responding to the parents' requests for mediation and a due process hearing regarding their son.

In issue one the advocate alleged that the district held an eligibility determination meeting without the student's parents and that the student should have been found eligible for a different program. Records indicated that on February 19, 2002, an eligibility determination meeting was held and the student was found to be eligible for the special programs for students with specific learning disabilities and speech and language impairments. The student's parent did not sign the staffing form but did sign a consent for placement form and a multidisciplinary team report for SLD at the same meeting. The advocate alleged that the staffing form had been completed outside of the meeting. Following a review of the information and documentation provided, it was determined that there was insufficient evidence to support a finding of a violation of law. A corrective action was not required; however, it was recommended that if the parents did not agree with the district's eligibility determination following the completion of an IEE, the parents could request a due process hearing or mediation to resolve this issue.

In the second issue the advocate alleged that the district failed to provide an IEE for the student upon request. Records indicated that the parents referred to an IEE request, dated October 7, 2002, in their due process hearing request. The parents filed a notice of voluntary dismissal on November 8, 2002. One week later, November 13, 2002, the district asked the parents whether they intended to pursue the requested IEE, and the district agreed to the IEE on November 25 and 26, 2002. On December 3, 2002, the parents contacted the district and requested that the IEE be conducted by a psychologist that was not on the district's list of educational evaluators. The district informed the parents that their choice of psychologist was acceptable; however, the district reported, on January 6, 2003, that the parents had spoken with the psychologist but had not set a date for the evaluation. Corrective actions were not required.

In the third issue the advocate alleged that the district failed to appropriately develop IEPs for the student during the 2001-02 through 2002-03 school years with the required components. A review of the documentation indicated that the district developed two IEPs on May 16, 2002, the first being an amendment to the student's February 19, 2002, IEP and the second being the student's kindergarten transition IEP. The records show that the student's parents participated in the development of all IEPs developed on May 16, 2002. It was concluded that the IEPs contained all of the required components. A corrective action was not required.

In the final issue the advocate alleged that the district failed to follow procedures when responding to the parents' requests for mediation and due process regarding the student. Records indicated that the parents filed a request for due process hearing/mediation on October 7, 2002, with a mediation conference being held on No-

vember 7, 2002. Based on the information provided it was concluded that there was insufficient evidence to support a violation of law. A corrective action was not issued.

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**Okaloosa County School District  
Bureau Resolution Determination No: BISCS 2003-013-RES  
May 5, 2003**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students who are orthopedically impaired and speech and language impaired. The student also required physical therapy and occupational therapy. In her letter of formal complaint the parent alleged that the district failed to provide the student with an independent educational evaluation (IEE) as requested and provide the complainant with an informed notice of refusal to take a specific action regarding the request for an IEE. In addition, the parent also alleged that the district failed to notify her of her son's individual educational plan (IEP) meeting that had been scheduled for January 23, 2003, in a timely manner.

In the first issue the complainant alleged that the district did not provide the student with an IEE as requested. Documentation indicated that the complainant requested a full visual processing evaluation conducted by a developmental optometrist. The district agreed to the IEE; however, the evaluator selected by the complainant did not meet the district's criteria for evaluating visual processing disorders. The complainant was provided with information regarding the selection of another evaluator. Based on the information, it was determined that the district followed appropriate procedures when responding to the complainant's request for the provision of an IEE for the student. A corrective action was not required.

In the second issue the complainant alleged that the district failed to provide her with an informed notice of refusal to take a specific action regarding the request for an IEE by a specific type of evaluator. A review of the records indicated that the district responded regarding the refusal to provide an IEE for her son; however, the written response did not contain all of the required components. As corrective action the district was to ensure that the complainant is provided with a written informed notice of refusal to take a specific action with all the required components whenever her request regarding the identification, evaluation, or educational placement of, or provision of a free appropriate public education to the student is refused. The district was to provide evidence of compliance through the end of the 2003-04 school year.

In the final issue the complainant alleged that she had not been given sufficient notice before an IEP meeting that was scheduled for January 23, 2003. Based on

documentation provided by the district, the student's teacher informed the complainant on January 16, 2003, about the need for an IEP meeting on January 24, 2003. However, the complainant had a scheduling conflict; therefore, the meeting was not scheduled. Both the complainant and district agreed that April 17, 2003, was acceptable. Documentation indicated that the meeting was held on April 17, 2003, with the complainant's participation. It was concluded that the district took steps to ensure parental participation at the April 17, 2003, IEP meeting. A corrective action was not issued.

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**Okaloosa County School District**  
**Bureau Resolution Determination No: BISCS 2003-014-RES**  
**May 5, 2003**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students who are autistic, who are speech and language impaired, and who have specific learning disabilities. In addition the student required occupational therapy. In her letter of formal complaint the parent alleged that the district failed to ensure the participation of the student's regular education teacher as a member of the individual educational plan (IEP) team at the January 13, 2003, meeting, provide the student with an independent educational evaluation (IEE) as requested, and provide the parent with an informed notice of refusal to take a specific action regarding the requested IEE. In addition, the parent also alleged that the district failed to afford her the opportunity to participate in the development of her son's 2002-03 school year IEP and ensure that the IEP team include a representative of the district who was knowledgeable about the availability of resources in the district.

In the first issue the complainant alleged that the regular education teacher did not attend her son's January 13, 2003, IEP meeting. Documentation indicated that input from the regular education teacher was obtained by collaboration with the exceptional student education teacher. It was concluded that the regular education teacher participated in the January 13, 2003, IEP meeting as a member of the IEP team, to the extent appropriate. There were no corrective actions issued.

In the second issue the complainant alleged that the district did not provide the student with an IEE as she had requested. Documentation indicated that the complainant requested a full visual processing evaluation conducted by a developmental optometrist. The district agreed to the IEE; however, the evaluator selected by the complainant did not meet the district's criteria for evaluating visual processing disorders. The complainant was provided with information regarding the selection of another evaluator. Based on the information, it was determined that the district followed appropriate procedures when responding to the complainant's request for the provision of an IEE for the student. A corrective action was not required.



In the third issue the complainant alleged that the district failed to provide her with an informed notice of refusal to take a specific action regarding the request for an IEE by a specific type of evaluator. A review of the records indicated that the district responded regarding the refusal to provide an IEE for her son; however, the written response did not contain all of the required components. As corrective action the district was to ensure that the complainant is provided with a written informed notice of refusal to take a specific action with all the required components whenever her request regarding the identification, evaluation, or educational placement of, or provision of a free appropriate public education to the student is refused. The district was to provide evidence of compliance through the end of the 2003-04 school year.

In the final issue the complainant alleged that the local education agency (LEA) representative had to consult with the district office regarding the complainant's input and requests that were made at the child's IEP meeting. Based on documentation, the LEA representative who attended the IEP meeting for the 2002-03 school year had sufficient knowledge and authority regarding the availability of the district's resources. A corrective action was not issued.

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**Orange County School District**  
**Bureau Resolution Determination No: BISCS 2003-005-RES**  
**March 5, 2003**

This complaint was filed by the parents of a student who had been determined eligible for the special programs for students who are other health impaired and speech and language impaired. The complainants alleged that the district failed to implement the child's individual educational plan (IEP) for the 2002-03 school year, specifically his educational placement. The complainants further alleged that the district failed to implement the student's behavioral intervention plan (BIP) during the 2002-03 school year and failed to provide the supplementary aids, services, and supports described on the IEP.

In the first issue, the complainants alleged that the district failed to implement the child's IEP for the 2002-03 school year, specifically his educational placement. The student's 2003-03 school year IEP described regular class as his educational placement; however, a review of the student's schedule indicated that he was enrolled in all exceptional student education classes except for art. On October 14, 2002, an IEP revision meeting changed his placement to a separate class placement. It was concluded that the district did not implement the student's IEP, specifically his educational placement, from the beginning of the 2002-03 school year to October 14, 2002. As corrective actions the district was required to implement the student's IEP as written and provide the parents with an informed notice of any change of place-

ment. Documentation was to be provided to the bureau verifying compliance with the corrective actions.

In the second issue, the complainants alleged that the district failed to implement the student's BIP during the 2002-03 school year. The student's BIP indicated a start date of September 17, 2001, and a review date of November 28, 2001. A new BIP was developed on September 25, 2002, and revised on November 20, 2002.

Documentation provided by both the district and the complainant indicated that the student's BIP was implemented part of the time during the 2002-03 school year and that the behavioral strategies were not always implemented before disciplinary actions were taken. As a corrective action the district was required to ensure that the student's BIP was implemented on a consistent basis. The district was further required to submit documentation to the bureau regarding the implementation of the student's BIP through the 2003-04 school year.

In the third issue, the complainants alleged that the district failed to provide the supplementary aids, services, and supports described on the IEP. Documentation indicated that the student's BIP was revised on November 20, 2002, to include the need for paraprofessional support from class to class. Documentation submitted by both the district and complainants indicated that an escort for the student during transitions between classes and supervision of the student throughout the school campus had been provided. There was no corrective action issued.

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**Orange County School District**  
**Bureau Resolution Determination No: BISCS 2003-020-RES**  
**June 10, 2003**

This complaint was filed by the parents of a student with disabilities who had been determined eligible for the special program for students who are autistic and who have specific learning disabilities. In their letter of formal complaint the parents alleged that the district failed to provide them with written informed notice a reasonable time prior to changing their child's placement during the 2002-03 school year. In addition the parents alleged that they did not receive a copy of the procedural safeguards with an explanation and that the district did not consider all evaluation reports, including evaluation information, to determine the student's need for special education.

In the first issue the complainants alleged that the district failed to provide the parents with a written informed notice a reasonable time prior to changing their son's placement during the 2002-03 school year. Documentation indicated that an informed notice and consent for reevaluation form had been signed by the parents on August 27, 2002. The form included a recommendation that the student be evalu-

ated to determine whether he continue to need special education and related services. Records indicated that a parent was a member of the individual educational plan team that met on December 3, 2002, when the student was determined ineligible for exceptional student education (ESE). The parents were provided an informed notice of change of placement form indicating the student's proposed placement in regular education with assignment to his regular home-zoned school in a reasonable time before the student's change of placement. A corrective action was not required.

In the second issue the parents alleged that the procedural safeguards had not been fully explained when they disagreed with the IEP team's determination that their son was ineligible for ESE. Records indicated that the parents received copies of the procedural safeguards and signed the educational planning team's notes that referenced a discussion of the procedure for requesting an independent educational evaluation . It was concluded that there were no violations of law. Corrective actions were not issued.

In the final issue the parents alleged that the district failed to consider all evaluation reports, including independent evaluation information, to determine the student's need for special education services. Documentation indicated that the student's evaluation report from his previous schools and the district's reevaluation report were considered in the determination as to his temporary assignment to receive services in the special programs for students who are autistic and who are speech and language impaired. Based on the information provided, it was determined that the district considered the student's previous evaluation in its determination of his need for special education services. Corrective actions were not required.

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### **Pasco County School District**

#### **Bureau Resolution Determination No: BISCS 2003-007-RES**

**March 17, 2003**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students with specific learning disabilities. The complainant specifically alleged that the district had failed to provide reevaluations for her child as required by law during the 1996-97 through 2001-02 school years, failed to take the appropriate action to ensure that the child was making progress towards her annual goals during the 1999-2000 through 2002-03 school years, and disclosed confidential information regarding another child.

In the first issue the parent alleged that the district failed to provide reevaluations for her child from 1996 through 2002. A review of the documentation indicated that reevaluation reviews were held during the 1995-96, 1998-99, 2001-02, and 2002-03 school years. In addition the parent was provided with notices, gave consent, as



appropriate, and received a copy of a report from each reevaluation activity. Documentation did indicate, however, that the October 18, 2001, individual educational plan (IEP) meeting did not include the legally required participants in the reevaluation review and the IEP development and review process. As corrective action the district was required to ensure that the student's IEP teams be appropriately constituted and submit to the bureau copies of all IEPs developed for the student through the 2003-04 school year.

In the second issue the parent alleged that the district failed to take the appropriate action to ensure that the her daughter was making progress towards her annual goals during the 1999-2000 through 2002-03 school years. A review of the mid-quarterly and quarterly progress reports indicated that the student's progress toward her annual goals ranged from "needs improvement" to "satisfactory." It was concluded that the student made sufficient progress towards her annual goals. A corrective action was not ordered.

In the final issue the parent alleged that the district disclosed confidential information regarding another child. The district acknowledged that another student's attendance contract was mailed to the complainant's home. As corrective action the district was required to develop a plan to ensure that the confidentiality of students' records be maintained and such records be appropriately filed and stored. The plan's implementation was to be submitted to the bureau.

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**Polk County School District**  
**Bureau Resolution Determination No: BISCS 2003-015-RES**  
**May 28, 2003**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students with specific learning disabilities and speech impairments. The student also required occupational therapy. In her letter of formal complaint the parent alleged that the district failed to implement the student's individual educational plan (IEP) for the 2002-03 school year and employ qualified exceptional student education (ESE) personnel to provide the special education services described on the student's 2002-03 school year IEP. In addition the parent alleged that the district failed to provide progress reports to her as often as progress reports are provided to the parents of nondisabled students.

In the first issue the parent alleged that the district failed to implement the student's IEP for the 2002-03 school year as specified. A review of the records indicated that the student attended a magnet school and that his current IEP described reinforcement of academics on a weekly basis and accommodations in the regular classroom. It was concluded that the complainant's son received the specified special education services and accommodations as specified. Corrective actions were not issued;

however, it was recommended that the district conduct a review of the magnet school's provision of ESE services to students with disabilities.

In the second issue the parent alleged that the district failed to employ qualified ESE personnel to provide the special education services described on the student's 2002-03 school-year IEP. Documentation provided by the district indicated the district employed a substitute teacher from February 2003 to the end of the school year. The documentation further indicated that the student's ESE teacher was on approved leave and the substitute teacher met the requirements described in the school board's policy. It was concluded that the district had made a good faith effort to assist the student to achieve the goals and objectives listed on his IEP. Corrective actions were not issued; however, it was recommended that the district provide guidance and support to long-term substitute teachers in ESE.

In the final issue the parent alleged that the district failed to provide progress reports to her as often as progress reports are provided to the parents of nondisabled students. Records indicated that the district provided the parents of nondisabled students interim quarterly progress reports and quarterly report cards. The complainant's son received weekly and interim progress reports as required by school board policy. The investigation concluded that the district provided progress reports to the complainant as often as such were provided to the parents of his nondisabled peers. Corrective actions were not required.

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**Seminole County School District**  
**Bureau Resolution Determination No: BISCS 2003-019-RES**  
**June 6, 2003**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students who are speech and language impaired and other health impaired. The student also required occupational therapy (OT). In her letter of formal complaint the parent alleged that the district failed to provide educational services in the regular classroom as required by the student's 2002-03 school year individual educational plan (IEP), reevaluate the student from 1996 through 2002 or as requested, and evaluate the student in a timely manner in order to determine his eligibility for an exceptional student education program. The parent further alleged that the district failed to evaluate her child in a timely manner, obtain parental consent for an evaluation by qualified personnel, and consider the appropriate educational placement for her child in the least restrictive environment (LRE). Finally, the parent alleged that the district failed to provide her with an informed notice of refusal form in response to her request for itinerant speech and language services and employ qualified teachers to implement her son's IEP for the 2002-03 school year.

In the first issue the parent alleged that the district failed to provide her son with educational services, including speech and language services and accommodations in the regular classroom as required by his IEP for the 2002-03 school year. A review of the records indicated that the student received instruction in speech and language throughout the school day in a self-contained language-impaired class, as described on his 2002-03 school year IEP. It was determined that the required educational services and accommodations specified on the student's IEP were provided. Corrective actions were not issued.

In the second issue the parent alleged that the district failed to reevaluate the student during the 1996-97 through 2001-02 school year, or as requested by the parent. Documentation provided by the district indicated that the student was evaluated on five different occasions with the knowledge of the parent, as evidenced by her signature on various forms. In addition the student was evaluated on August 3, 2001, as requested by the parent. It was concluded that the student was evaluated as required by law. A corrective action was not required.

In the third issue the parent alleged that the district failed to evaluate the student in a timely manner in order to determine his potential eligibility for an ESE program. Documentation indicated that parental consent for an educational reevaluation was given on August 26, 2001, completed on February 9, 2002, and reviewed with the parent on March 26, 2002. Parental consent was also given for an OT evaluation on April 23, 2002. The OT evaluation was completed on February 23, 2003. It was determined that the evaluations were not completed in a timely manner. As corrective action the district was required to ensure that the student's evaluations are completed in a timely manner. Evidence of compliance was to be submitted to the bureau within 15 days of parental consent to evaluate.

In the fourth issue the parent alleged that the district failed to obtain parental consent for an evaluation of her child and to ensure that such an evaluation was conducted by qualified personnel. The parent indicated that her son was administered the Brigance by the student's classroom teacher. It was concluded that parental consent was not required for the administration of classroom evaluations of this type. A corrective action was not required.

In the fifth issue the parent alleged that the district failed to consider the appropriate educational placement for her son in the LRE for the 2002-03 school year, and the upcoming 2003-04 school year, by predetermining the student's placement prior to the IEP team's meeting. Documentation indicated that the parent requested her son be placed in a learning disabled language class at a specific middle school for the 2003-04 school year. The student's placement options were discussed at the March 25, 2003, IEP meeting. The student's parent participated in the meeting. Based on the information, it was determined that the district considered the appropriate educational placement for the student in the least restrictive environment for the 2002-03

and 2003-04 school years and did not predetermine the student's placement prior to the IEP team's meeting. A corrective action was not required.

In the sixth issue the parent alleged that the district failed to provide the parent with an informed notice of refusal form in response to the parent's requests for itinerant speech and language services. A review of the records indicated that the district provided the parent with an informed notice of refusal when the parent requested itinerant speech and language services at the April 9, 2002, and March 25, 2003, IEP meetings. It was concluded that the parent received the notices with all of the required components. Corrective actions were not required.

In the final issue the parent alleged that the district failed to employ qualified teachers to implement her son's IEP for the 2002-03 school year. Evidence indicated that the student's teacher was certified by the Florida Department of Education as a speech/language pathologist. Based on this information, it was determined that there was no violation of law, and corrective actions were not required.

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**Suwannee County School District**  
**Bureau Resolution Determination No: BISCS 2003-016-RES**  
**May 28, 2003**

This complaint was filed by the parent of a student with a disability who had been determined eligible for the special program for students who are educable mentally handicapped. In her letter of formal complaint the parent alleged that the district failed to appropriately develop her daughter's individual educational plan (IEP) for the 2002-03 school year. In addition the parent alleged that the district failed to provide transition services for her daughter as described on her 2002-03 school year IEP and failed to provide her with the opportunity to be educated with nondisabled students to the maximum extent appropriate.

In the first issue the parent alleged that the district failed to include representatives from other agencies in her daughter's transition IEP meeting and that appropriate transition goals involving job coaching had not been developed for the 2002-03 IEP. A review of the student's 2002-03 IEP indicated transition goals and objectives in the areas of instruction, community experience, and daily living skills. In addition, the goals and objectives included functional skills for job preparation. It was concluded that the district appropriately developed the student's IEP for the 2002-03 school year, including the necessary participants on the IEP team and the inclusion of a transition plan. A corrective action was not required.

In the second issue the parent alleged that the district failed to provide transition services for her daughter as described on her 2002-03 IEP. Documentation indicated that the student's community-based instruction began on October 21, 2002, several

months after school began. It was concluded that the district did not provide the transition services as described on the student's 2002-03 school year IEP. As corrective actions the district was required to reconvene the IEP team and determine whether compensatory services must be provided. Evidence of compliance was to be submitted to the bureau by October 1, 2003, if the IEP team determined that compensatory services must be provided.

In issue three the parent alleged that the district failed to provide her daughter with the opportunity to participate in a regular education class during the 2002-03 school year. Based on records from the student's 2002-03 IEP meeting, dated April 19, 2002, both the parent and student participated in the meeting. The IEP team determined that the student's appropriate placement was in a special class with opportunities to participate with nondisabled students during homeroom, extracurricular activities, and assemblies. It was concluded that the district provided the student with the opportunity to be educated with nondisabled students to the maximum extent appropriate during the 2002-03 school year. A corrective action was not required.

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## **Commissioner's Orders**

**Bradford County School District**  
**Agency Order No: DOE 2003-858-FOF**  
**June 2, 2003**

This complaint was filed by an attorney on behalf of students with disabilities and a student with a disability who had been determined eligible for the special programs for students who are mentally handicapped and speech and language impaired. In his letter of formal complaint the attorney alleged that the district failed to expend funds appropriately for exceptional student education (ESE). In addition, the attorney alleged that the district failed to implement a student's individual educational plan (IEP) as developed and ensure that the student was making adequate progress toward his stated goals.

In the first issue the attorney alleged that the district failed to expend funds appropriately for ESE. Records provided by the Florida Department of Education's Office of Funding and Financial Reporting indicated that the district met the requirements for the 2001-02 school year of a 50% percent allocation in funding and had appropriately submitted its Individuals with Disabilities Education Act (IDEA) Entitlement Project application. It was concluded that the district's expenditures for the provision of services to students with disabilities were consistent with its approved IDEA Entitlement Project. A corrective action was not required.

In the second issue the attorney alleged that the district failed to implement a student's IEP as developed and ensure that the student was making adequate progress toward his stated goals. A review of the student's IEP indicated that he should receive instruction in a small class with an individualized curriculum, social skills training, self-advocacy training, constant supervision, and community based instruction. In addition, the IEP described speech services to be provided 30 minutes per week for the 2002-03 school year. Based on documentation provided by the district, it was concluded that the student was making adequate progress toward the goals stated on his IEP; however, the district did not provide sufficient documentation to indicate that the student's IEP was implemented as written. As corrective action the district was required to provide the student with compensatory speech services and to ensure that his IEP was implemented as written. Evidence of compliance was to be submitted to the bureau on a quarterly basis throughout the 2003-04 school year.

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**Broward County School District**  
**Agency Order No: DOE 2003-811-FOF**  
**January 24, 2003**

This complaint was filed by an advocate on behalf of students with disabilities who attended a charter school. The complainant alleged that the district had failed to ensure that the charter school implemented the individual educational plans (IEPs) for its students with disabilities during the 2002-03 school year.

Both the charter school management company and the district indicated that there were problems with the implementation of IEPs and the provision of services at the school. Both parties were working with the school to assist the charter school with these areas. Documentation also indicated that students who were eligible for therapies had received services from the beginning of the school year; however, documentation provided by the school was insufficient to determine if students were receiving specialized instruction in reading or math as required by their IEPs. As corrective action the district was required to ensure that students with disabilities at the charter school be provided with special education services as required by their IEPs. Documentation to verify compliance was required on a quarterly basis throughout the 2002-03 and 2003-04 school years.

In addition the district was required to submit documentation to the bureau indicating that the district reviewed all of the records of students with disabilities at the charter school and proposed compensatory education services for students who are eligible for such services. Proof of services was to be submitted to the bureau.

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**Marion County School District**  
**Agency Order No: DOE 2003-857-FOF**  
**June 29, 2003**

This complaint was filed by the parent of a students with disabilities who had been determined eligible for the special program for students who are speech and language impaired. The student also required occupational therapy. In her letter of formal complaint the parent alleged that the district failed to expend funds appropriately for exceptional student education (ESE), failed to provide educational services and accommodations in the regular classroom as required by the student's individual educational plan (IEP), and failed to provide adequate and timely staff development training opportunities for her child's teachers regarding the provisions of accommodations and modifications. In addition the parent alleged that the district failed to implement appropriate discipline procedures and behavior intervention plans for her child during the 2002-03 school year.

In the first issue, the parent alleged that the district failed to expend funds appropriately for ESE, including state and federal funds. Based on documentation from the Florida Department of Education's Office of Funding and Financial Reporting the district met the requirements for the 2001-02 school year of a 50% allocation in funding. In addition the district appropriately submitted its Individuals with Disabilities Education Act (IDEA) Entitlement Project application, which was approved by the department for the 2002-03 school year. It was concluded that the district's expenditures for the provision of services to students with disabilities have been consistent with its approved IDEA Entitlement Project. A corrective action was not required.

In the second issue, the parent alleged that the district failed to provide the student with educational services, including speech and language services, and accommodations in the regular classroom, as required by her daughter's 2002-03 school year IEP. Documentation indicated that the student received language therapy on a daily basis and accommodations and modifications were provided as described on the student's IEP. Based on this information, it was determined that the student's IEP was appropriately implemented. Corrective actions were not required.

In the third issue, the complainant alleged that the district failed to provide adequate and timely staff development training opportunities for the student's teachers regarding the implementation of IDEA, Part B, and, specifically, regarding the provision of accommodations and modifications. Evidence indicated that the district provided staff development opportunities that specifically addressed the provisions of accommodations and modifications through workshops. A corrective action was not required.

In the fourth issue, the parent alleged that the district failed to implement appropriate discipline procedures and behavioral intervention plans for the student during the 2002-03 school year. A review of the records indicated that the student received

three discipline referrals, with one resulting in a one-day suspension, during the 2002-03 school year. Documentation indicated that the district conducted a functional behavior assessment and developed a behavior plan for the student during the 2002-03 school year. Based on the documentation it was concluded that the district appropriately disciplined the student during the 2002-03 school year; however, it could not be determined whether the parent received a written notice regarding the suspension as required by Florida Statute (F.S.). As corrective action the district was required to report within 24 hours, in writing, by U.S. Mail, each suspension and the reason for the suspension to the student's parent as required by Section 1006.09(1)(b), F.S. Evidence of compliance was to be submitted to the bureau by September 1, 2003.

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**Miami-Dade County School District  
Agency Order No: DOE 2003-822-FOF  
February 10, 2003**

This complaint was filed by an advocate representing 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 her letter of complaint the advocate alleged that the district failed to provide speech and language therapies and related services to the student and other students with disabilities at the beginning of the 2002-03 school year as described by their individual educational plan (IEPs), provide the parents with access to, or copies of, their son's educational records, ensure that the IEP team includes all of the appropriate participants, and appropriately develop IEPs for students with disabilities, with a consideration of each student's unique needs.

In the first issue the advocate alleged that the district did not provide speech and language therapies and related services to the student and other students with disabilities at the beginning of the 2002-03 school year as described by their IEPs. A review of the documentation provided by the district indicated that the student received the services indicated on his IEP, with the exception of speech/language (S/L) services. The district offered compensatory services for the undelivered speech services; however, the parents declined the offer. Occupational therapy (OT) services were described as being provided in consultation with teachers and staff on a monthly basis or "as needed." The district refused to make up the OT services due to the parameters for the provision of services. An informed notice of refusal, with all the legal requirements, was provided to the parents. In addition, the district submitted IEPs of 25 students whose IEPs described special education and related services, including OT, S/L, and physical therapy (PT). It was determined that the district provided the services described on the twenty-five randomly selected IEPs. A corrective action was not required; however, it was recommended that the district develop



procedures that would identify any student with disabilities who may have a heightened need for the provision of a related service without delay at the beginning of the school year.

In the second issue the complainant alleged that the district failed to provide the student's parents with access to, or copies of, his educational records. Records indicated that the parent made a written request for therapy logs. The district refused on the grounds that the therapy logs did not constitute educational records. The district did not provide the parents with an informed notice of refusal. As corrective action the district was required to provide the parents with an appropriate response if the parents make a request, including an "informed notice of refusal" if appropriate. The district was to provide evidence of compliance throughout the remainder of the 2002-03 school year.

In issue three the complainant alleged that the district failed to ensure that the IEP team include the appropriate participants. A review of the student's IEP meeting notification indicated that the appropriate individuals were invited to the student's IEP meeting. No corrective action was required.

In the final issue the complainant alleged that the district failed to appropriately develop the IEPs of students with disabilities, with the team's consideration of each student's unique needs, particularly the services appropriate for PT, OT, and S/L. A review of 25 student records indicated that they contained goals and objectives regarding related services based on students' needs and the decision of the students' IEP teams. Documentation indicated that the IEP team for the student named in the complaint determined that he would be provided OT on a bi-weekly, consultative basis in the general classroom. The Indirect/Consult Monitor form, part of the student's IEP, stated that monthly consultation between the teachers and staff was to occur as needed. No documentation was submitted to support implementation of the service. As corrective action the district was required to ensure that OT services would be provided to the student as specified in his IEP. The district was also required to reconvene an IEP team to review the student's OT services and clarify the frequency and nature of the consultation services to be provided. The district was to submit documentation to verify compliance.

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**Palm Beach County School District**  
**Agency Order No: DOE 2003-821-FOF**  
**February 10, 2003**

This complaint was filed by parents of a student with disabilities who had been determined eligible for the special programs for students who are deaf or hard-of-hearing, orthopedically impaired, and language impaired. In their letter of complaint, the parents alleged that the district failed to provide an interpreter for the deaf as required by the student's individual educational plan (IEP) for the 2002-03 school year, including substitute interpreters, when necessary; and provide interpreter services to deaf and hard-of-hearing children as required by the students' IEPs.

In this issue the parents alleged that their daughter did not receive the interpreter services specified on her IEP for the 2002-03 school year. A review of the student's IEP described interpreter services as "interpreter for the deaf, daily, all settings." Based on a review of the documentation provided by the district, interpreter services were provided as specified on the student's IEP, with the exception of five and one-half days. With that lapse of service, it was concluded that the district did not provide uninterrupted, daily interpreter services in all settings for the 2002-03 school year. As a corrective action the district was required to ensure that the student was provided with interpreter services as required by her IEP. The district was further required to provide substitute interpreter services in the event that the regularly scheduled interpreter was absent. Verification of interpreter services to the complainant's daughter was to be provided to the bureau on a monthly basis for the remainder of the 2002-03 school year.

In the second issue the complainant alleged that the district failed to provide interpreter services to deaf and hard-of-hearing children as required by the students' IEPs. To investigate this allegation the educational records of 12 students who had been identified as deaf or hard-of-hearing, and required interpreter services, were reviewed by the bureau. The review of the students' records indicated a lapse in interpreter services for one elementary student during nonacademic classes; however, the student's IEP specified interpreter services "as needed." The provision of interpreter services during the nonacademic classes for three elementary and four middle school students could not be established. In addition to the 12 records reviewed, three additional students were identified as not receiving interpreter services as required by their IEPs. As corrective action the district was required to ensure that when interpreter services are specified on students' IEPs, the services are provided for all parts of the school day. The district was further required to submit a plan explaining how the district was to ensure the provision of such services to students who did not have interpreter services for the nonacademic classes. Verification of services to the student was to be provided on a monthly basis throughout the 2002-03 school year.

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The New Department of  
**Education**

Jim Horne, Commissioner

**ESE 312340**