

AGENCY ORDER SUMMARIES

Following are summaries of Department of Education Orders entered between January 1998 and June 1998. These 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 Section 300.600-300.662 of Title 34 of the Code of Federal Regulations. Complete copies of the 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 Iris Anderson, Program Specialist, Procedural Safeguards, Bureau of Instructional Support and Community Services, 614 Turlington Building, Tallahassee, Florida 32399-0400; (850) 488-1379; Suncom 248-1379; or via electronic mail at andersi@mail.doe.state.fl.us.

The heading for each summary provides the school board or agency where the inquiry was conducted, the agency order number, and the effective date of the Order.

Bay County School Board Agency Order No. DOE-98-277-FOF January 30, 1998

This complaint was filed by the parents of a child with disabilities, alleging that the district had failed to provide the student with services described in the student's individual educational plan (IEP). They also alleged that the district failed to provide students at a district high school with related services, failed to provide access to the least restrictive environment (LRE), and failed to follow appropriate procedures when inviting parents to IEP meetings. The Bureau conducted an inquiry that included review of the student's records, as well as the records of other students at the school, and interviews with school and district staff.

The complainants alleged the student was not receiving services on the IEP and had not been provided with necessary equipment and materials as provided for by the IEP. The district submitted the student's schedule and therapy attendance logs for occupational therapy (OT), physical therapy (PT), speech/language therapy, and vision services. Therapists' and teachers' notes were also submitted. The data submitted indicated the student had not received some related services in accordance with the IEP. The student did not receive daily ESE instruction as specified on the IEP.

As corrective action, the district was required to ensure that an appropriate IEP be developed and implemented. The district was required to submit evidence to the Bureau that the student was receiving services described on the IEP every two months for the remainder of the school year in question.

The complainants alleged that the district failed to provide related services to students at a given school. The IEPs of six students were reviewed and compared to therapists' logs. Evidence indicated that some of the students did not receive the therapies indicated on their IEPs at the beginning of the school year.

The district was required to review students' IEPs and to ensure they were receiving the services described therein. The district was also required to devise a plan to ensure that services not provided at the beginning of the year would be provided to the students. In addition, the district was required to submit the plan to the Bureau with documentation of its implementation.

The complainants alleged the district did not provide access to the LRE for students in the educable mentally handicapped (EMH) program at a certain school. They also stated the students were kept in an isolated part of the campus for all activities including lunches. The district submitted schedules for ten EMH students and five non-ESE students. Each of the ten EMH students had an LRE document indicating they were removed from the regular school environment for more than 50% of the school day. The district stated since the cafeteria is small for the student body, lunch periods were free time, and students were allowed to eat wherever they chose. No corrective action was taken.

The complainants alleged that parents at a certain school were being asked to agree verbally to students' IEPs without IEP meetings being conducted. The district submitted 30 IEPs for review. Documentation revealed that 23 parents had either attended the meetings or responded to prior written notice. The remaining seven records indicated that meetings were held without parents in attendance and that the second notice of the IEP meeting was sent on the day the meeting was conducted.

The district was required to ensure that parents be given adequate notice for IEP meetings and that district procedures be reviewed and revised as appropriate. The district was required to submit the revised procedures to the Bureau for review.

Bay County School Board
Agency Order No. DOE-98-302-FOF
May 29, 1998

The parent of a student with disabilities filed this complaint, alleging that the district inappropriately disciplined her son. The Bureau conducted an inquiry, including reviews of records and other documentation and added an issue: whether the district provided the student with special education and related services.

The parent stated that the student had Attention Deficit Hyperactivity Disorder (ADHD) and had to discontinue medication for medical reasons. The student was determined eligible for special programs for students with specific learning disabilities (SLD). He received multiple in-school and out-of-school suspensions for disruptive behavior. The district had changed the student's schedule and offered counseling in an effort to deal with the student's behavior. A manifestation hearing determined that the student's behavior was a manifestation of his disability. An option to out-of-school suspension was discussed. The student's IEP was not modified to accommodate his behavioral difficulties. He was failing due to missed assignments.

As corrective action, the district was required to develop an IEP which contained all required components and addressed strategies and accommodations to meet the student's behavioral needs. The district was to notify the Bureau of any disciplinary actions taken toward the student and to provide documentation of the procedures followed within 10 days.

The student's IEP, which the Bureau reviewed, did not specify any special education or related services to be received by the student. A matrix of services indicated the student was claimed for weighted funding. Although the manifestation hearing committee agreed the student was failing four of his six classes as a result of his disability, no modifications, accommodations, or special education or related services were added to address the problem.

As corrective action, the district was required to re-evaluate the student to determine his needs, following

required procedures for parental involvement and consent. The development of a compliant IEP was required, with the IEP to be sent to the Bureau within 15 days of its development. The Bureau pursued adjustment of weighted funding for the student.

Broward County School Board
Agency Order No. DOE-98-298-FOF
May 11, 1998

This complaint was filed through the Office of Special Education Programs (OSEP) by the parent of a child with disabilities, alleging that the district had denied the student a free appropriate public education (FAPE) by refusing to transport her to programs available to general education students. The Bureau conducted an inquiry, which included review of records and interviews with school and district staff.

The parent stated the student was prohibited from attending a field trip because she required suctioning of her trachea (trach) tube. The district then reportedly informed the parent that the student could not be transported on district transportation due to the need for suctioning, which could occur during the bus ride. The student required deep suctioning and bulb suctioning, and it appeared that the two terms were being used interchangeably by the district. However, the student's primary physician stated that the student could safely be transported on a school bus.

Meetings were held to discuss the student as well as the district's policy on transportation of medically fragile students; however, a definitive decision on the student was not documented. The district's policy prohibits students who require deep suctioning from riding on district buses and provides for reimbursement of parents who provide transportation.

As corrective action, the district was required to reconvene, within 30 days, its Medically Fragile/Complex Review Committee to discuss the related service of transportation for the student, with documentation to be provided to the Bureau. The district was required to differentiate between "suctioning" and "deep suctioning," as related to the student. The district was required to hold an IEP committee meeting within 30 days of the meeting referenced above to determine the provision of transportation as a related service and to provide documentation to the Bureau.

Collier County School Board
Agency Order No. DOE-98-282-FOF
February 25, 1998

The parent of a student with disabilities filed this complaint. The complainant alleged the district failed to provide an independent educational evaluation (IEE) in a timely manner. The complainant also alleged that the district failed to consider independent evaluations the parent had obtained and to consider accommodations addressing the student's health issues in the least restrictive environment (LRE). The Bureau conducted an inquiry, including reviews of records and other documentation and interviews with district staff.

The student was visually impaired, attended a nonpublic school, and received vision services from the district. The parent requested information on an IEE by letters dated two days apart, and the district responded in writing five days from the date of the first letter. Evaluators on the district's list had not responded to the parent by the following month; the district assisted by contacting the evaluators and determined that none were available. Other sources were provided to the parent, but they too were not

available. The parent understood it was the district's responsibility to schedule the IEE.

As corrective action, the district was required to clarify in writing whether the district was agreeing to pay for an IEE or was requesting a due process hearing. The district was also to provide to the parent clear direction regarding the IEE process. Documentation was to be provided to the Bureau within 20 days of the Order.

The parent alleged the district disregarded a doctor's report on the student's vision. The parent had provided a report, and the district requested, in writing, a more current report from the parent and the student's eye doctor due to a concern about possible discrepancies between the report and a more current functional vision assessment. This concern was raised because the information was being considered at an IEP meeting. Insufficient information was available to the Bureau staff to determine whether the district considered information provided by the parent. No corrective action was required.

The parent alleged this district did not take the student's allergies into consideration when providing services. The student's neighborhood school had been found to contain mold, and all students attending that school were offered services, in writing, at the middle school of each parent's choice. The complainant stated that the district, only upon her filing of the complaint, offered the accommodation. No corrective action was required.

Collier County School Board
Agency Order No. DOE-98-283-FOF
February 25, 1998

A former employee of the district filed this complaint. The employee's allegations related to a district high school, stating that the district failed to provide proper notice to parents of IEP meetings, provide students with consultative services on their IEPs, develop transition plans, conduct manifestation hearings when students were suspended for more than 10 days, and provide timely re-evaluations. The district conducted an inquiry, which included extensive record reviews, multiple on-site visits, and in-depth data collection from parents and staff at the high school.

To determine whether parents were provided with notice of IEP meetings, the Bureau reviewed student records and responses to parent surveys and telephone interviews. Forty-one of 48 records reviewed for written notice included the notice. One notice did not include all required components. Of those which addressed transition, several lacked an indication this was the purpose of the meeting, and several failed to invite the student. One notice referenced agency participation. Telephone interviews and parent survey responses did not indicate a systemic problem with notice of IEP meetings; however, meetings held to develop transition plans lacked components.

As corrective action, Bureau staff was required to return to the high school to review additional records and to verify the sufficiency of the documentation during the 1998-99 school year.

The complainant alleged that pre-written IEPs were presented to parents. Parents and teachers were questioned via telephone and written surveys about writing IEPs prior to the IEP meeting. Four parents indicated they had not been allowed to make suggestions or changes to the IEP; all others who responded to the question indicated they were pleased with the process and were included in decision making. Teachers indicated they pre-wrote some information on the IEPs prior to the meeting. The Office of

Special Education Programs (OSEP) has stated that districts may bring pre-written information to the meeting as long as the parent has the opportunity to suggest revisions. The review did not reveal a systemic problem, and no corrective action was required.

The complainant alleged that Local Education Agency (LEA) representatives often did not attend IEP meetings, but those LEA representatives would sign IEPs after the meetings had taken place. Interviews and surveys conducted with parents and teachers indicated there might have been instances in which someone not present at the IEP meeting signed IEPs. However, the Bureau was not able to determine, based on the information provided, a systemic problem existed with nonattendance of LEA representatives. No corrective action was required.

The complainant alleged that students did not receive consultation services. Sixteen records were reviewed and 11 had supporting documentation of the provision of consultation. Some of the documentation contained inconsistencies, and not all were compliant with procedures required at the time. Due to the changes in funding, a corrective action was not deemed appropriate. However, a recommendation was made that the school develop a system for documenting the provision of consultation services for students whose IEPs require them.

The complainant alleged that not all students aged 16 and older had transition plans. Of the 36 records reviewed, 25 did have transition plans and 11 did not. All transition plans reviewed lacked a statement of interagency responsibility, and only one indicated that an agency representative had attended. All of the other required components were lacking in at least some of the transition plans reviewed.

As corrective action, the district was required, within 45 days of the Order, to provide inservice training on the development of transition IEPs for all ESE teachers and other appropriate staff at the high school, with documentation to be provided to the Bureau. The Bureau determined that Bureau staff would return to the high school during the following school year to verify that IEPs were in compliance.

The complainant alleged that no manifestation hearings were conducted for students with disabilities who were suspended for more than 10 days or being considered for expulsion. The district indicated that a parent had filed a complaint about this issue with the Office of Civil Rights (OCR). In the resolution with OCR, the district agreed to amend its code of student conduct to include manifestation hearings for students with disabilities and to conduct such hearings for students at the high school who had received out-of-school (OSS) suspensions for 11 or more days.

The complainant alleged that students at the high school were not being re-evaluated in accordance within the required three years. Bureau staff reviewed records and determined that some re-evaluations were not being conducted in a timely manner.

As corrective action, the high school was directed to ensure that three-year re-evaluations were conducted as required. The Bureau would visit the school during the following school year to verify compliance. Within 30 days of the Order, the district was also required to send to the Bureau a list of students who are due for re-evaluation, as well as documentation that the re-evaluations were being conducted.

Escambia County School Board
Agency Order No. DOE-98-284-FOF
March 2, 1998

The parent of a student with disabilities filed this complaint, alleging the district failed to properly develop her son's IEP and to provide services in the LRE,. The Bureau conducted an inquiry, including reviews of records and other documentation and interviews with district staff.

The parent stated she did not receive proper notice for an IEP developed for her child. The district responded that the notice was sent, but could not provide documentation because the teacher had mistakenly sent all copies of the notice to the parent. The parent, the teacher who wrote the IEP, and the district provided conflicting information as to whether the IEP was developed at a properly constituted IEP committee and whether proper notice was given.

As corrective action, the district was required to assure that the parent be invited to all future IEP meetings and that IEP meetings be properly constituted. The district was required to send the parent notice of the IEP meetings and the signature page of the notice to the Bureau for review within 15 days of IEP meetings for the remainder of the current and following school years.

The parent alleged the student had been removed from regular education participation without justification. She stated that the student was currently in a fully self-contained setting and was allowed to leave the classroom only with his classmates and that he has no contact or interaction with non-disabled peers. The district stated that the student was not segregated at lunch, but chose where to sit. The district further stated that ESE buses were loaded away from other students for safety reasons. The student's IEP included a least restrictive environment (LRE) form which indicated his placement as "Special Class" with participation with nondisabled peers in all nonacademic settings. Although no corrective action was required, it was recommended that the district meet with the parent to discuss meaningful participation with nondisabled peers.

Escambia County School Board
Agency Order No. DOE-98-303-FOF
June 1, 1998

This complaint was filed by the parent of a student with disabilities, alleging that the district failed to appropriately discipline the student, to provide behavioral interventions or a behavioral plan, to provide qualified personnel, to implement the IEP, and to appropriately respond to requests for additional services. The Bureau conducted an inquiry, including reviews of records and other documentation and interviews with district staff.

The child was a middle school student with autism and "moderate-to-severe mental retardation," who was also receiving speech/language, occupational, and physical therapies. The student assaulted a staff member, and criminal charges of battery were filed. The parent alleged that the student was being punished for behavior related to his disability, that he did not know right from wrong, and that the school was aware of his level of functioning and failed to inform the school resource officer of this at the time of the incident. The student was held out of school by the parent for more than the five-day suspension because the principal informed her in writing that, although the student was welcome to return, no additional help would be available. The district stated that the school resource officer was

following procedures and that Juvenile Justice made the determination of competence.

The parent stated that there have been no interventions and behavior plans to address the student's problems. The student's IEP prior to the suspension did not include a behavior plan, and the IEP indicated that his only behavior problems were those associated with autism. Several months prior to the incident, classroom observations documented aggressive behavior, about which the parent had expressed concern. The district provided a functional behavioral assessment, a behavioral plan, and a classroom behavioral technician following the incident.

As corrective action, the district was required to ensure that appropriate behavioral plans and interventions be provided to the student and that a copy of the student's IEPs, behavioral plans, and other behavior related documentation be provided to the Bureau for the entire school year.

The parents alleged the school staff working with the student was neither qualified nor knowledgeable about how to deal with the student. The district stated that the student's teachers had been trained in the method of instruction requested by the parents and that his current teacher was attending training when the incident referenced above occurred. Staff who worked with the student were all certified or licensed in the State of Florida. No corrective action was required.

The parents stated portions of the IEP were not implemented, specifically "visual schedules" and community based instruction. The district responded that some of the student's goals were incremental and sequential and that the IEP was being implemented as written. No corrective action was required.

The parents stated they were not provided written notice of the district's refusal to provide additional therapy, despite their repeated requests for additional services. The district responded that the issue had been discussed at IEP meetings; parent meetings, including meetings at their home and on the weekends; and in writing. The parents subsequently requested an independent educational evaluation (IEE). The district stated that informed notice of refusal was not provided pending the completion of the IEE.

As corrective action, the district was required to conduct an IEP meeting following the IEE to determine any need for additional services. If the IEP committee determined that no services would be provided, appropriate notice of refusal must be given to the parents.

Flagler County School Board
Agency Order No. DOE-98-290-FOF
April 17, 1998

The parent of a student with disabilities filed this complaint, alleging that the district failed to allow the student to attend school when his individual aide was absent and that the student's school day was shortened because of his bus schedule. The Bureau conducted an inquiry, including reviews of records and other documentation and interviews with district staff.

The student was a middle school student with autism who received speech/language, occupational, and physical therapies. The parent alleged she had been told via telephone the student could not come to school because there was no aide to work with him on a given day. Shortly thereafter, the parent was informed that an aide had been found, and she was welcome to bring the student to school. The district's response stated that serious efforts had been made to obtain appropriate staff to work with the student

that day. The student's behavior required an individual aide, and the staff was also concerned for the safety of the student, other students, and themselves without adequate staff.

As corrective action, the district was required to ensure that should a similar situation arise, alternative arrangements must be made to follow the student's IEP. Documentation of alternative arrangements was to be provided to the Bureau within 20 days of the Order.

The parent reported that the student's school day was shortened due to the bus schedule. The district's response indicated that the student's school day met the minimum requirements for total instructional minutes (100 hours per month). No corrective action was required.

Lee County School Board
Agency Order No. DOE-98-309-FOF
June 23, 1998

This complaint was filed by the parent of two students with disabilities, alleging that the district failed to develop a behavior management plan for one of the students and failed to pay for an independent educational evaluation (IEE) for both students. The Bureau conducted an inquiry, including reviews of records and other documentation and interviews with district staff.

The students were both determined eligible for the program for students with specific learning disabilities (SLD), and one also received occupational therapy (OT) and physical therapy (PT).

The parent requested an individualized behavior plan for the student and was informed at an IEP meeting that the student's behavior was not bad in school and that he was successful with the school-wide program. He had won good character awards, and a behavior observation noted no behaviors requiring intervention. The district and parent disagree as to whether it was recommended that the parent consider help regarding managing the student's behavior at home. Written notice of refusal to provide a service was not given to the parent.

As corrective action, the district was required to provide notice of refusal to take an action if the parent requests a behavior management plan and the IEP committee determines it is inappropriate. Documentation was to be provided to the Bureau within 30 days of the action.

The parent alleged that independent educational evaluations (IEEs) were denied for both her children. The district agreed that a request had been made for one of the students and they were waiting until the parent returned from out of town to make arrangements. The other student had recently been evaluated by a private occupational therapist, and the district proposed using that evaluation as the IEE.

As corrective action, the district was required to complete arrangements for the first student's IEE or request a due process hearing within 20 days of the Order and to submit documentation to the Bureau within 30 days of the action. The district was also required to provide documentation that it has initiated payment for the second student's independent occupational therapy evaluation or to initiate a due process hearing and to provide documentation of the action to the Bureau within 30 days of the receipt of the Order.

Marion County School Board
Agency Order No. DOE-98-289-FOF
March 27, 1998

This complaint was filed by the parent of a student with disabilities, alleging that the district failed to evaluate the student, pay for an independent educational evaluation (IEE), consider an IEE provided by the parent, provide occupational therapy (OT), reschedule an IEP meeting, and treat the parent as an equal participant at IEP meetings. The Bureau conducted an inquiry, including reviews of records and other documentation and interviews with district staff.

The student was determined eligible for special programs for students who are physically impaired, are speech and language impaired, and require occupational therapy. At the time of the complaint, the student had been withdrawn from the district and was being home-schooled.

The parent requested a complete evaluation, including medical evaluation and evaluation for attention deficit disorder (ADD). Evaluations were conducted, and the student was determined ineligible for a specific learning disabilities (SLD) program, still eligible for a physically impaired (PI) program, and eligible for speech/language therapy and occupational therapy. The student was evaluated by school staff for ADD and found ineligible. The parent specifically wanted the student eligible for ADD services under IDEA, not under Section 504. The district explained criteria for eligibility for services under IDEA. No medical evaluation was conducted, and the parent was not provided with refusal to do so.

As corrective action, the district was required to provide written notice of refusal to provide a medical evaluation, if the parent requested one again, and to send documentation of the notice to the Bureau within 30 days of the action.

The parent requested that the district pay for a medical evaluation after it was conducted and after an IEP committee determined that it was not necessary. The district learned of the evaluation upon presentation of a bill. The parent disagreed with the sequence of events.

As corrective action, the district was required to provide written notice of refusal to pay for the medical evaluation within 30 days of the Order or to pay for the evaluation, with documentation to be provided to the Bureau within 30 days of the action.

The complainant alleged that district staff in making educational decisions for the student did not consider independent evaluations she provided. The district stated that the evaluations had been used and were helpful. District staff contacted one of the evaluators for additional clarification. Based on the information presented, it could not be determined whether the information had been considered. No corrective action was required.

The parent stated that occupational therapy was stopped without her approval. The district's response indicated that the student had been re-evaluated using the Criteria for Relevant Therapy (CERT) scoring sheet and was no longer eligible but was provided consultation for transition out of therapy. The parent requested another evaluation, and another CERT evaluation was performed with the same results. The placement decision was made at an IEP meeting with the parent's dissent written on the document. No corrective action was required.

The parent had car trouble and contacted the school 15 minutes before a scheduled IEP meeting with a request to reschedule the meeting. The request was denied, and the meeting was held. District staff indicated that the IEP would expire the following day; the parent disagreed. The district and the parent disagreed as to whether her input was sought and whether she was involved in a subsequent meeting.

As corrective action, the district was required to honor any future requests by the parent to reschedule an IEP meeting or provide notice of refusal to do so, with documentation of notice of refusal to be sent to the Bureau within 30 days of the action.

The parent alleged her input was not taken into consideration at IEP meetings. The district disagreed and provided examples of the incorporation of her suggestions. The parent denied the district's assertion. No corrective action was required.

Orange County School Board
Agency Order No. DOE-98-305-FOF
June 3, 1998

An advocate filed this complaint on the behalf of a parent of a student with disabilities. The complaint alleged that the district failed to include adequate present levels of performance, annual goals, short-term objectives, evaluation criteria, procedures, and schedules on the student's IEP, and failed to discipline the student appropriately. The Bureau conducted an inquiry, including reviews of records and other documentation and interviews with district staff.

The student had been determined eligible for programs for students with specific learning disabilities (SLD). The complaint dealt with an IEP written while the student was enrolled at a district middle school. At the time of the complaint, the student had withdrawn from the district.

The complainant stated that the information on the IEPs were inadequate. The Bureau reviewed the student's IEPs for the school year in question. However, the present level statements did not address the effects of the student's disability on performance, and not all were measurable. In the IEPs reviewed, all short-term objectives included evaluation criteria and schedules. Three of the eleven short-term objectives lacked evaluation procedures. No corrective action was required, as the student was no longer enrolled in a district school.

The complainant stated that the student had been suspended a total of 20 days during the first semester of his eighth grade year and that no related paperwork had been sent to his mother even though she requested it. The district responded that the parent had been invited to attend IEP meetings at which suspension and school progress was discussed. The committee noted that the student's actions were not related to his disability, and the committee recommended interventions. The district also provided letters that were sent to the student's mother each of the four times the student had been suspended. Three of the four letters indicated that school staff had been unable to reach the mother by phone; one letter indicated that they had reached the mother by phone. ESE services were not provided to the student while he was suspended; however, he had been allowed to make up homework and class assignments upon his return. The student also received five days of in-school suspension. No corrective action was required.

Palm Beach County School Board
Agency Order No. DOE-98-287-FOF
March 11, 1998

This complaint was filed by an attorney, alleging that the district failed to assign surrogate parents to children who were wards of the state, whose parents remained unknown, or whose parents could not be discovered. The Bureau conducted an inquiry, including reviews of district policy and interviews with district staff.

The complainant stated that she requested appointment of a surrogate parent for two of her clients who were wards of the state and that the district failed to do so in a timely manner. The district submitted its policy on the application, appointment, training, and monitoring of surrogate parents for review. District staff stated that area offices were being trained to identify students who would require a surrogate parent; however, no evidence of procedures for identifying these students appeared in district policy. As well, no evidence of documentation appeared that training of appointed surrogate parents occurred. Documentation was submitted that surrogate parents had been appointed for some of the attorney's clients; however, this was not done in a timely manner.

As corrective action, the district was required to ensure that surrogate parents be appointed to students in a timely manner, and the district was required to develop and approve a district board policy or procedure which included all criteria required by law. The district was to submit documentation of the newly approved school board policy or procedure by April 30, 1998.

Polk County School Board
Agency Order No. DOE-98-304-FOF
June 1, 1998

This complaint was filed by the parents of a child with disabilities, alleging that the district had failed to respond to their requests for information in a timely manner, to provide an explanation of updated procedural safeguards, to include parents as equal participants in meetings to discuss the student's educational program, to obtain parental consent for re-evaluation, to provide timely notice of individual educational plan (IEP) meetings, and to provide a free appropriate public education (FAPE). The Bureau conducted an inquiry, which included review of records and interviews with school and district staff.

Some of the issues related to this complaint concern events that occurred after the authorization of the requirements contained in the reauthorization of the Individuals with Disabilities Education Act (IDEA). At the time of the report, the new implementing federal regulations had not been approved.

The parents alleged the district failed to respond to requests for information in a timely manner. The parents sent letters to the superintendent, and although district staff responded, the parents were not sent all the information requested. Copies of the requested information were made available at the superintendent's office, but the district charged a fee for these copies which the parents alleged they could not pay. One district response was provided in 39 days; all others were provided in two weeks or less.

As corrective action, the district was required to provide timely access to information consistent with state and federal regulations (30 days). The district was required to provide to the Bureau a copy of any

requests for information by the parents and the accompanying district response within 10 days of that response.

The parents alleged the district failed to provide and to explain procedural safeguards notices, which reflected the revisions required by the reauthorization of the IDEA. The district provided the parents with a copy of the updated procedural safeguards notice when it was received from the Florida Department of Education. No corrective action was required.

The parents alleged they were not included as equal participants in meetings held to discuss the student's IEP. They stated that meetings were being held without their involvement. The district submitted evidence that the parents had been invited to all such meetings and that their input had been considered. A dispute occurred between the parents and the district as to the nature of one meeting to which the parents were not invited. No corrective action was required.

The parents alleged the district did not obtain consent for re-evaluation and had conducted evaluations without their consent. The parents had agreed for a district consultant to observe the student; however, the purpose of the observation came under contention. The student received a hearing screening without specific written consent. The district maintained that the parents' initial consent for screening covered the screening.

As corrective action, the district was required to obtain written consent prior to administration of any evaluation, which could be used for the purpose of re-evaluation. The district was required to provide documentation to the Bureau within 10 days of receipt of consent.

The parents alleged they did not receive complete or timely notice of IEP meetings. At three of the student's five IEP meetings, the parents were provided with notice at the meeting itself. These notices did not include all required components.

As corrective action, the district was required to provide the parents with prior written notice, which contains all required components to all meetings held to discuss the student's IEPs. The district was required to provide copies of these notices to the Bureau within 10 days of delivery to the parents for the 1998-99 school year.

The parents alleged the student was not receiving a free appropriate public education (FAPE). They stated that they had to pay for some Lovaas services and that the program offered by the district was not appropriate. The district submitted an IEP that included all required components and evidence that the student was receiving the services therein. The district provided the parents with written notice of refusal to pay for some services. The parents and the district disagreed as to the appropriateness of the district's program. No corrective action was required.

Volusia County School Board
Agency Order No. DOE-98-310-FOF
June 30, 1998

This complaint was filed by the parents of a student with disabilities, alleging that the district failed to implement the student's IEP, ensure that the student was making adequate progress, provide a free appropriate placement in the least restrictive environment, include the parents as members of the IEP

committee, and consider their input in IEP development. The Bureau conducted an inquiry, including reviews of records and other documentation and interviews with district staff.

The student was determined eligible for special programs for students who are mentally handicapped, speech and language impaired, and require occupational therapy.

IEPs developed for the student over a three-year period were reviewed. Each contained similar annual goals and short-term objectives. While some short-term objectives had been met during one year, none of the annual goals had been met. The district submitted lesson plans for the student, which indicated that his goals were being addressed.

No corrective action was required; however, it was recommended that the district reconvene an IEP meeting to develop an IEP with goals and objectives based on the student's present levels of performance prior to the start of the impending school year.

The parents of the student requested that their child, who has Down syndrome, be educated in a "full inclusion" environment, be supported by supplemental aids and services to meet the student's goals "to the maximum extent possible." The district stated the student was placed at his neighborhood school and was educated with regular education students for "the maximum amount appropriate" in accordance with his IEP. The student's IEP indicated the student was with nondisabled peers for approximately 35% of the school day. The district had completed a least restrictive environment form as part of the student's IEP, but because none of the items on the form had been checked, the documentation did not appear to indicate why the student was removed from regular education for more than 50% of the school day.

As corrective action, the district was required to reconvene an IEP committee prior to the upcoming school year to address least restrictive environment issues for the student, with documentation to be sent to the Bureau within 30 days of the meeting.

The parents stated that district staff refused to give them a copy of the student's "working IEP," which the parents wanted so they could write goals and objectives for the student in a regular kindergarten class. The parents further stated they were prevented from conferring with the student's teacher at an IEP meeting in order to develop appropriate goals. The district submitted documentation indicating that the parents had been invited to and had attended all of the student's IEP meetings as well as additional conferences held to discuss the student's education. At a number of these meetings, the parents requested that the student be educated in a regular kindergarten classroom with a unique aide. The district provided neither the requested placement nor informed notice of refusal to take the action.

As corrective action, the district was required to provide informed written notice of refusal to provide a service, including all required components, if the parents of the child requested any service which the district did not intend to provide, and to send documentation to the Bureau within 30 days of the action.

