

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

BACKGROUND

On May 25, 2007, the Bureau of Exceptional Education and Student Services received a signed complaint letter from ■. ■■■■■ ■■■■■, the parent of a student who has been receiving exceptional student education (ESE) services. The complainant alleged that the Orange County School District had violated federal and state laws relating to the education of students with disabilities. By letters dated May 30, 2007, the complainant and the district were informed of the Bureau's receipt of the formal complaint. Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Orange County School District completed the student's evaluation requested by the parent January 19, 2006, within a timely manner.

The 60-day timeline for the completion of the complaint inquiry began on May 25, 2007, with an anticipated completion date of July 24, 2007. As part of the inquiry process, the district and the complainant were asked to submit relevant documents and information to the Bureau. The district's documentation was submitted by Ms. Harriet Brown, Director for Exceptional Student Education (ESE) Policy and Procedures, Orange County School District, on behalf of Ms. Anna Diaz, Associate Superintendent, Orange County School District.

The educational records that were provided indicated that at the time of the filing of the state complaint, the student (D.O.B. ■■■■■, ■■■■■) was eligible for the special programs for students who are educable mentally handicapped (EMH).

ISSUE: Whether the Orange County School District completed the student's evaluation requested by the parent January 19, 2006, within a timely manner.

The following legal provisions apply to this issue:

Section 300.303(a) of Title 34 of the Code of Federal Regulations (Title 34) states in regards to reevaluations that, "A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with 300.304 through 300.311 (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or (2) If the child's parent or teacher requests a reevaluation..."

Section 300.304(a) of Title 34 states "...The public agency must provide notice to the parents of a child with a disability...that describes any evaluation procedures the agency

proposes to conduct. (b) Conduct of evaluation. In conducting the evaluation, the public agency must - (1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining - (i) Whether the child is a child with a disability...; and (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum...(2) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and (3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors..."

Section 300.305(a) of Title 34 regarding additional requirements for evaluations and reevaluations states, "Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must (1) Review existing evaluation data on the child, including (i) Evaluations and information provided by the parents of the child; (ii) Current classroom-based, local, or State assessments, and classroom-based observations..."

The corresponding state requirement is found in Rule 6A-6.0331 of the Florida Administrative Code (F.A.C.).

CONCLUSION

The Orange County School District did not complete the January 19, 2006, request for an autism evaluation and assistive technology evaluation within a timely manner.

CORRECTIVE ACTIONS

1. No later than August 13, 2007, the district shall complete the reevaluation as specified on the January 19, 2006, Consent for Reevaluation/Reevaluation Plan.
2. The student's IEP team shall convene to address the results of the student's reevaluation no later than August 17, 2007, so that any resultant changes to the IEP will be in place for the start of the school year.
3. Documentation of the student's evaluation including the consideration of the evaluation results by the student's IEP team must be provided to the Bureau by August 31, 2007.