

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

BACKGROUND

The Bureau of Exceptional Education and Student Services received a signed state complaint letter on May 22, 2007, from [REDACTED] and [REDACTED] [REDACTED] alleging that the Osceola County School District had violated federal and state laws relating to the education of students with disabilities. Letters dated May 24, 2007, notified the complainants and the district staff regarding the Bureau's receipt of the state complaint and the required components as specified in Section 300.153 of Title 34 of the Code of Federal Regulations (Title 34). Specifically, the complainants' allegations involved the following issues:

- ISSUE 1: Whether the Osceola County School District's use of the [REDACTED] Law Firm prevented the participation of Dr. [REDACTED] at the student's individual educational plan (IEP) meeting on May 8, 2007.**
- ISSUE 2: Whether the Osceola County School District followed required procedures related to the student's right to privacy.**
- ISSUE 3: Whether the Osceola County School District responded in a timely manner to the complainants' request for an emergency IEP meeting.**

Ms. Nancy Ham, Legal Assistant to Ms. Catherine D. Reischmann and Ms. Amy J. Pitsch, Attorneys with Brown, Garganese, Weiss, and D'Agresta, P.A., the law office for Exceptional Student Education (ESE), Osceola County School District, submitted the district documentation. The 60-day timeline for the completion of the inquiry was initiated on May 29, 2007, upon the receipt of the missing component for the complaint. The timeline for anticipated completion of the inquiry process was set for July 28, 2007.

As part of the inquiry process, relevant portions of the student's educational records were reviewed. The educational records indicated that the student (date of birth: [REDACTED]) was a high school graduate and received a standard diploma on [REDACTED]. The student had been determined eligible for special programs for students who are educable mentally handicapped (EMH) and speech impaired (SI).

- ISSUE 1: Whether the Osceola County School District's use of the [REDACTED] Law Firm prevented the participation of Dr. [REDACTED] at the student's individual educational plan (IEP) meeting on May 8, 2007.**

The following legal provisions apply to this issue:

Section 300.321(a)(6) of Title 34 of the Code of Federal Regulations (Title 34) states that the IEP team includes: “At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate...”

Section 300.321(c) of Title 34 states: “Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section must be made by the party (parents or public agency) who invited the individual to be a member of the IEP team.”

The corresponding state requirement is found in State Board of Education Rule 6A-6.03028 of the Florida Administrative Code (F.A.C.).

CONCLUSION

The Osceola County School District did not prevent the participation of Dr. [REDACTED] during the May 8, 2007, IEP meeting.

CORRECTIVE ACTION

None.

ISSUE 2: Whether the Osceola County School District followed required procedures related to the student’s right to privacy.

The following legal provisions apply to this issue:

Section 300.623(a) of Title 34 stated: “Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.”

Section 300.625(a) of Title 34 states: “The SEA must have in effect policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type of severity of disability.”

The corresponding state requirement is found in Section 1002.22 of the Florida Statutes (F.S.).

CONCLUSION

The Osceola County School District followed required procedures related to the student’s right to privacy.

CORRECTIVE ACTION

None.

ISSUE 3: Whether the Osceola County School District responded in a timely manner to the complainants' request for an emergency IEP meeting.

The following legal provisions apply to this issue:

Section 300.322(a) of Title 34 requires a public agency to: "...take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including - ...(2) Scheduling the meeting at a mutually agreed on time and place."

Section 300.324(b) of Title 34 states that each public agency must ensure that the IEP Team: "(i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and (ii) Revises the IEP, as appropriate, to address - (A) Any lack of expected progress toward the annual goals... and in the general education curriculum, if appropriate; (B) The results of any reevaluation...(C) Information about the child provided to, or by, the parents...(D) The child's anticipated needs; or (E) Other matters..."

The corresponding state requirement is found in Rule 6A-6.03028, F.A.C.

CONCLUSION

Although the requested IEP meeting did not occur until April 18, 2007, the Osceola County School District responded to the complainants' request with activities as listed in the Findings of Fact.

CORRECTIVE ACTION

None.