

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

BACKGROUND

On June 26, 2007, the Bureau of Exceptional Education and Student Services received a signed complaint letter from [REDACTED], the parent of a student who has been receiving exceptional student education (ESE) services. The complainant alleged that the Walton County School District had violated federal and state laws relating to the education of students with disabilities. By letters dated June 29, 2007, the complainant and the district were informed of the Bureau's receipt of the state complaint.

On June 20, 2007, the complainant had filed a due process hearing request which resulted in a settlement agreement with the district on July 27, 2007. In the settlement agreement, the district agreed to provide the student a waiver to attend school in the Okaloosa County School District and to provide transportation.

The following complaint issues were not resolved in the settlement agreement:

ISSUE 1: Whether the Walton County School District followed the required procedures regarding the provision of progress reports during the 2006-07 school year.

ISSUE 2: Whether the Walton County School District informed the parents of all individual educational plan (IEP) meeting participants when the ESE coordinator attended the *May 16, 2007*, IEP meeting.

The 60-day timeline for the completion of the complaint inquiry began on June 26, 2007, with an anticipated completion date of August 25, 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. Rosemary Ragle, Coordinator for Exceptional Student Education (ESE) and Psychological Services, Walton County School District. In addition, the complainant and the district provided information via telephone.

The educational records that were provided indicated that at the time of the filing of the state complaint, the student (D.O.B. [REDACTED]) was a [REDACTED] student who was eligible for the special programs for students with developmental delays (DD) and speech/language impairments (S/L) and was receiving occupational therapy (OT) as a related service.

ISSUE 1: Whether the Walton County School District followed the required procedures regarding the provision of progress reports during the 2006-07 school year.

The complainant stated in the complaint letter that ■ was told by the student's teacher that the progress reports had been placed in the student's backpack. However, the parent indicated ■ had not received the reports on a regular basis.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

Section 300.320(a) of Title 34 of the Code of Federal Regulations (Title 34) states that the IEP must include: "... (3) A description of – (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided..."

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 Walton County School District completed the required progress reports during the 2006-07 school year and made a good faith effort to provide the reports to the parents.

CORRECTIVE ACTION

None.

ISSUE 2: Whether the Walton County School District informed the parents of all individual educational plan (IEP) meeting participants when the ESE coordinator attended the May 16, 2007, IEP meeting.

The complainant alleged that the parents were not provided a prior notice identifying the attendance of the ESE Coordinator at the May 16, 2007, IEP meeting.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

Section 300.321(a) of Title 34 states that the IEP team must include: "... (1) The parents of the child... (4) A representative of the public agency who – (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet unique needs of children with disabilities... (iii) Is knowledgeable about the availability of resources of the public agency... (6) 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 300.322 of Title 34 states, “(b) Information provided to parents. (1) The notice required under paragraph (a) (1) of this must – (i) Indicate the purpose, time, and location of the meeting and who will be in attendance...”

The corresponding state requirement is found in State Board of Education Rule 6A-6.03028, of the F.A.C.

CONCLUSION

Although the Walton County School District did not inform the parents of the principal’s participation in the May 16, 2007, IEP meeting, the ESE Coordinator was included in the list of participants on the Parent Meeting Notification as LEA representative.

CORRECTIVE ACTION

None.