

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

**BACKGROUND**

The Bureau of Exceptional Education and Student Services received a signed state complaint letter on May 22, 2007, from [REDACTED] alleging that the Marion County School District had violated federal and state laws relating to the education of students with disabilities. Letters dated May 24, 2007, notified the complainant and the district staff regarding the Bureau's receipt of the state complaint. Specifically, the complainant's allegations involved the following issues:

- ISSUE 1: Whether the Marion County School District reviewed and revised the student's individual educational plan (IEP) related to the student's transition from [REDACTED] to [REDACTED]**
- ISSUE 2: Whether the Marion County School District followed the student's behavioral intervention plan (BIP) and/or IEP, specifically related to incidents referenced in the complaint.**
- ISSUE 3: Whether the Marion County School District followed the required disciplinary procedures with the student regarding the incident and arrest referenced in the complaint letter, specifically related to ensuring that copies of the special education and disciplinary records of the child were transmitted to the appropriate authorities to whom the agency reported the crime.**

The 60-day timeline for the completion of the inquiry began on May 22, 2007, with an anticipated completion date of July 21, 2007. A forty-five (45) day extension to the timeline was requested by the complainant's attorney (in agreement with the complainant) for the review of material. Thus, the timeline for the completion of the inquiry process was extended to September 4, 2007.

Ms. Wylene Cayasso, Exceptional Student Education (ESE) Director, Marion County School District, submitted the documentation for the district. The complainant also submitted documentation.

As part of the review process, relevant portions of the student's educational records were reviewed. The educational records that were provided indicated that the student (date of birth: [REDACTED]) was a [REDACTED]-grade student who was determined to be eligible for special programs for students with specific learning disabilities (SLD), speech and language impairments (S/L), and receiving occupational therapy (OT) as a related service.

**ISSUE 1: Whether the Marion County School District reviewed and revised the student's individual educational plan (IEP) related to the student's transition from [REDACTED] to [REDACTED].**

The following legal provisions apply to this issue:

Section 300.324(b) of Title 34 of the Code of Federal Regulations (Title 34) requires 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 State Board of Education Rule 6A-6.03028 of the Florida Administrative Code (F.A.C.).

**CONCLUSIONS**

The Marion County School District did not review and revise the student’s IEP related to the transition from [REDACTED] [REDACTED] to [REDACTED].

**CORRECTIVE ACTION**

The Marion County School District shall ensure that the student’s IEP is reviewed and revised as necessary related to changes in educational services and transitions from one type of educational setting to another. A copy of the student’s IEP(s) and report cards for the 2007-08 school year shall be provided to the Bureau on the following dates, as appropriate: October 31, 2007, and June 16, 2008.

**ISSUE 2: Whether the Marion County School District followed the student’s behavioral intervention plan (BIP) and/or IEP, specifically related to incidents referenced in the complaint.**

**CONCLUSION**

The Marion County School District shall ensure that the student’s IEP is reviewed and revised as necessary related to changes in educational services and transitions from one type of educational setting to another. A copy of the student’s IEP(s) and report cards for the 2007-08 school year shall be provided to the Bureau on the following dates, as appropriate: October 31, 2007, and June 16, 2008.

**CORRECTIVE ACTION**

No later than September 20, 2007, the Marion County School District shall convene the student’s IEP team, with the appropriate participants and after sufficient notice has been

provided to afford the parent(s) with an opportunity to attend the meeting, to determine the amount and type of compensatory services that may be needed due to the district's failure to implement the student's BIP and IEP, specifically related to incidents referenced in the complaint. Documentation of the IEP team's determination regarding compensatory services must be provided to the Bureau within one week following the IEP meeting. Verification of the provision of any compensatory services shall be provided to the Bureau on the following dates as applicable: October 31, 2007, and January 31, 2008.

**ISSUE 3: Whether the Marion County School District followed the required disciplinary procedures with the student regarding the incident and arrest referenced in the complaint letter, specifically related to ensuring that copies of the special education and disciplinary records of the child were transmitted to the appropriate authorities to whom the agency reported the crime.**

The complainant alleged that the Marion County School District had called the Ocala Police Department without notifying [REDACTED] that the student had hit the teacher. In addition, the complainant stated that "they put a Trespassing Warning on [the parent]." The student was taken to the [REDACTED] and charged with a battery violation.

**CONCLUSION**

1. The school principal informed the arresting officer verbally that the student was an ESE student.
2. The student was transported to the [REDACTED] and released to the parent after 20 - 30 minutes.

**CORRECTIVE ACTION**

None.