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

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BACKGROUND

On September 4, 2007, the Bureau of Exceptional Education and Student Services received a formal complaint from ▮▮▮▮ and ▮▮▮▮▮ ▮▮▮▮▮, parents of a student with disabilities. The complainants alleged that the Palm Beach County School District violated federal and state laws relating to the education of students with disabilities.

Within the complaint the parents had alleged that the district was not following the May 9, 2007, mediation agreement. Mediation agreements are enforceable in any State court of competent jurisdiction or in a district court of the United States, and, thus, are not within the Bureau's jurisdiction to investigate. However, Bureau staff communicated each of the parents' concerns to the district. The district responded that they had substantially complied with each provision of the mediation agreement and would continue to work diligently with the parents.

The following issue was investigated by the Bureau:

ISSUE: Whether the Palm Beach County School District appropriately denied the student's eligibility for Homebound or Hospitalized (H/H) on ▮▮.

The 60-day timeline for the completion of the complaint inquiry began on September 4, 2007, with an anticipated completion date of November 3, 2007. As part of the inquiry process, the district and the complainants were asked to submit relevant documents and information to the Bureau. The district's documentation was submitted by Ms. Laura Pincus, Administrative Director, Exceptional Student Education (ESE), Palm Beach County School District, on behalf of Mr. Russell Feldman, Executive Director of ESE, Palm Beach County School District. The complainants also submitted documentation. In addition, both parties provided information via telephone interviews.

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: ▮▮▮▮▮) was a ▮▮▮-grade student who had been determined eligible for special programs for students who are educable mentally handicapped (EMH) and language impaired (LI), and was receiving occupational therapy (OT) as a related service.

ISSUE: Whether the Palm Beach County School District appropriately denied the student's eligibility for Homebound or Hospitalized (H/H) on August 30, 2007.

The parent stated in the complaint that the student had been at home for over a year receiving H/H services and was beginning to experience anxiety about returning to

school. The parent indicated that the August 23, 2007, individual educational plan (IEP) meeting was scheduled to create an IEP that would allow the student to transition back to school part-time. The parent stated that ███ was told by the district the student would need a release from the doctor in order to return to school. The doctor who completed the student's paperwork was not familiar with the student as ███ previous doctor had recently passed away. The parent stated in the complaint that there was no place on the district's Request for Consideration of Hospital/Homebound Services form for the doctor to indicate the need for the student to transition back to school part-time, and at the same time receive the educational services at home as a H/H student, per the mediation agreement.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

Section 300.327 of Title 34 of the Code of Federal Regulations (Title 34) states that, "…Each public agency must ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child."

The corresponding state requirements are found in State Board of Education Rule 6A-6.03020 and 6A-6.03028of the Florida Administrative Code (F.A.C.).

CONCLUSION

The Palm Beach County School District appropriately denied the student's eligibility for Homebound or Hospitalized (H/H) on ███.

CORRECTIVE ACTION

None.