

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

BACKGROUND

On August 27, 2007, the Bureau of Exceptional Education and Student Services received a formal state complaint from Ms. Lilliam Rangel-Diaz, CLA/CP, Director, Student/Parent Advocate, Center for Education Advocacy, on behalf of parents of students with disabilities. The complainant alleged that the Miami-Dade County School District had violated federal and state laws relating to the education of students with disabilities. Specifically, the complainant's allegations involved the following issue:

ISSUE: Whether the Miami-Dade County School District obtains parental consent prior to conducting academic assessments that yield a grade-level equivalent as part of the reevaluation process for students with disabilities.

Letters dated August 31, 2007, notified the complainant and the district of the Bureau's receipt of the complaint. The 60-day timeline for the completion of the inquiry began on August 27, 2007, with an anticipated completion date of October 26, 2007.

Ms. Joanne Rosen, Exceptional Student Education (ESE) District Staffing Specialist, Miami-Dade County School District, submitted the documentation on behalf of Mr. Will Gordillo, Administrative Director of the Division of Exceptional Student Education Field Services, Miami-Dade County School District. The complainant also submitted documentation.

As part of the inquiry process, relevant portions of a specified student's records were reviewed. The educational records indicated that the student (date of birth: [REDACTED]) was a grade [REDACTED] student who had been determined to be eligible for special programs for students identified as educable mentally handicapped (EMH), language impaired (LI), and orthopedically impaired (OI).

ISSUE: Whether the Miami-Dade County School District obtains parental consent prior to conducting academic assessments that yield a grade-level equivalent as part of the reevaluation process for students with disabilities.

The complainant stated that the Miami-Dade County School District "reevaluates its students with disabilities by administering the Woodcock-Johnson III assessment, which is designed to measure general intellectual ability, specific cognitive abilities, and academic achievement, prior to [individual educational plan] IEP team meetings and child study team-reevaluation (CST-R) meetings without first obtaining parental consent." Specific facts for one particular student were provided, including "None of the student's [REDACTED] grade peers without disabilities were administered the Woodcock-Johnson." When questions were raised during the student's individual educational plan (IEP) meeting about the administration of the assessment without parental consent, the school principal checked with "Mrs. Mary Paz, Executive Director for

Special Education, who confirmed that there is no need to obtain parental consent prior to administering the Woodcock-Johnson to the student or to any other student receiving special education services.” The complaint was stated to be “district-wide” because of the complainant’s disagreement with the district’s interpretation regarding the need for parental consent prior to the administration of academic assessments such as the Woodcock-Johnson.

CONCLUSIONS

1. The academic assessment referenced in the complaint is not typically given to struggling, non-ESE students without parental consent
2. Parental consent should have been obtained prior to the administration of the academic assessment referenced in the complaint.

CORRECTIVE ACTION

The Miami-Dade County School District shall ensure that parental consent is obtained prior to the administration of an academic assessment to an ESE student unless the assessment is administered to all students, including non-ESE students, without parent consent. No later than November 15, 2007, this information shall be shared with ESE and student services personnel, school administrators, and any other appropriate staff. Verification regarding the district’s sharing of information regarding parental consent and academic assessment shall be provided to the Bureau no later than November 26, 2007.