

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

**BACKGROUND**

On September 13, 2007, the Bureau of Exceptional Education and Student Services received a formal complaint from Ms. Laurie Spiegel, Vice President of the [REDACTED]. The complainant alleged that the Hillsborough County School District had violated state and federal requirements regarding the education of students with disabilities. Specifically, the complainant's allegations involved the following issue:

**ISSUE: Whether the Hillsborough County School District provided services in a timely manner to the eleven parentally-placed private school students with disabilities identified in the state complaint who reportedly had been properly identified under Child Find as eligible for services that the School Board is providing for the 2007-08 school year.**

Letters dated September 14, 2007, notified the complainant and district staff of the Bureau's receipt of the complaint letter. On September 18 and 26, 2007, the district and the complaint were notified by the Bureau regarding documentation to be submitted.

Dr. Cristina Benito, Supervisor, Exceptional Student Education (ESE) Compliance, Hillsborough County School District, submitted the district documentation for Ms. Wynne Tye, ESE General Director, Hillsborough County School District. The complainant also submitted documentation. In addition, both parties provided information via telephone interviews.

As part of the inquiry process, relevant portions of the students' educational records were reviewed. The educational records indicated that the following are parentally-placed private school students who currently attend [REDACTED], a private school located in Hillsborough County:

- Student 1 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 2 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 3 (date of birth: [REDACTED]) is an [REDACTED]-grade student.
- Student 4 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 5 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 6 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 7 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 8 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 9 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 10 (date of birth: [REDACTED]) is a [REDACTED]-grade student.
- Student 11 (date of birth: [REDACTED]) is a [REDACTED]-grade student.

The following issue was investigated:

**ISSUE: Whether the Hillsborough County School District provided services in a timely manner to the eleven parentally-placed private school students with disabilities identified in the state complaint who reportedly had been properly identified under Child Find as eligible for services that the School Board is providing for the 2007-08 school year.**

## **LEGAL AUTHORITY FOR THE BUREAU’S FINAL DECISION**

Section 300.137(c)(2) of Title 34 of the Code of Federal Regulations (Title 34) regarding service plans states that the local educational agency (LEA) must, “Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the religious or other private school, including individual or conference telephone calls.”

Section 300.138(b) of Title 34 regarding services provided in accordance with a services plan states, “...(1) Each parentally-placed private school child with a disability who has been designated to receive services under 300.132 must have a services plan that describes the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined, through the process described in 300.134 and 300.137, it will make available to parentally-placed private school children with disabilities. (2) The services plan must, to the extent appropriate-(i) Meet the requirements of 300.320...meet the requirements of 300.323(b) with respect to the services provided; and (ii) Be developed, reviewed, and revised consistent with 300.321 through 300.324.”

Section 300.140(c) of Title 34 regarding state complaints states, “...(1) Any complaint that an SEA or LEA has failed to meet requirements in 300.132 through 300.137 through 300.144 must be filed in accordance with the procedures described in 300.151 through 300.153.”

The corresponding State Board of Education Rule is found in 6A-6.03314 of the Florida Administrative Code (F.A.C.).

## **CONCLUSION**

The Hillsborough County School District provided services in a timely manner to the parentally-placed private school students with disabilities who were eligible to receive S/L services and parents had agreed to the services.

## **CORRECTIVE ACTION**

None.