

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

BACKGROUND

On October 11, 2007, the Bureau of Exceptional Education and Student Services received a signed complaint letter from [REDACTED] and [REDACTED] on behalf of their [REDACTED], who has been receiving exceptional student education (ESE) services. The complainants alleged that the Pasco County School District had violated federal and state laws relating to the education of students with disabilities. On October 12, 2007, Bureau staff spoke with both the parent and the district to clarify the issue of the complaint. Specifically, the complaint allegation involved the following issue:

ISSUE: Whether the Pasco County School District followed the correct procedures with regard to determining the student's least restrictive environment (LRE) during the 2006-07 school year.

The 60-day timeline for the complaint inquiry began on October 11, 2007, with an anticipated completion date of December 10, 2007. As part of the inquiry process, the district and complainants were asked to submit relevant documents and information to the Bureau. Both parties submitted documentation. The district's documentation was submitted by Ms. Monica Verra, ESE Director, Pasco County School District. 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 eligible for the special programs for students who are developmentally delayed (DD) and language impaired (L/I).

ISSUE: Whether the Pasco County School District followed the correct procedures with regard to determining the student's least restrictive environment (LRE) during the 2006-07 school year.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

Section 300.114(a) of Title 34 of the Code of Federal Regulations (Title 34) states: "...(2) Each public agency must ensure that - (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily."

Section 300.115 of Title 34 states: "(a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. (b) The continuum required in paragraph (a) of

this section must - (1) Include the alternative placements listed in the definition of special education under Section 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and (2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.”

Section 300.116 of Title 34 states: “In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that - (a) The placement decision - (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and (2) Is made in conformity with the LRE provisions of this subpart, including Sections 300.114 through 300.118; (b) The child’s placement (1) Is determined at least annually; (2) Is based on the child’s IEP; and (3) Is as close as possible to the child’s home; (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled; (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and (e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.”

The corresponding state requirement is found in Rule 6A-6.03028 of the Florida Administrative Code (F.A.C.).

CONCLUSION

The Pasco County School District followed the correct procedures with regard to determining the student’s least restrictive environment (LRE) during the 2006-07 school year.

CORRECTIVE ACTION

None.