

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

BACKGROUND

On October 17, 2007, the Bureau of Exceptional Education and Student Services received a formal complaint from [REDACTED] a parent of a student with a disability. The complainant alleged that the Lake County School District violated federal and state laws relating to the education of students with disabilities.

The 60-day timeline for the completion of the complaint inquiry began on October 17, 2007, with an anticipated completion date of December 16, 2007. As part of the inquiry process, the district and the complainant were asked to submit relevant documents and information to the Bureau. The district's documentation was submitted by Ms. Pat Lawson, Coordinator of Exceptional Student Education (ESE), Lake 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 student's educational records were reviewed. The educational records indicated that the student (date of birth: [REDACTED]) was a [REDACTED]-grade student who had been determined eligible for special programs for students with specific learning disabilities (SLD).

The following issue was investigated by the Bureau:

ISSUE: Whether the Lake County School District followed the required procedures regarding the complainant's request for an assistive technology evaluation on January 22, 2007.

The complainant stated that the assistive technology evaluation requested on January 22, 2007, had not been completed at the time the complaint was filed in October 2007; nor had the district provided [REDACTED] a Notice of Refusal.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

Section 300.303 of Title 34 of the Code of Federal Regulations (Title 34) states: "(a)...A public agency must ensure that a reevaluation of each child with a disability is conducted... (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or (2) If the child's parent or teacher requests a reevaluation. (b) Limitation. A reevaluation conducted under paragraph (a) of this section (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary."

Section 300.305 of Title 34 states, in part, as follows: “(a)...As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must - (1) Review existing evaluation data on the child, including - (i) Evaluations and information provided by the parents of the child; (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and (iii) Observations by teachers and related services providers; and (2) On the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine - (i) ... (B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child; (ii) The present levels of academic achievement and related developmental needs of the child; (iii)... (B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum...”

The corresponding state requirement is found in the State Board of Education Rule 6A-6.0331 of the Florida Administrative Code (F.A.C.).

CONCLUSION

The Lake County School District followed the required procedures regarding the complainant’s request for an assistive technology evaluation on January 22, 2007.

CORRECTIVE ACTION

None.