

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

BACKGROUND

On October 25, 2007, the Bureau of Exceptional Education and Student Services received a formal complaint from [REDACTED], the parent of a student with a disability. The complainant alleged that the Flagler 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 25, 2007, with an anticipated completion date of December 24, 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 Dr. Myra Middleton-Valentine, Director, Exceptional Student Education (ESE), Student Services, and Psychological Services, Flagler 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 an [REDACTED]-grade student who had been determined eligible for special programs for students who are physically impaired (PI) with other health impairment (OHI).

The following issue was investigated by the Bureau:

ISSUE: Whether the Flagler County School District followed the required procedures regarding the complainant's request for an independent educational evaluation (IEE) during the 2007-08 school year.

The parent requested an IEE due to not being in agreement with district evaluations completed.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

Section 300.502(b) of Title 34 of the Code of Federal Regulations (Title 34) states, "(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency..."

The corresponding state requirement is found in State Board of Education Rule 6A-6.03311 of the Florida Administrative Code (F.A.C.).

CONCLUSIONS

1. Federal and state laws do not require an IEE to be provided at public expense unless the parent disagrees with an evaluation obtained by the district.
2. The Flagler County School District has agreed to provide an IEE at public expense for academic testing only.
3. The district continues to work with the parent regarding the provision of this IEE.

CORRECTIVE ACTION

None.