

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

**BACKGROUND**

On November 1, 2007, the Bureau of Exceptional Education and Student Services received a signed complaint letter from [REDACTED] on behalf of [REDACTED], who have been receiving exceptional student education (ESE) services. The complainant alleged that the Madison County School District had violated federal and state laws relating to the education of students with disabilities. On November 2, 2007, Bureau staff spoke with the parent and the district to clarify the issues of the complaint. Specifically, the complaint allegations involved the following issues for Student One ([REDACTED]):

**Student One**

- ISSUE 1: Whether the Madison County School District reevaluated the student in a timely manner during the 2006-07 school year.**
- ISSUE 2: Whether the Madison County School District has appropriately determined the student's eligibility for all applicable exceptional student education (ESE) categories.**
- ISSUE 3: Whether the Madison County School District provided the student with special transportation as a related service per the individual educational plan (IEP) for the 2006-07 school year.**
- ISSUE 4: Whether the Madison County School District provided the student with the supplemental aids and services specified on the IEPs to enable the student to be involved in and make progress in the general education curriculum during the 2006-07 school year.**

The 60-day timeline for the complaint inquiry began on November 1, 2007, with an anticipated completion date of December 31, 2007. As part of the inquiry process, the district and complainant were asked to submit relevant documents and information to the Bureau. The district's documentation was submitted by Ms. Ramona Guess, ESE Director of the Madison County School District. The educational records that were provided indicated that at the time of the filing of the state complaint, Student One (D.O.B., [REDACTED]) was eligible for the special programs for students with specific learning disabilities (SLD).

**ISSUE 1: Whether the Madison County School District reevaluated the student in a timely manner during the 2006-07 school year.**

**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."

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

**CONCLUSIONS**

1. The student's reevaluation was not due during the 2006-07 school year.
2. The student's IEP team did not recommend reevaluation during the 2006-07 school year.

**CORRECTIVE ACTION**

None.

**ISSUE 2: Whether the Madison County School District has appropriately determined the student's eligibility for all applicable exceptional student education (ESE) categories.**

**LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION**

Section 300.304(c) of Title 34 required the public agency to ensure that - "(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities...(6)...The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified."

Section 300.306 of Title 34 states: "(a) General. Upon completion of the administration of assessments and other evaluation measures (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in 300.8, in accordance with paragraph (b) of this section and the educational needs of the

child; and (2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent...”

The corresponding state requirement is found in Rule 6A-6.0331, F.A.C.

## **CONCLUSION**

The Madison County School District has appropriately determined the student’s eligibility for all applicable ESE categories; however, the IEP team has recommended a reevaluation for possible eligibility for E/BD if the student re-enrolls in the district from home education.

## **CORRECTIVE ACTION**

None.

**ISSUE 3: Whether the Madison County School District provided the student with special transportation as a related service per the individual educational plan (IEP) for the 2006-07 school year.**

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

Section 300.34 of Title 34 states, “(a)...Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education...”

Section 300.107(a) of Title 34 states, “Each public agency must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child’s IEP Team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. (b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available...”

The corresponding state requirements are found in Section 1003.57 of the Florida Statutes (F.S.) and Rule 6A-6.03411, F.A.C.

## **CONCLUSION**

The Madison County School District provided the student with special transportation as a related service per the IEP for the 2006-07 school year.

## **CORRECTIVE ACTION**

None.

**ISSUE 4: Whether the Madison County School District provided the student with the supplemental aids and services specified on the IEPs to enable the student to be involved in and make progress in the general education curriculum during the 2006-07 school year.**

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

Section 300.324 of Title 34 states: "... (b) Review and revision of IEPs. (1) General. Each public agency must ensure that... the IEP Team (i) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and (ii) Revises the IEP, as appropriate, to address (A) Any lack of expected progress toward the annual goals... and in the general education curriculum, if appropriate; (B) The results of any reevaluation ...; (C) Information about the child provided to, or by, the parents... (D) The child's anticipated needs; or (E) Other matters..."

300.42 of Title 34 defines supplementary aids and services as "... aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate..."

The corresponding state requirement is found in Rule 6A-6.03028, F.A.C.

## **CONCLUSION**

The Madison County School District provided the student with the supplemental aids and services specified on the IEPs to enable the student to be involved in and make progress in the general education curriculum during the 2006-07 school year.

## **CORRECTIVE ACTION**

None.

## **RECOMMENDATION**

If the student re-enrolls in the Madison County School District, the student's IEP team may consider reconvening to determine whether there is a need for supplemental aids and services in order for the student to make progress in the general education curriculum due to the lack of mastery of goals between November 2005 and November 2006.

## **Student Two**

Specifically, the complaint allegations involved the following issues for Student Two (████):

- ISSUE 1: Whether the Madison County School District followed the required procedures with regard to determining the student's least restrictive environment (LRE) during the 2006-07 school year.**
- ISSUE 2: Whether the Madison County School District failed to provide the student with accommodations per the student's IEP(s) for the Florida Comprehensive Assessment Test (FCAT) during the 2006-07 school year.**
- ISSUE 3: Whether the Madison County School District failed to implement the student's 2006-07 IEP(s) with regard to the provision of speech and language therapy.**

Student Two (D.O.B., █████) was eligible for the special programs for students who have an emotional handicap (EH), specific learning disabilities (SLD), and received related services for occupational therapy (OT).

- ISSUE 1: Whether the Madison County School District followed the required 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 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."

The corresponding state requirement is found in Rule 6A-6.03028 of the F.A.C.

## **CONCLUSION**

The Madison County School District followed the correct procedures with regard to determining the student's LRE during the 2006-07 school year.

## **CORRECTIVE ACTION**

None.

**ISSUE 2: Whether the Madison County School District failed to provide the student with accommodations per the student's IEP(s) for the Florida Comprehensive Assessment Test (FCAT) during the 2006-07 school year.**

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

Section 300.39(b) of Title 34 states: "... (3) *Specially designed instruction* means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction (i) To address the unique needs of the child that result from the child's disability; and (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children..."

Section 300.320(a)(6)(i) of Title 34 requires that the IEP include, "...A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments..."

The corresponding state requirement is found in Rule 6A-6.03028, F.A.C.

## **CONCLUSION**

The Madison County School District provided the student with accommodations per the student's IEP for the FCAT during the 2006-07 school year.

## **CORRECTIVE ACTION**

None.

**ISSUE 3: Whether the Madison County School District failed to implement the student's 2006-07 IEP(s) with regard to the provision of speech and language therapy.**

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

Section 300.39(a) of Title 34 states: "...Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and (ii) Instruction in physical education. (2) Special education includes each of the following... (i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards..."

The corresponding state requirements are found in Section 1003.57, F.S., and Rules 6A-6.03012 and 6A-6.03411, F.A.C.

## **CONCLUSION**

There was no finding of noncompliance related to the provision of speech and language therapy for the student as the student's IEP for the 2006-07 school year did not include the provision of speech and language therapy.

## **CORRECTIVE ACTION**

None.