

Agency Order Summaries

Broward County School Board
Agency Case No. DOE-98-347-FOF
December 10, 1998

This complaint was filed by the parents of a student who was determined to be eligible for special instructional programs for students who are gifted and special programs for students who are speech and language impaired. The parents alleged that the district failed to provide speech/language therapy, schedule an individual educational plan (IEP) meeting, provide a qualified speech therapist for their son, invite the appropriate personnel to their son's IEP meetings, provide the parents with a copy of their son's IEP, provide an accommodation on their son's IEP regarding grade assignments, and appropriately follow procedures regarding their son's student records.

The parents alleged that their son was not provided with individual speech therapy during the summer of 1997 and make-up sessions during the 1997-98 school year when therapy sessions were missed. Information presented to the bureau indicated that speech therapy services were provided during the summer of 1997 and 1997-98 school year as indicated on the students' IEP. The investigation concluded that the district provided the services to the student in accordance with his IEP; therefore, no corrective actions were required.

The parents further alleged that the district refused their request to schedule an IEP meeting during the 1997-98 school year. The complainant and the district agreed that a request was made in writing to hold an IEP meeting. The district responded by letter to the complainant indicating an IEP meeting was not necessary.

As corrective action, the Broward County School Board was required to provide the parents with an informed notice of refusal in the event that the parents requested an IEP meeting during the 1998-99 through 1999-2000 school years and the district refused to hold the meeting. A copy of the notice was to be provided to the bureau within 30 days of the date on the notice.

The complainant alleged that the district failed to provide a qualified speech therapist during the 1997-98 school year. Evidence showed that the district provided two qualified therapists for the complainant's son during the year. Based on the findings no corrective actions were required.

A fourth issue reported by the parents was whether the district invited the appropriate persons, including the principal, to attend their son's four scheduled IEP meetings that had occurred during the 1997-98 school year. The parents requested that the principal attend every IEP meeting scheduled for their son. Documents indicated that the principal was invited to three of the four IEP meetings; however, the documents indicated that the assistant principal attended. It was further determined that the parents attended all the meetings. District staff indicated that copies of any documents generated at the meetings were provided to the parents; however, the bureau could not determine whether the complainant received a copy of their son's IEP.

Based on the findings, the bureau required no corrective actions but recommended that Broward County School Board provide a copy of the student's November 18, 1997, IEP to the parents and notify the parents if the principal was invited to the student's IEP meeting and cannot attend.

Additionally, the complainant contended that the district failed to implement the student's IEP that provided an accommodation for the grading of assignments. A review of the documentation indicated that accommodations in grading were made; however, the staff stated that the accommodations were short-term. No documentation of the accommodations could be found.

As corrective action, the district was to inform the student's teachers of the grading accommodations and request another IEP meeting to review the accommodations if necessary.

In the final issue, the parents alleged that the district failed to follow appropriate procedures regarding their son's student records. On September 18, 1998, the district showed the complainants their son's access log and offered the parents a copy, but they declined. The complainants further requested information to be purged from their son's records but were told by the district that the request must be in writing. Based on the information provided, the bureau could not determine whether the district followed appropriate procedures.

As corrective action, the district was to review the records in question and determine whether there was evidence of a written request to purge the records. If the request was located, the district was to forward it to the principal. If no request was found, the district was to inform the parents, and the student's access log was to be forwarded to the parents.

Department of Corrections
Agency Order No. DOE-98-317-FOF
August 14, 1998

This complaint was filed by a former special education employee at the Lake City Correctional Facility alleging that the Department of Corrections (DOC) and the Lake City Correctional Facility (LCCF) failed to provide a free appropriate public education (FAPE) to students with disabilities. The complainant specifically alleged that 91 verified exceptional student education (ESE) students were not being serviced, 19 students did not have current individual educational plans (IEPs), monthly consultations with teachers were not taking place, and students were not being mainstreamed in their academic classes. The bureau conducted an inquiry that included review of records and conversations with the complainant and correctional facility staff.

Lake City Correctional Facility acknowledged many deficiencies were occurring at the facility related to compliance with the Individual with Disabilities Education Act (IDEA). To resolve the issues related to the lack of compliance with the IDEA, the Department of Corrections and the Lake City Correctional Facility developed a corrective action plan. The Department of Education approved the corrective action plan, dated February 5, 1998, and signed by Warden Carolyn A. Cross.

Department of Corrections
Agency Order No. DOE-98-334-FOF
October 30, 1998

This complaint was filed by the parents of a student who was determined eligible for programs for students who are learning disabled and receiving educational services through the Department of Corrections. In a letter to the bureau, the parents alleged that the DOC failed to allow the active participation of the complainants and their son in the development of their son's IEP, thereby preventing a complete consideration of their son's needs in the area of assistive technology and mental

health services. Both the complainants and their son stated that they were not given sufficient opportunity to discuss the content of the IEP and other issues. Documentation disclosed that the IEP meeting conducted on May 19, 1998, was appropriately constituted and that the complainant and their son attended. Evidence further showed that the IEP was prepared in advance of the meeting; however, the audiotape of the meeting reflected that the participants were informed by the special education designee that the document reflected recommendations.

Based on the findings, the bureau did not recommend corrective action.

In its conclusion, the bureau made several recommendations. The bureau recommended that the DOC reconvene an IEP meeting for the student and encourage the student to be more involved. It was also recommended that the DOC and the student consider requesting a third-party mediation if a subsequent IEP meeting failed to culminate in an IEP that was satisfactory to the student or the Department of Corrections. It was further recommended that the DOC mark “draft” on all IEPs prepared in advance of the meeting and to remind the staff that the services proposed on the draft are only recommendations to facilitate discussion.

Department of Education
Agency Order No. DOE-98-340-FOF
November 20, 1998

This complaint was filed by the parents of a student who was determined to be eligible for the special programs for students with specific learning disabilities, alleging that the Department of Education (DOE) failed to conduct the inquiry into the complaint that they had filed on behalf of their son in accordance with the requirements of federal law. Specifically, the parents charged that it was taking an “...unprecedented amount of time...” to complete the formal complaint inquiry filed on May 28, 1998.

The complainants’ son was being served by the Florida Department of Corrections’ educational program and had filed a letter of formal complaint on May 28, 1998, alleging that the Department of Corrections (DOC) failed to involve the parents in the development of their son’s individual educational plan (IEP). The timeline for the conclusion of activities on the complaint was established as July 29, 1998. On July 27, 1998, the Department of Corrections and the complainant were notified by letter that the completion date was extended to September 15, 1998. The completion date was extended due to the legal issues involved and to allow for additional needed legal assistance. To permit all parties time to respond to the issues raised in the complaint, the completion date was extended a second time to October 26, 1998. The Final Order was signed on November 20, 1998.

As corrective action, the Department of Education was to review its complaint inquiry procedures to improve its timeline compliance.

Department of Education
Agency Case No. DOE-98-343-FOF
December 01, 1998

The complainant, a parent of a student with disabilities, alleged that the Department of Education (DOE) violated federal and state law because it failed to provide appropriate accommodations for her son during the administration of the Florida Comprehensive Assessment Test (FCAT).

A review of the provided information indicated that the majority of the student's textbooks and reading materials had been provided in the form of audio recordings. The complainant contended that not providing the student's usual accommodations during the FCAT would violate the intent of the law. Following a review of policies and procedures, it was determined that under current test administration, a student with qualifying disabilities as determined by the local school officials and the student's individual educational plan (IEP) could have the FCAT mathematics test general directions and items read by the test administrator. For the reading test, however, only the test's general directions may be read by the test administrator. The reading test was designed to measure a student's reading skill; therefore, having the test read to the student would alter that which was being measured.

The bureau decided that the DOE rules and test guidelines did not violate Section 504 or Title II. The bureau based its decision regarding this complaint on the Florida Administrative Code pertaining to the accommodation and modification of exceptional students in the administering of assessments (Rule 6A-1.0943(2)(e)3) and on the Office of Civil Rights (OCR) decision (Complaint Number 04-97-1483) regarding the reading of the communication skills section of the High School Competency Test (HSCT).

No corrective action was required.

Duval County School Board
Agency Case No. DOE-98-341-FOF
November 24, 1998

The complainant filed a discrimination complaint with the Office of Civil Rights (OCR), who in turn forwarded the complaint to the United States Department of Education, Office of Special Education and Rehabilitative Services (OSEP). On July 1998, OSEP forwarded the formal complaint to the Florida Department of Education, Bureau of Instructional Support and Community Services.

The inquiry showed that the complaint was filed by the guidance counselor employed by the Duval County Public Schools. The complainant alleged that the district had violated federal and state legislation on three issues: that the complainant had been told not to notify parents of, or obtain parental consent prior to, the evaluation of a student; that the district had placed a student into an exceptional education class in violation of federal and state laws regarding the identification, evaluation, and placement of exceptional students; and that the district had placed a student into an exceptional education class contrary to the student's individual educational plan (IEP) and expressed wishes of the parents.

The complainant alleged that the school's Intervention Team and, subsequently, the school's principal instructed him to conduct evaluation activities without contacting the student's parents. Documentation indicated that the Intervention Team recommended the evaluation and marked "do not contact parent before testing;" however, the intent of the message was misunderstood. The intent of the message was not to contact the parents until after policy clarification could be obtained from the district level staff regarding the evaluation being considered.

As corrective action, the district was to provide training to the school's Intervention Team in the use of specific assessment instruments and when parental consent was required.

A second issue was whether the district placed a student into an exceptional education class without following the identification, evaluation, or placement procedures under Individuals with Disabilities Education Act (IDEA). After inquiry, the bureau determined that the student was placed into an exceptional education class due to a clerical error. The student was removed from the exceptional education class. Based on inquiry, it was determined that the placement of students into exceptional education programs without the required eligibility determination was not a systemic problem.

No corrective action was required; however, the bureau did recommend that the district review its procedures to ensure that all placements are based on the students' IEPs.

The complainant further alleged that the district placed a student into an exceptional class contrary to the wishes of the parents. The student with disabilities was placed into a self-contained classroom against the expressed wishes of the student's parents. The district provided evidence that the placement was made due to a clerical error. To remedy the problem the student was placed in a regular classroom with consultation as described on his IEP. It was further determined that the placement of students into exceptional education programs without the required eligibility determination was not a systemic problem.

No corrective action was required; however, the bureau did recommend that the district review procedures to ensure that scheduling of exceptional student education (ESE) students into ESE classes was based on the student's IEPs. The bureau further recommended that the district meet with the parent to determine if she wanted her son removed from the ESE program and, if so, respond appropriately to her request.

Hernando County School Board
Agency Order No. DOE-98-315-FOF
July 20, 1998

This complaint was filed by the parent of a child with disabilities. The complainant alleged that the district had denied the student a free appropriate public education (FAPE) by not providing a qualified interpreter throughout the school day as specified on the student's individual educational plan (IEP), not providing a qualified interpreter who met the student's educational needs, and not providing the student with the course modifications as specified on his IEP. The bureau conducted an inquiry that included a review of the student's records, copies of the interpreter's time sheets, copies of purchase orders, and invoices from the interpreter services under contract with the district. In addition, the bureau reviewed the daily interpreter schedule and reviewed the job description for teacher assistants.

Documentation indicated that an interpreter was available to the student each day with the exception of several occasions during April and May, 1998, during non academic and academic periods. The bureau concluded that the student was provided with an interpreter consistent with the specifications on his IEP. Interruptions were rare and unintended and, therefore, did not constitute a denial of FAPE.

Based on the bureau's findings, no corrective action was required.

The parent alleged that her child was not receiving the services of "qualified or certified interpreters." Documentation demonstrated that the interpreters under contract with the district were certified

by a national professional organization, the Registry of Interpreters for the Deaf (RID). The bureau concluded that the interpreters employed by or under contract with the district met the district's minimum requirements and, therefore, required no corrective action.

In the final issue, the parent alleged that the school failed to implement the course modifications as described on the student's IEP. A review of the educational records indicated that course modifications described in the student's current IEP were not provided to the student for six weeks of a twelve-week period.

As corrective action, the district was required to provide the course modifications as indicated on the student's IEP. If the IEP team determined that course modifications were not necessary for the student to receive a free appropriate public education, then the team would convene to review and revise the IEP. In the event the student returned to the district, the district was to provide the student with all the course modifications described on his IEP and maintain documentation that the modifications were so provided.

Monroe County School Board
Agency Case No. DOE-98-346-FOF
December 10, 1998

The complaint was filed by a former employee of the Monroe County School District. The complaint alleged that during the 1997-98 school year the district had failed to develop individual educational plans (IEPs) for students with disabilities that included the required components of extended school year (ESY), placement in the least restrictive environment (LRE), and standardized testing modifications and/or accommodations. Continuing, the complainant stated that the district failed to include the required participants in the IEP meetings, failed to inform the parents of students with disabilities of the procedural safeguards, and failed to provide the parents with the opportunity to participate in the development of their children's IEPs.

In regards to the first issue, it was determined by the evidence that the IEP team had failed to include the required components of ESY in the students' IEPs. A review of the documentation showed that all of the exceptional student education (ESE) students who were recommended for ESY actually did attend. In addition, the district stated that an ESY section had been added to the district's IEP form.

Through record review and the summation of parental surveys it was determined that least restrictive environment (LRE) was not given consideration in all IEP meetings. However, the issue did not appear to be a systemic problem at the school.

Investigation further concluded that the school's IEP teams did not consider standardized testing modifications and/or accommodations as part of an IEP development process.

As corrective action, the district was to monitor the school's IEP teams to ensure that the IEP included the components of ESY, LRE, and standardized testing modifications and/or accommodations. The bureau in conjunction with the school staff was to review students' IEPs to ensure compliance with the Individuals with Disabilities Education Act (IDEA) as amended, Section 1414(d) of Title 20 U.S.C. It was also recommended that the district provide training for the school staff on ESY and the role of the IEP team in recommending services.

The complainant further alleged that the regular classroom teachers and ESE teachers at the school were not in attendance at IEP meetings. In reviewing students' IEPs, it was determined that the required participants had attended and signed the IEPs.

Based on the findings no corrective actions were required.

In the final issue, the complainant alleged that the school failed to provide the parents with the procedural safeguards and give the parents an opportunity to participate in the development of their child's IEPs. The bureau did not find evidence to conclude that there was a systemic problem and, therefore, did not require corrective actions.

Orange County School Board
Agency Order No. DOE-98-335-FOF
October 30, 1998

This complaint was filed by the parent of a child who was determined eligible for special programs for students who are physically impaired and who are speech and language impaired and receiving services through the special programs for students who are homebound and hospitalized. The parent alleged that the district failed to provide her daughter with an appropriate report card for the third and fourth nine-week grading periods of 1997-98 school year, failed to provide a qualified teacher for her daughter during the 1997-98 school year, and failed to provide a notice of refusal form when refusing to hold an individual educational plan (IEP) meeting for her daughter.

In the first issue, the parent alleged that the district failed to provide the student with an appropriate report card for the third and fourth nine-week periods of the 1997-98 school year. Records indicated that the student's report card for the third nine-week grading period of the 1997-98 school year did not initially contain grades for three courses. Documentation showed that the grades were handwritten on the corrected copies of the report cards that were later provided to the complainant. For the fourth nine-week grading period, records revealed an "incomplete" was given in four courses. The "incomplete" grades were given due to a change in the student's class schedule. The bureau found that in a letter dated August 5, 1998, the district informed the parent that her daughter was to master the coursework in order to complete each class and receive grades for them.

There were no corrective actions required by the bureau.

The parent alleged that the district did not provide a qualified teacher for her daughter during the 1997-98 school year. Based on the bureau's findings, the hospital/homebound instructor was a qualified, certificated, and experienced instructor and had received specialized training in order to provide personalized instruction to the complainant's daughter. Documentation indicated that the complainant refused the homebound/hospital services by the assigned personnel.

There were no corrective actions mandated by the bureau; however, the bureau recommended that the teacher who was assigned to work with the complainant's daughter be provided training in augmentative devices.

In the final issue, the parent alleged that the district did not provide a notice of refusal form when the district refused to hold an IEP meeting for the complainant's daughter. The bureau's investigation indicated that there was a misunderstanding between the complainant and the district as to the type

of meeting the May 18, 1998, meeting was. The parent indicated an IEP meeting and the district indicated a meeting to review the students IEP. The mother contended that since the May 18, 1998, meeting was a review and not an IEP team meeting as she had requested, the district should have provided her with a notice of refusal form. The bureau concluded that there was not enough evidence to establish whether the district should have provided a notice of refusal form to the mother.

There were no corrective actions required by the bureau.

**Osceola County School Board
Agency Order No. DOE-98-336-FOF
November 4, 1998**

This complaint was filed by the parent of two students with disabilities alleging that the district denied one of her children a free appropriate public education (FAPE) by not providing appropriate services in the least restrictive environment (LRE) and failed to provide the complainant with informed notice when it proposed to change the educational placement of her child.

In addition, the complainant alleged that the district had delayed or denied the complainant's request for a due process hearing regarding the placement of the other child. However, while this inquiry was pending, the complainant filed with federal court to litigate this issue. Therefore, the Department lost its jurisdiction over this issue and placed it in abeyance until the litigation was concluded.

The parent alleged that the district denied the student FAPE by not providing the student with appropriate services in the LRE. The student was determined eligible for special programs for exceptional students. An individual educational plan (IEP) was developed with parental consent for placement in a regular class with exceptional student education services provided through a resource room setting. At a later IEP meeting, the IEP team determined that the student's special education services would be determined through a self-contained exceptional classroom. No evidence was provided to explain how the district determined that the student was to be removed from the regular education program for more than 50% of the day.

As corrective action, the district was required to ensure that students with disabilities are educated in the least restrictive environment. There was to be written documentation of the IEP team's consideration of the extent to which the student can not participate with children who do not have a disability in the regular class whenever a student is removed for a regular education classroom for more than 50% of the school day. Within 30 days of receipt of the order, the IEP team was to reconvene to address the student's unique needs and her removal from the regular classroom for more than 50% of the school day. Documentation of this meeting and its outcomes was to be submitted to the bureau within 30 days of the meeting.

The second issue was whether the district failed to provide the parent with informed notice when it proposed to change the educational placement of the student. Evidence provided to the bureau showed that the district did not provide the parent with a written informed notice of a change in her child's educational placement following an IEP meeting. Evidence indicated that the parent attended the meeting when the placement change was discussed and agreed on the change.

As corrective action, the district was required to ensure that when the IEP team changed the placement of a student with disabilities, the parent would be provided with informed written notice of the

change of placement. In the event that the IEP team reconvened regarding this student and proposed a change of placement, the district was required to provide the parent with informed notice of the proposed change. Documentation of the provision of the notice was to be submitted to the bureau within 30 days of the meeting.

Palm Beach County School Board
Agency Case No. DOE-98-344-FOF
December 02, 1998

The complaint was filed by the Legal Aid Society of Palm Beach County, Inc., on behalf of students with disabilities enrolled in the Palm Beach County School District. The complainant alleged that the district failed to provide a free appropriate public education (FAPE) to students with disabilities enrolled in Second Chance Schools or Alternative Education Programs. In summary, the allegations contended that the parents were not notified of their child's individual educational plan (IEP) meetings, did not receive notices of IEP meetings, were only notified after the IEP had been written, and were not apprised of their procedural safeguards. The allegations continued by stating that the IEPs did not meet minimum requirements as specified by federal regulations.

The district concurred with the accuracy of the allegations and agreed to a Corrective Action Plan to resolve the district's lack of compliance with the Individuals with Disabilities Education Act (IDEA) as amended. The Corrective Action Plan encompasses a training program, monitoring activities, and all other issues raised in the formal complaint.

Palm Beach School Board
Agency Case No. DOE-98-350-FOF
December 29, 1998

The complaint was filed by a parent of a student with disabilities who alleged that her son was refused the use of an assistive technology device during the district-wide administration of the Comprehensive Test of Basic Skills (CTBS).

A review of the student's individual educational plan (IEP) indicated the use of a calculator as an assistive technology device for all arithmetic calculations. Documentation indicated that the district met with the complainant to discuss the CTBS modifications for her son. The mother was advised that her son would not be allowed to use a calculator for the CTBS test. Records of the meeting showed that the parent was told that Florida State Board Rules prohibit the use of a calculator for CTBS testing. Based on the findings of fact and conclusions of law, the bureau concluded that there was no State Board of Education Rule in the Florida Administrative Code that addressed modifications to be used in the administration of the CTBS.

As corrective action, the IEP team was to consider whether the student should participate in district level testing and be allowed the use of a calculator. If the student were to participate under non-standard conditions, the IEP team would determine which modifications were suitable.

Further, the district was to revise their Administrative Directive and related policies. The revision was to include policy established by the State Board of Education as to the administration of state-level assessments to students with disabilities.

Pasco County School Board
Agency Order No. DOE-98-327-FOF
September 28, 1998

This complaint was filed by a parent of a student who had been determined eligible for the special programs for students who are speech and language impaired and for the special programs for exceptional students who require occupational therapy (OT). The complainant alleged that the district failed to provide prior written notice to her of a staffing scheduled, obtain her permission to conduct an occupational therapy evaluation, and complete the least restrictive environment (LRE) form for the student correctly. The bureau conducted an inquiry that included review of records and conversations with the complainant and district staff.

In the first issue, the parent alleged that the district failed to provide prior written notice inviting her to a staffing. The bureau's investigation concluded that there was a misunderstanding between the parent and the district as to the type of meeting that was being conducted.

As corrective action, the district was required to ensure that a written notice was provided to the parent if the district or school staff wished to schedule a meeting to propose to initiate or change the identification, evaluation, educational placement, or the provision of a free appropriate public education to the student.

The complainant also alleged that the district failed to obtain parent consent to conduct an occupational therapy evaluation. Documentation indicated that the parent had signed a consent for evaluation form on November 14, 1996, and rescinded the consent form on February 4, 1997. On September 17, 1997, the parent signed a second consent for evaluation form. The investigation showed a consent for evaluation form dated March 16, 1998, containing the undated signature of the parent. The consent for evaluation form was obtained for updating the student's speech and language program. The form also indicated that the re-evaluation might include other areas, including physical or occupational therapy (OT). The parent explained that she signed the form after the district had completed the OT evaluation.

As corrective action, the district was required to ensure that the re-evaluation decision made by the individual educational plan (IEP) team would be clearly explained to the parent and the school staff. District staff was also to ensure that the evaluations given to the student was needed to produce the data identified by the IEP team. If the IEP team determined that a re-evaluation was necessary during the 1998-99 through 2000-2001 school years, documentation that any determinations involving re-evaluations were communicated clearly to the parent and staff and that evaluations were chosen appropriately were to be provided to the bureau within 30 days of such actions.

The complainant alleged that the district failed to complete the least restrictive environment (LRE) form correctly. The bureau's inquiry determined that the student was approved to attend an elementary school through a school of choice opportunity. The teacher had not realized that the student was in a school of choice situation and, therefore, incorrectly marked the LRE form. An IEP meeting was initiated by school staff to correct the IEP.

As corrective action, the district was to ensure that school personnel were informed of any school of choice applications or decisions for the complainant's child prior to the completion of his LRE form. If another school of choice decision was to be made for this student during the 1998-99 school year,

district staff was to provide documentation to the bureau that his IEP team had been notified of this decision.

Pinellas County School Board
Agency Order No. DOE-98-338-FOF
November 9, 1998

This complaint was filed by the parent of a student with disabilities alleging that the district denied the complainant's son a free appropriate public education (FAPE). The complaint involved four specific allegations: 1) the district failed to implement appropriate behavioral strategies, interventions, and goals and objectives in the least restrictive environment as indicated on the student's individual educational plan (IEP); 2. the district denied the complainant access to her son's student records and released confidential information regarding her son to a private person; 3. the district altered the student's records without providing proper, informed notice to the complainant; and 4. the district failed to provide the complainant with informed notice when it proposed to change the educational placement of her son.

The student was determined eligible for programs for students who are physically impaired and had been diagnosed with Tourette Syndrome, Obsessive/Compulsive Disorder, and Attention Deficit/Hyperactivity Disorder. During the 1997-98 school year, the student attended middle school as a sixth grader and had received three discipline referrals during the first semester. The third referral resulted in a one-day suspension.

The first issue was whether the schools district implemented appropriate behavioral strategies, interventions, and goals and objectives in the least restrictive environment as indicated on the student's IEP. Documentation indicated that the student received special education services and that the present level of performance was appropriate and appeared to substantiate that instruction had been directed to the goals and objectives as described on the IEP. The IEP team documented, through the IEP process, that the student would benefit from special education services when removed from the regular classroom for more than 50% of the school day.

Based on the information in these reports, it was determined that no corrective action was necessary.

The complainant alleged that she had requested copies of assessment information. The district did not honor the request for the copies due to copyright laws but reviewed the information with the complainant. It was further alleged that confidential information regarding persons other than her son was provided the complainant. Records support this finding and show that information regarding another student was provided to the complainant.

As corrective action, the district was to ensure that the required parental consent and copyright legislation was followed and that the district abide by the procedures outlined in their *Student Educational Records Manual*.

It was also alleged that the district altered the student's records without providing proper, informed notice to the complainant. The complainant noted a discrepancy in the student's grade report concerning the student's reading at or below grade level. The district indicated that an error was made in the bubbling in on the computer sheet. Information regarding parental access to student records was included in the district's procedural safeguards notice and provided to the complainant.

Based on this information, it was determined that no corrective action was necessary.

The final issue was whether the district failed to provide the complainant with informed notice when it proposed to change the educational placement of the student. The complainant alleged that a suspension of more than one day constituted a change of placement and that no prior notices or parental consent was provided for the change of placement. Second, the parent expressed concern that there was a change of placement for the student during the summer school session of 1998. The student's IEP stated that the student was served in a fulltime special education class throughout the 1997-98 school year, including the summer session. This placement did not change because a one day suspension does not constitute a change in placement.

Based on this information, no corrective actions were recommended.