

## Agency Order Summaries

Following are summaries of Department of Education Orders entered between January 1999 and June 1999. These Orders were issued after inquiries were made by the Bureau of Instructional Support and Community Services in response to formal complaints filed with the Bureau, pursuant to Section 300.600-300.662 of Title 34 of the Code of Federal Regulations. Complete copies of the Orders are available from the Bureau.

These summaries are for informational purposes and are not intended to provide legal advice or assistance. Please refer questions to Iris Anderson, Program Specialist, Procedural Safeguards, Bureau of Instructional Support and Community Services, 614 Turlington Building, Tallahassee, Florida 32399-0400; (850) 488-1379; Suncom 248-1379; or via electronic mail at andersi@mail.doe.state.fl.us.

The heading for each summary provides the school board or agency where the inquiry was conducted, the agency order number, and the effective date of the Order.

\* \* \*

**Alachua County School Board**  
**Agency Case No. DOE-99-397-FOF**  
**March 26, 1999**

The parent of a child with disabilities filed this complaint. The parent was a former administrator at Chance Charter School located in the Alachua County School District. Following a review of all the documentation, it was determined that there were eight issues to be addressed. The issues were, specifically, whether the Chance Charter School (CCS) failed to provide students with disabilities the special education and related services, including speech and language, occupational therapy, extended school year, transportation, and physical education prescribed on their IEPs and on the corresponding matrices of services. The complainant further alleged that the district failed to ensure that parents were present at or afforded the opportunity to participate in meetings related to the identification, evaluation, eligibility, re-evaluation, and educational placement of and the provision of a free appropriate public education to their children. The allegations continued by charging that the district did not provide parents with written notifications with all required components prior to the individual educational plan (IEP) meetings in order to ensure that parents had an opportunity to attend and schedule meetings at a mutually agreed upon time and place. The parent also alleged that the district altered students' IEP documents and the corresponding matrices of services without the initiation of an IEP meeting and had developed IEPs prior to students' assignments to special programs. The parent further alleged that the district did not appropriately evaluate students suspected of having a specific learning disability within 30 calendar days following the determination of their eligibility nor ensure that students with disabilities had the opportunity to participate in required state and district assessments with the appropriate accommodations. The parent concluded that the district did not provide instruction by appropriately qualified or certified personnel.

The investigation was based on on-site visits, parent surveys, interviews of parents and staff from the Chance Charter School, interviews with the district staff, and reviews of documentation received from the district and the complainant.

The documentation indicated that speech and language services and occupational therapy were not provided in accordance with students' IEPs, extended school year (ESY) was not addressed in IEPs, and special transportation funding was not supported in IEPs. The review continued with a selected "desk-top" review of student records that indicated the matrices of services reflected services that were not prescribed by the students' IEPs. Records received further demonstrated that CCS did not maintain the required records for funding nor was there an orderly transfer of records, resulting in interruptions of services for students with disabilities.

In summary, it was found that there were many inconsistencies in the development of students' IEPs; however, no evidence showed that changes were made to IEPs outside of the IEP meeting. There was sufficient evidence to indicate that there were incomplete and inappropriately maintained records that made it difficult to determine appropriate evaluations, eligibility determinations, and testing accommodations.

As corrective actions, the district and the Chance Charter School were to jointly develop a plan to ensure that students with disabilities would be provided with special education and related services, develop procedures for training of personnel, and develop procedures for their orderly transfer of records between CCS and the district. Finally, as a result of the findings of fact (FOF) in transportation and individual student records, it was recommended that funding be reduced.

**Collier County School Board**  
**Agency Case No. DOE-99-413-FOF**  
**May 20, 1999**

This complaint was filed by the parents of a student with disabilities who has been determined eligible for the special programs for students who are speech and language impaired and autistic. The parents alleged that the district failed to provide services in the least restrictive environment (LRE) by refusing to provide supplemental aids and services, to provide measurable annual goals on the individual educational plan (IEP), to inform the parents regarding the amount of services received, to implement a behavior management plan, or to provide for an independent educational evaluation (IEE) as requested by the parents.

The parents alleged that the district failed to provide their son with services in LRE by refusing to provide supplemental aids and services, an appropriate classroom, and a safe educational environment during the 1998-99 school year. Documentation indicated that an IEP was developed for the complainant's son on April 28, 1998, at which time supplemental aids and services were not needed by the student and, therefore, not addressed in the April 28, 1998, IEP. Documentation also indicated that safety was being addressed in the classroom. It was concluded that the student was being provided education in LRE as determined by his IEP team.

Based on the findings no corrective action was required; however, it was recommended that the district work with the parents to take measures needed to ensure their son's safety prior to the implementation of his behavioral plan.

The parents also alleged that their son's annual IEP goals were not measurable. Following a review of the student's IEP, dated April 28, 1998, it was determined that although the goals are not specific, the short-term objectives provided sufficient specificity to meet federal and state law.

No corrective action was required.

The parents alleged that the district failed to inform them of the amount of services their son was receiving. According to the signatures on the IEP, the parents were not in attendance at their son's April 28, 1998, IEP meeting. The bureau was unable to determine the amount of services being provided. These findings were based on the fact that generally very broad ranges of time were used to describe the amount of time services were provided.

As corrective action, the district was to convene an IEP meeting to review and appropriately revise the student's IEP and explain to the parents the amount of time educational services were to be provided.

The parents further alleged that the district failed to implement a behavior management plan. A review of the April 28, 1998, IEP indicated a behavior management plan with an initiation date for services to begin on April 28, 1998. District staff indicated that a draft of a behavior intervention plan had been developed and collaboration with a representative of an out-of-school agency had been requested by the complainant to finalize the plan. Documentation indicated that the complainant did not agree with the draft behavior plan.

As corrective action, the district would work with the parents to implement an appropriate behavior plan. Evidence that the plan was being addressed was to be provided to the bureau.

Finally, the parents alleged that the district denied their request for an independent educational evaluation (IEE). District staff indicated that they had informed the parents that they could not request an IEE until after their son's behavior management plan had been completed.

As corrective action, the district was to provide an independent educational evaluation as requested by the student's parents or provide appropriate informed written notice of the refusal.

**Collier County School Board**  
**Agency Case No. DOE-99-361-FOF**  
**January 29, 1999**

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, no corrective actions were required; however, it was 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 is 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.

The complaint was filed by an attorney on behalf of the parents and a student who was determined to be eligible for special programs for students who are speech and language impaired. The complainants alleged that the district failed to provide the student with remedial reading instruction as recommended by an independent educational evaluation (IEE), provide the student with a reading tutor as orally recommended by the individual educational plan (IEP) team, and award credit to the student on completion of the PLATO Algebra course.

The complainants alleged that the district failed to provide the student with remedial reading instruction as recommended by an independent education evaluation. The complainants submitted an independent educational evaluation that concluded that "the most ideal teaching situation is to provide the student with a teacher skilled in remedial reading." Evidence showed that the IEP team considered the independent educational evaluation when developing the student's IEP and included goals and objectives that addressed reading skills. Based on the goals and objectives in the IEP, the student was enrolled in reading courses and was provided reading instruction during the 1995-96, 1996-97, 1997-98 school year.

No corrective actions were required.

The complainants further alleged that the district failed to provide the student with a tutor as orally recommended by the IEP team. The inquiry showed that the IEP team did discuss the need for a tutor and located a tutor to provide services; however, the complainants rejected the tutor due to the "ESE" designation of the services. Tutor services were not part of the student's IEP as a related service.

No corrective actions were required.

The final allegation made by the complainants was whether the district awarded credit to the student on completion of the PLATO algebra course. According to the district, both the student and complainant were informed that the PLATO Lab could be accessed for enrichment purposes only. The student's participation in the PLATO Lab was not a described service on the student's IEP. There was no evidence that the student had enrolled in the Algebra course through the PLATO Lab.

No corrective action was required.

**Gadsden County School Board**  
**Agency Case No. DOE-99-382-FOF**  
**March 2, 1999**

The formal complaint was filed by the parent of a high school student who had not been identified as a student with disabilities. The student was home-schooled by his mother during the 1996-97 school year. In 1997-98 he was enrolled in a public high school but had not received special education services. In January 1998, he was withdrawn from the public high school and enrolled in a private school. Specifically, the complainant alleged that the district failed to conduct an evaluation of her son as requested.

A review of the documentation indicated that there was no evidence of a written request to conduct an evaluation of the complainant's son. Documentation reviewed further indicated that there was a disagreement between the district and complainant regarding an oral request for evaluation. Based on this information, there was insufficient evidence to determine that a referral for evaluation for special education services was warranted during the 1997-98 school year.

No corrective action was required.

**Glades County School Board**  
**Agency Case No. DOE-99-399-FOF**  
**April 5, 1999**

The parent of a student who was determined eligible for the special programs for students with specific learning disabilities and for the special programs for exceptional students who require occupational therapy filed this complaint. Specifically, the parent alleged that the district failed to schedule an individual educational plan (IEP) meeting, implement a behavior plan for her son, discipline her son appropriately, implement her son's IEP appropriately, provide the parents with an explanation of the Notice of Procedural Safeguards, and provide the parent with a copy of their son's educational records.

In the first issue, the parent alleged that the district failed to schedule an IEP meeting for her son when she had requested a meeting. The district submitted a letter from the complainant, dated October 5, 1998, requesting an IEP meeting. District staff reported receiving the complainant's letter on October 13, 1998. Records indicate that the IEP meeting was held on October 15, 1998.

No corrective action was required.

In the second issue, the parent alleged that the district failed to implement a behavior plan for her son. The district reported that a functional behavior assessment was concluded and a behavior plan was being implemented. Further investigation concluded that staff from the Positive Behavior Support Project through the University of South Florida provided technical assistance to the district and the complainant. The developed IEP outlined behavior expectations and consequences for the complainant's son.

No corrective action was required.

In the third issue, the complainant alleged that the district failed to discipline her son appropriately. Documentation showed that the complainant was informed of both the classroom rules and the schoolwide discipline plan at the beginning of the 1998-99 school year. It was further determined that the district did not have an established policy relating to the disciplining of students with disabilities. The student's IEP developed for the 1998-99 school year, however, included a "Special Discipline Plan."

No corrective action was required.

The parent charged in the fourth issue that the district failed to implement her son's IEP appropriately. Records indicated that the complainant's child was removed from the classroom and placed in the resource room. The complainant explained that she felt that this action was outside the scope of her son's IEP. Following a review of the IEP dated October 15, 1998, it was determined that the district and complainant agreed that the student, for purposes of disciplining occurrences of inappropriate behavior, was to use the resource room for "major" infractions and a chair for "little" infractions.

Due to the fact that the district and complainant reached an agreement, no corrective action was required.

In issue five, the parent alleged that the district failed to provide them, the parents, with an explanation of the Notice of Procedural Safeguards. Based on the information provided to the bureau, the district gave many copies of the procedural safeguards notice to the complainant; however, it cannot be determined if the notice was adequately explained to the complainant.

No corrective action was required.

In the final issue, the parent alleged that the district failed to provide the parent with a copy of her son's educational records. Upon examination of the records, the parent did not submit a written request for copies of her son's educational records. The district indicated that the complainant was provided the student's functional behavior assessment in response to the complainant's request.

No corrective action was required.

**Hendry County School Board**  
**Agency Case No. DOE-99-378-FOF**  
**February 25, 1999**

This complaint was filed by a parent of a student who was determined eligible for the special programs for students with specific learning disabilities. The complainant's son had been determined eligible for the special programs for students who are speech and language impaired; however, he was dismissed from speech and language services on February 23, 1995. In a letter of formal complaint, the parent alleged that the district failed to provide the complainant's son with a free appropriate public education (FAPE) and "language therapy," as recommended in the student's independent educational evaluation (IEE).

The parent alleged that the district failed to provide her son with a free appropriate public education. In the review of documentation beginning October 1987 and ending in 1999, it was concluded that the complainant's son had received special education services for no less than 15 hours per week from the 1987-88 through 1994-95 school years and no less than five hours per week from the 1995-96 through 1998-99 school years. Reviewed records further indicated that the complainant's son was seeking a standard diploma, has passed his High School Competency Test, and has received the course credits necessary to receive a standard diploma at the conclusion of the 1998-99 school year.

No corrective action was required.

The parent also alleged that the district failed to provide her son with "language therapy," as recommended in the student's independent educational evaluation (IEE). Documentation indicated that the complainant's son was determined to be eligible for the special programs for students with specific learning disabilities on October 8, 1987; had been determined to be eligible for the special programs for students who are speech and language impaired on March 8, 1994; and received speech and language services until he was dismissed from the speech and language program on February 23, 1995. Records demonstrated that the complainant's son was readmitted into the special programs for students who are speech and language impaired on September 1, 1998. The investigation further indicated that the goals and objectives written for the student and documented on his IEPs were directed toward language skills, writing skills, and reading skills, among other subject areas.

Based on the information reviewed, no corrective action was required.

**Hillsborough County School Board**  
**Agency Case NO. DOE-99-401-FOF**  
**April 16, 1999**

This complaint was filed by the parents of a student who has been determined eligible for the special programs for students who are physically impaired and are speech and language impaired. In addition, the student was determined eligible for the special programs for exceptional students who require physical therapy and who require occupational therapy. In their complaint, the parents alleged that the district failed to release educational records to the parents in a timely manner, develop an individual educational plan (IEP) within 30 days of determining their son's eligibility for an exceptional education program, and hold an annual IEP review for their son in a timely manner.

In the first issue, the parents alleged that the district failed to release educational records in a timely manner. The investigation showed that a re-evaluation was initiated for their son on August 27, 1998. On November 16, 1998, an IEP meeting was held to review the student's IEP and to verbally share the results of the re-evaluation with the parents. The parents requested copies of the re-evaluations that included evaluations conducted by the school psychologist, school social worker, speech therapist, occupational therapist, physical therapist, and the exceptional student education teacher. Parts of the written re-evaluation information were provided to the parents on January 13, 1999 and February 3, 1999.

As corrective action, the district was to provide the parents an opportunity to inspect and review all educational evaluations conducted as a result of the re-evaluation. The district was also to provide a copy of the records to the parents within five days of any parental written request. In addition, the district was to respond to the parents' written request for copies of educational records as prescribed by federal and state statutes.

It was further recommended that the district was to review their internal processes for the preparation of evaluation reports to ensure that they were being prepared in an efficient and timely manner.

In the second issue, the parents alleged that the district failed to develop an individual educational plan within 30 days of determining their son's eligibility for an exceptional student education program. According to the records, a re-evaluation was initiated on August 27, 1998, and was completed by November 13, 1998. The re-evaluation was shared with the parents on November 16, 1998. The parents assumed that the November 16, 1998, meeting was for the purpose of determining eligibility and the 30-day timeline from eligibility determination to the development of an IEP was in effect. Documentation indicated that the November 16, 1998, meeting was to share information. A new IEP meeting was not held until February 25, 1999, which indicated a delay in the student's school assignment and a change of goals and objectives.

As corrective action, the district was to take steps to determine whether compensatory services were to be provided as a result of the delay in the student's school assignment. The district was also to review its procedures to ensure that changes in services, placements, and/or school assignments are not unnecessarily contingent upon eligibility determinations.

In the third issue, the parents alleged that the district failed to hold an annual IEP review for their son in a timely manner. Documentation indicated that an IEP was developed on December 1, 1997, with a duration date of December 1, 1998. A new IEP was not reviewed and revised until February 25, 1999, leaving the child without a current IEP from December 1, 1998, through February 25, 1999.

As corrective action, the district was to insure that it maintained a current IEP for the complainant's son.

In the final issue, the parents alleged that the district failed to schedule with them an IEP meeting for their son at a mutually agreed upon time. Based on the evidence, it was concluded that an IEP meeting was held to develop an IEP for the complainant's son on February 25, 1999, at which both parents were present, as indicated by both parents' signature appearing on their son's IEP.

Based on the findings no corrective action was required.



**Hillsborough County School**  
**Agency Case No. DOE-99-415-FOF**  
**May 28, 1999**

This complaint was filed by the parents of a middle school student with disabilities who had been determined eligible for the special programs for students who are profoundly mentally handicapped, are speech and language impaired, and require physical and occupational therapies. In their complaint, the parents alleged that the district failed to provide a current individual educational plan (IEP) that was appropriately developed by an IEP team, provide the special education and/or related services specified on the IEP, and provide an informed notice of change in the special education and/or related services being provided to their son.

Investigation by the bureau showed that the school district was implementing the incorrect IEP, which prevented the student from receiving occupational therapy (OT) and physical therapy (PT) services the IEP team had previously determined necessary. The district acknowledged the mistake and implemented an updated IEP.

As corrective action, a plan was developed to address the need for compensatory OT and PT services for the complainant's son.

In the second, issue the parents asserted that the district failed to provide special education and/or related services as specified on the son's IEP. This issue was dependent on the first issue. The district admitted in the first issue that the incorrect IEP was being followed; therefore, the incorrect services were being provided.

As corrective action, the updated IEP was implemented and described the appropriate services required for the student.

In the final issue the parents alleged that they did not receive a notice of a change in the special education and/or related services being provided to their son. The bureau's investigation showed that the parents did receive a document entitled "Notice of Intent to Change Exceptional Student Educational Eligibility and/or Placement;" however, this notice did not address the changes made to their son's services in OT or PT.

As corrective action, the district was to provide the parents with a written informed notice of any changes being proposed to their son's education program. Copies of any changes were to be provided to the bureau.

**Lee County School Board**  
**Agency Case No. DOE-99-398-FOF**  
**March 26, 1999**

This complaint was filed by the parent of a student who was determined eligible for the special programs for students who are visually impaired and the special programs for students who require physical therapy. The student was also enrolled full time in the special instructional programs for students who are gifted. The specific allegations were that the district failed to provide the complainant's daughter with an appropriate individual educational plan (IEP) and respond to the parent's request for an independent educational evaluation.

The parent alleged that the district failed to provide her daughter with an appropriate individual educational plan. Documentation submitted to the bureau indicated that the student's IEP was individualized in that it referenced information specific to the student and addressed the student's specific disabilities. Modifications and accommodations were included on the IEP but were not to the parent's satisfaction. A further review of the student's IEP revealed that no references were made to transition services or adaptive physical education. In summary, it was found that the evidence was insufficient to determine whether the student's IEP was being implemented in its entirety.

As corrective action, the district was to convene an IEP meeting to specifically address transition services, modifications and accommodations, and physical therapy services. It was further required that the student be evaluated for adaptive physical education or the parent was to be provided a written notice of refusal. The district was also to provide a written informed notice of refusal for any other service, documents, or modifications that the district refused to provide.

Secondly, the parent alleged that the district failed to respond to the parent's request for an independent educational evaluation. The investigation concluded that the parent requested information about an independent orientation and mobility evaluation and the district provided that information.

No corrective action was required.

**Marion County School Board**  
**Agency Case No. DOE-99-405-FOF**  
**July 23, 1999**

This complaint was filed by a parent of a student who was determined eligible for the special programs for students who are speech and language impaired and for the special programs for students who are autistic. The complainant alleged that the district failed to provide the student with assistive technology in the area of augmentative communication, develop and implement a transition plan, consider options recommended by outside professionals, and provide the student with occupational therapy.

In her letter of complaint, the parent alleged that the district failed to provide her son with assistive technology in the area of augmentative communication. A review of the documentation indicated that an individual educational plan (IEP) was developed on September 17, 1998, which indicated assistive technology devices and services were considered. The reviewed records further indicated that the IEP team's recommendation for the assistive technology made at the September 17, 1998, meeting was not implemented until four months later.

As corrective action, the district was to ensure that the decisions made by the IEP team are implemented in a timely manner. It was also recommended that the IEP team address whether an assistive technology evaluation was needed and if the parent had requested such evaluation. It was concluded that if the parent requested the evaluation or the evaluation was needed the evaluation was to be conducted prior to the end of the school year.

In a second issue, the parent alleged that the district failed to develop and implement a transition plan. Records revealed that the IEP, developed September 17, 1998, included a transition plan with the required components; however, the student's IEP was not revised when he changed his vocational activities.

As corrective action, the district was to ensure that the IEP team reviewed and revised the student's transition plan to correctly reflect his training and vocational activities.

In the third issue, the parent alleged that the district failed to consider options recommended by outside professionals. Records indicated that the outside professional was present at the September 17, 1998, IEP meeting and presented independent recommendations. Records further indicated that the IEP team considered those recommendations.

Based on the findings, no corrective action was required.

In the final issue, the parent alleged that the district denied occupational therapy (OT) services to her son. The district reported that the complainant's son was re-evaluated and dismissed from the OT program in 1998. The student's IEP, developed September 17, 1998, did not include any references to OT or other consultative services.

Based on the findings no corrective action was required.

**Miami-Dade County School Board**  
**Agency Case No. DOE-99-358-FOF**  
**January 25, 1999**

This complaint was filed by a parent of a student who has been determined eligible for special instructional programs for students who are gifted. Specifically, the parent alleged that the district failed to provide her son with appropriate services in the gifted program and inappropriately placed her son in a special program.

In the first issue, the parent alleged that the district was not providing her son with appropriate services in the gifted program. The student's educational plan (EP) indicated that he had been placed in the special instructional programs for students who are gifted on July 12, 1996. A review of his educational records showed that the student had received services in the gifted program from 1996 to the present. As reflected on the student's EP, the services increased from 2 hours to 10 hours during this time period.

Because the evidence reflected that the complainant's son received services in the gifted program in accordance with his EP, the bureau required no corrective action.

The complainant also contended that the district failed to place the student into a special program appropriately. Evidence showed that there was a confusion of forms. Several schools in Miami-Dade School District used an IEP invitation form to invite parents to an educational plan (EP) meeting. The confusion in forms caused the parent to assume that her child was being placed in a special education class. Documentation showed that the complainant's son was not placed in a special program for students with disabilities.

As corrective action, the district was to indicate whether the parents are being invited to an EP or an IEP meeting on the invitations.

**Miami-Dade County School Board**  
**Agency Case No. DOE-99-410-FOF**  
**May 13, 1999**

This complaint was filed by an advocate representing the parents of a student with disabilities enrolled in the Miami-Dade County School District's (MDCSD) special programs for students who are deaf or hard of hearing. The specific allegation against the MDCSD was that the March 17, 1999, meeting was scheduled as a meeting to review the student's individual educational plan (IEP).

Based on documentation, the parents received an invitation to attend an IEP meeting scheduled for March 17, 1999. The notification contained all of the required components of prior written notice for an IEP meeting. The district acknowledged in a written statement that the parents were sent a notice to attend an IEP meeting on March 17, 1999, and asked the parents to sign an IEP form indicating attendance at the meeting; however, documentation indicated that the district intended the March 17, 1999, meeting to be an "informal meeting to discuss the father's concerns." Documentation further indicated that there was no indication from the district that the parents had been informed that this was an informal discussion; therefore, the parents expected the March 17, 1999, meeting to be an IEP meeting to discuss special education services for their son.

As corrective action, the district was to convene a properly constituted IEP meeting that was in compliance with all applicable federal and state guidelines. The district was also to fully inform the parents of the purpose of any meeting convened for their son. All documentation of the corrective action was to be furnished to the bureau.

**Miami-Dade County School Board**  
**Agency Case No. DOE-99-412-FOF**  
**April 19, 1999**

An educational consultant filed this complaint alleging that the Miami-Dade County School Board (MDCSB) failed to provide individual educational plan (IEP) meetings. In particular, the complainant alleged that the district held "mass IEP meetings." The complainant continued in her declaration that the practice of holding group IEP meetings resulted in failure to provide appropriate IEPs, provide appropriate placements, provide equal partnership to those parents, or provide appropriate services and related services, provide notice to parents, provide attendance of an local educational agency (LEA) representative who listened to the students' needs and assists in the decision for placement and services.

The district did not contest the issue or sequence of events and, consequently, did not challenge the allegations. The findings denoted that the district invited parents to "group IEP meetings" for the purpose of the annual IEP review to revise, review, and develop IEPs which prescribed the special education and related services to students with disabilities for the next school year. Furthermore, the findings indicated that the LEA representative circulated among the parents to answer questions and sign IEPs during the group meetings.

As corrective actions, the district was to assure that the practice of holding group IEP meetings was discontinued. The district was to provide written evidence of a review of the issues and hold a district-wide inservice. Additionally, the district was to inform the bureau as to when the annual review IEP meetings were to be held for students with disabilities.

**Okaloosa County School Board**  
**Agency Case No. DOE-98-356-FOF**  
**January 12, 1999**

A parent of four students who have been determined eligible for special programs for exceptional students filed this complaint addressing nine issues. Specifically, the parent alleged that the district failed to provide an occupational therapy (OT) evaluation in a timely manner, develop an individual educational plan (IEP) which included OT services, provide the parents with prior written notice of an IEP meeting, develop an IEP by a properly constituted IEP team, provide OT and physical therapy (PT) in a timely manner, provide OT and PT services as prescribed by the IEP, provide appropriate evaluation for a hearing impairment, provide accommodations for a hearing impairment, determine eligibility for special education in a timely manner, and consider the independent educational evaluation provided by the parent.

In the first issue, the parent alleged that the district failed to provide an OT evaluation in a timely manner. Documentation indicated that the parent requested an OT evaluation on April 2, 1998; the physician's approval was obtained on June 30, 1998, and the student determined eligible for OT services on August 21, 1998. Evidence indicated that the OT evaluation was not begun until after June 30, 1998, because the district required a physician's signature.

Based on the findings no corrective action was required; however, it was recommended that the district discontinue the practice of requiring a physician's signature to authorize an OT evaluation.

Secondly, the parent alleged that the district failed to develop an IEP that included OT services within thirty days of the eligibility determination. Documentation indicated that the student was determined eligible for OT services on August 21, 1998, the same day the IEP was developed prescribing OT services.

Based on the findings, no corrective action was required.

In the third issue, the parent asserted that the district failed to provide them with a written notice of an IEP meeting. The parent alleged that the written notice did not contain all the required components and that the IEP team was not properly constituted to develop an IEP. Documentation indicated that on August 19, 1998, the parent received a written, hand delivered notice containing all of the required components regarding the IEP meeting that was scheduled for August 21, 1998. Documentation indicated that the IEP developed on August 21, 1998, included all the required participants' signatures, including that of the parent.

Based on the findings, no corrective actions were required.

Fourth, the parent alleged that the district failed to evaluate her second son for OT and PT in a timely manner. The district submitted documentation that indicated that the student was referred for OT and PT evaluations on March 18, 1997. On November 20, 1997, the district office processed the referral, and the OT evaluations were conducted on December 11, 1997, and March 10, 1998.

As corrective action the district was to develop procedures that ensured that referrals for OT and PT evaluations made at the local school level are forwarded promptly to the district-level office. The

bureau also recommended that the district discontinue the practice of requiring a physician's signature to authorize OT and PT evaluations, as stated in the first issue.

In the fifth issue, the parent alleged that the district failed to provide the complainant's second son with OT and PT services as prescribed by his IEP. Based on the evidence, the student's May 22, 1998, IEP included OT and PT services. Both OT and PT services were initiated at the beginning of the 1998-99 school year.

As corrective action, the district was to indicate on the IEP the initiation dates for all services, and if there were separate initiation dates for discrete services, they were to be clearly specified.

In issue six, the parent alleged that the district failed to appropriately evaluate her third son for a hearing impairment. Documentation indicated that the student failed a hearing screening four times during 1995 and 1996; however, he passed all hearing screenings after 1996. Based on the hearing evaluations and other findings, the district appropriately concluded that the student was not eligible for special programs for students who are hard-of-hearing.

Based on the findings, no corrective actions were required.

In issue seven, the parent alleged that the district failed to provide accommodations for the third son's hearing impairment. Records revealed that the student's current IEP addressed the accommodations for his hearing loss. The district implemented the IEP by accommodating the student's specific hearing loss. It could not determine whether the accommodations were being implemented appropriately.

No corrective action was required; however, the bureau recommended that the district was to provide a written explanation to the parent specifying the accommodations that were being implemented.

In issue eight, the parent asserted that the district failed to determine her fourth son's eligibility for special education in a timely manner. Records indicated that the student was referred for an evaluation on December 13, 1996; evaluated on January 7, 1997; determined to be eligible for exceptional students education program on January 7, 1997; and initiation of services began on January 15, 1997.

Based on the findings, no corrective action was required.

On the ninth and final issue, the parent alleged that the district failed to consider the independent educational evaluation that was provided by the parent for her fourth son. The district verified that they had received private evaluation data from the parent. Written notes from the IEP meeting indicated that the private evaluation data was considered during the development of the student's IEP.

Based on the findings, no corrective action was required.

**Okaloosa County School Board**  
**Agency Case No. DOE-99-366-FOF**  
**February 16, 1999**

This complaint was filed by the parent of a student who was determined eligible for the special programs for students with specific learning disabilities. The specific allegations against the district concerned whether the student's parent received Notice a of Procedural Safeguards when required and whether the procedural safeguards were explained, whether professional(s) who evaluated the complainant's daughter were properly licensed, whether the student received behavioral adaptations and copies of materials as specified in her individual educational plan (IEP), whether the student's parent was an equal participant in meetings held to develop IEPs for the complainant's daughter, whether the district provided a list of qualified evaluators to perform an independent educational evaluation (IEE), whether the district provided the student's parent with copies of her educational records, whether the student was receiving a free appropriate public education (FAPE), whether the daughter was given a behavioral assessment in a timely manner, and whether the district provided exceptional student education (ESE) services to the complainant's daughter at the beginning of the 1998-99 school year.

The first allegation was that the complainant did not receive a Notice of Procedural Safeguards when required and whether the procedural safeguards were explained. Based on documentation, the bureau determined that the district provided the complainant with copies and explanations of procedural safeguards notices as required by law.

No corrective action was necessary.

The parent's second assertion was that the professional who evaluated her daughter was not properly licensed. The district submitted, as evidence, the school psychologist's certificate that indicated the evaluator was properly certified by the State of Florida.

No corrective action was required.

The parent's third allegation was that the student did not receive behavioral adaptations and copies of materials as specified in her IEP. Documentation indicated that adaptations had been made as described on the complainant's daughter's IEP and that the specified adaptations had been provided as described on the IEP.

No corrective action was required.

The fourth allegation was that the complainant was not an equal participant in meetings held to develop IEPs for the complainant's daughter. Documentation indicated that the parent was invited to and participated in the meetings that were held to develop IEPs for her daughter. The bureau's examination of the IEPs established that the parent's concerns were considered and the signature of the parent was on the IEPs.

No corrective action was required.

The complainant's fifth allegation was that the district did not provided a list of qualified evaluators to the complainant to perform an IEE. The bureau's investigation indicated that the complainant requested information regarding IEEs and the district responded by identifying a single source.

As corrective action the district was to identify more than one source for the parent to consider when the parent requested information regarding IEEs in the future.

The parent's sixth allegation was that the district did not provide the parent with copies of the student's educational records. Evidence indicated that the parent requested copies of their daughter's educational records and that the district provided these records.

No corrective action was required.

The parent's seventh allegation was that the student was not receiving a free appropriate public education (FAPE). Documentation indicated that the student was sent to the principal's office in accordance with a general district-wide discipline procedure; however, the student was allowed to make-up work missed while at the principal's office. The bureau concluded that this was not an interruption of FAPE.

No corrective action was required; however, it was recommended that the district consider alternative strategies to address the student's behavioral needs such as an IEP meeting and/or a behavioral management plan.

The complainant's eighth allegation was that the student was not given a behavioral assessment in a timely manner. A review of the documentation indicated that on July 20, 1998, the parent requested a behavioral assessment, the behavior assessment was initiated on September 18, 1998, and completed in December of 1998.

Based on the fact that neither federal nor state regulations define what constitutes "a reasonable amount of time" between the request for and the provision of an evaluation, no corrective action was required.

The parent's final allegation was that the district did not provide ESE services to the student at the beginning of the 1998-99 school year. Documentation indicated that the complainant's daughter had an IEP in effect at the beginning of the school year that described adaptations and services. Records showed that the student's accommodations were provided in a regular classroom on the first day of school, August 19, 1998, and ESE services began on August 24, 1998, with the completion of the newly constructed resource room.

No corrective action was required.

**Palm Beach County School Board**  
**Agency Case No. DOE-99-365-FOF**  
**February 16, 1999**

This complaint was originally filed with the United States Department of Education, Office of Special Education Programs (OSEP). OSEP forwarded the letter of complaint to the Florida Department of Education to investigate the allegations. The complaint was filed by a parent of a student



who was diagnosed with Down Syndrome and was being provided language and occupational therapies through an elementary school preschool Montessori program. The complainant's son had been determined to be eligible for the special programs for students who are mentally handicapped and speech and language impaired.

In a formal complaint the parent alleged that the district had violated federal and state laws relating to three issues: the district's failure to provide his son with an appropriate transition from Part C (program for infants and toddlers with disabilities) to Part B (program for students with disabilities) services under IDEA; the district's predetermination in the placement of his son prior to the development of an individual educational plan (IEP); and the district's denial of preschool students with disabilities the opportunity to be educated in the least restrictive environment.

In the first issue, the parent alleged that the district inappropriately transitioned his son from Part C to Part B services under IDEA. The complainant's son was a participant in IDEA, Part C, services until his third birthday, August 1, 1998. The student was determined eligible for the special programs for students who are mentally handicapped and speech and language-impaired on August 24, 1998. A review of the records determined that an IEP was developed at the August 24, 1998 meeting. Notes from the August 24, 1998, IEP team meeting indicated that the team did not review the student's needs for related services of occupational and physical therapy because the team had adequate information to consider the related services. On October 2, 1998, the IEP team met and determined the student was eligible for occupational services but ineligible for physical therapy. The parent consented to the IEP team's placement determination.

As corrective action, the district was to consider all available information when transitioning a child with disabilities from Part C to Part B services, including assessments that address related services. No further specific corrective action regarding the child was applicable.

The complainant also alleged that the district predetermined the placement of his son before the development of an individual educational plan (IEP). On August 24, 1998, an eligibility staffing/IEP development meeting was held. Delivery of services and placement options were discussed but not determined. An IEP was developed; however, documents indicated that the complainant requested additional time to review the options. The complainant gave consent regarding the son's placement in an exceptional student education program on October 2, 1998, following recommended placement by the IEP team.

No corrective action was required.

In the final issue, the parent alleged that the district denied preschool students with disabilities an opportunity to be educated in the least restrictive environment. Following an investigation of preschool children's records, it was concluded that each child's records included documentation that the IEP team had considered the "least restrictive environment" and children attended school in their home region. Findings further demonstrated that the children's program placement and school location were based on needs and proximity to their home.

No corrective action was required.

**Palm Beach County School  
Agency Case No. DOE-99-417-FOF  
June 18, 1999**

A parent of a student who had been determined eligible for special programs for students who are speech and language impaired filed this complaint. In a letter of formal complaint the parent alleged that the district failed to respond to the complainant's request for an independent educational evaluation. The bureau conducted an inquiry, including review of relevant records and interviews with the complainant and district personnel.

As a result of the investigation, it was determined that the complainant's daughter had been evaluated and determined eligible for special programs for students who are speech and language impaired on February 17, 1999. Documentation indicated that the complainants received verbal and written feedback of results; however, the complainant disagreed with the outcome and on March 4, 1999, requested an independent educational evaluation (IEE). The district responded by proposing that another district employee conduct an evaluation but documentation indicated that the district employee did not meet the criteria established in federal and state regulations for conducting IEEs. The district informed the Bureau, in writing, of the intent to request a due process hearing to establish the appropriateness of the district's evaluation.

As corrective action, the district was required to ensure that the parent can obtain an independent educational evaluation of their daughter by an appropriate evaluator or have initiated a due process hearing to show that the evaluation that was conducted was appropriate. To satisfy the action taken, the districts had to provide documentation regarding the arrangements for the independent educational evaluation or provide a copy of the petition filed with the Division of Administrative Hearing requesting a due process hearing.

**Pasco County School Board  
Agency Case No. DOE-99-383-FOF  
March 4, 1999**

This formal complaint was filed by the parents of a student who was determined eligible for the special programs for students who are emotionally handicapped and who are speech and language impaired. The parents alleged that the district had failed to provide their son with the algebra class that was prescribed by his individual educational plan (IEP), develop and implement a transition plan, conduct a re-evaluation, and consider the independent educational evaluation (IEE) obtained by the parents. In addition, the complainants alleged that the district failed to provide prior written notice with all of the required components to the parents prior to IEP meetings scheduled for September 3, 1998, and September 10, 1998, and provide their son with a free appropriate public education (FAPE) by inappropriately identifying him as emotionally handicapped (EH) and inappropriately placing him in the EH program.

In the first issue, the parents alleged that the district failed to provide their son with the algebra class that was prescribed by his IEP. Documentation reviewed indicated that the IEP developed on May 7, 1998, stated that the student would attend a co-taught algebra class. Due to a scheduling problem, the co-taught class was not provided until October 15, 1998. The evidence indicated that the district failed to provide the co-taught algebra class from August 24, 1998, until October 15, 1998.

No corrective action was required since the district has taken appropriate corrective action.

In the second issue, the parents alleged that the district failed to develop and implement a transition plan. Documentation indicated that the transitional individual educational plan (TIEP) developed on May 7, 1998, addressed transitional goals and objectives, but the notice for the TIEP meeting did not indicate that the student and other agencies were invited to the meeting. On August 25, 1998, the father requested a TIEP meeting for August 26, 1998. The August 26, 1998, meeting was held to add a transitional goal to the student's TIEP. The parent [father] completed the notice to attend form during the meeting and waived the district's seven-day notice policy. The parents continued to express their concerns to the district that a comprehensive transitional plan should be developed that included their son and the appropriate outside agencies.

As corrective action, the district was to schedule a TIEP meeting and invite the appropriate outside agencies. The TIEP team was to develop a transition plan that met the requirements of Subsection 1414(d)(1)(A)(vii) of Title 20 of the United States Code.

The parents alleged in the third issue that the district failed to conduct a re-evaluation for their son. The review of the documentation indicated that the district conducted re-evaluations of the student on four separate occasions.

No corrective action was required.

In the fourth issue, the parents alleged that the district failed to consider the independent educational evaluation obtained by them. Documentation reviewed indicated that the parents provided the district with a copy of a written report that was generated as a result of a private/independent evaluation conducted during the summer of 1998. Further, evidence indicated that as a result of this report, adjustments were made to the student's TIEP. Teachers were also provided with materials regarding the new diagnosis, and a meeting was held with the complainant's son to review the evaluation results.

No corrective action was ordered.

In the fifth issue, the parents alleged that the district failed to provide appropriate prior written informed notice with all of the required components to the parents prior to IEP meetings scheduled for September 3, 1998, and September 10, 1998. Documentation indicated that there were no IEP team meetings held on September 3, 1998, nor on September 10, 1998. Records showed that the parents received two forms from the district that appeared to be related to IEP meetings; however, the forms pertained to a IEP meeting held on August 26, 1998. The district explained that the forms were incorrectly dated.

No corrective action was required.

In the final issue, the parents alleged that the district failed to provide their son with a FAPE by inappropriately identifying him as emotionally handicapped (EH), and inappropriately placing him in the EH program. A review of the evaluation documentation and procedures indicated that the district appropriately determined eligibility and placed the complainants' son in the special program for students who are emotionally handicapped. No violation of federal and state laws relating to the

education of students with disabilities was noted. Additionally, the special education and related services available to the student were based on individual needs as described on the IEP. Since there are no specific special education and related services available for students who are identified as “autistic,” it was determined that the complainant’s son was being provided services in the least restrictive environment by his placement in regular education classes with accommodations.

No corrective action was ordered; however, it was recommended that the parents provide the district with a written request for the related services that they believe their son requires. It was further recommended that an IEP meeting was to be convened to consider the parents’ request for such related services. If the IEP team determined the services requested by the parents were not needed, then the district must provide the parents with a written notice of its refusal to provide such services and provide the parents with a copy of the Notice of Procedural Safeguards.

**Pinellas County School Board**  
**Agency Case No. DOE-99-395-FOF**  
**March 17, 1999**

This complaint was filed by the parents of a student who was determined eligible for the special instructional programs for students who are gifted and the special programs for students with specific learning disabilities. In a letter of formal complaint, the parents alleged that the district failed to ensure that the accommodations prescribed by their son’s IEPs were provided during the 1997-1998 and 1998-1999 school years.

Documentation indicated that the parents requested their son be enrolled in the English II Honors class for the 1997-1998 school year. The student failed the English II Honors class and was required to repeat the class during the 1998-1999 school year. Records reviewed indicated that the district placed the complainant’s son into regular English II class and eventually into English II taught by an exceptional student education (ESE) teacher. The district provided summaries of the accommodations provided by each of the student’s English and ESE teachers and the contacts between the English teacher and the ESE consulting teacher.

The bureau determined that there was insufficient evidence to determine if the district had failed to ensure that the accommodations prescribed in the student’s IEP were provided and required no corrective action.

**Pinellas County School Board**  
**Agency Case No. DOE-99-416-FOF**  
**June 3, 1999**

This complaint was filed by the parents of a student with disabilities who was determined eligible for the special programs for students who are mentally handicapped, speech and language impaired, and require physical and occupational therapies. Specifically the complainants alleged that the district failed to provide their son with speech and language services as indicated on his individual educational plan (IEP), failed to implement the student’s IEP as written regarding “total communication,” and failed to conduct an augmentative communication assessment as requested by the complainant.

The parents alleged in a written statement that the district failed to provide their son with speech and language services as indicated on his IEP. Following a review of the student's IEP and other documentation, it was determined that services for students who are speech and language impaired should have been provided. The documents also indicated that the student had received some speech and language services; however, there were no services from August 1998, through mid-October 1998.

As corrective action, the district was instructed to ensure that services were provided as prescribed in the student's IEP. The district was asked to submit documentation that verified that speech and language services were being provided.

The complainants further alleged, that the district failed to implement the complainants son's IEP as written regarding "total communication." The bureau examined the documentation and concluded that the student's IEP addressed oral motor and communication skills but did not specifically address the implementation of a "total communication" approach in the area of communication. The investigation further indicated that a variety of strategies were included but sign language was not emphasized. The district, however, incorporated a teaching assistant to assist the staff in communicating with the student through sign language.

Based on the documentation, no corrective action was required.

The final allegation made by the parents was whether the district failed to conduct an augmentative communication assessment as requested by the parents. Documentation revealed that the parents had requested an augmentative communication evaluation for the student. The district conducted the assessment on March 25, 1999. The district further indicated that trial devices recommended in the assessment were being programmed for experimental use.

Based on the documentation, no corrective action was required.

**Walton County School Board**  
**Agency Case No. DOE-99-400-FOF**  
**April 7, 1999**

The parents of a student who was determined eligible for the special programs for students with specific learning disabilities and for the special instructional programs for students who are gifted filed this complaint. The student had also been diagnosed with Tourette's Syndrome, Obsessive/Compulsive Disorder, and Attention Deficit/Hyperactivity Disorder. The specific allegations were that the district failed to implement their son's individual educational plan (IEP) as written, provide their son with the adaptations and modifications indicated on his IEP, provide their son with counseling services indicated on his IEP, and ensure that his educational record was not altered after the parents requested a copy of his educational record.

In the first issue, the parents alleged that the district failed to implement their son's IEP as it was written. Following the bureau's review, it was determined that the student's IEP was written and initiated on December 8, 1997, and had a duration date of December 7, 1998. Documentation indicated that the student received special education services during the second half of the 1997-98 school year and some special education services from August 1998, through November 1998. However, no specific services were documented. Records indicated that an IEP was reviewed and revised on December 3, 1998.

As corrective actions, the district was to provide evidence that special education services were being provided as indicated on the student's IEP.

In the second issue, the parents further alleged the district failed to provide their son with the adaptations and modifications as indicated on his IEP. Documents showed that specific modifications and adaptations were to be provided as special education services. Based on the bureau's findings there was no evidence that the district provided the student the stated modifications from August 1998, through November 1998.

As corrective actions, the district was to provide evidence that special education services were being provided as indicated on the student's IEP.

In the third issue, the parents alleged that the district failed to provide their son with counseling services as indicated on his December 7, 1997, IEP. No evidence was provided to indicate that the student received any counseling services as described on his IEP.

As corrective action, the district was to provide the special education services as indicated on the student's IEP. However, there was to be no corrective action at this time because counseling had been discontinued at the parents' request.

In the final issue, the parents alleged that the district improperly altered their son's educational record after the parents requested a copy. Evidence indicated that the parents requested their son's educational record on November 12, 1998 and received an "official" copy prior to the November 20, 1998, IEP meeting. Bureau investigation showed that anecdotal and narrative text describing the student's activities during October and November were not included in his "official" educational records. The anecdotal and narrative text records were not included in the educational records forwarded to the parents.

As corrective action the district was to ensure that requests for educational records included all records available under Category B records as well as Category A records. If the parents requested additional educational records, the district was to provide the parents with all available records concerning their son.