

Agency Order and Bureau Resolution Summaries

Resulting from Inquiries Conducted by the Bureau
of Instructional Support and Community Services



July–December
2001

These summaries are available through the Bureau of Instructional Support and Community Services, Florida Department of Education, and are designed to assist school districts in the provision of special programs for exceptional students. For additional copies, contact the Clearinghouse Information Center:

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Introduction

Following are summaries of Florida Department of Education Early Resolutions, Bureau Resolution determinations, and Commissioner's Orders entered from July through December 2001. These resolutions and 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 Subsection 300.600–300.662 of Title 34 of the Code of Federal Regulations. Complete copies of the resolutions and 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 Conflict Resolution, Bureau of Instructional Support and Community Services, 614 Turlington Building, Tallahassee, Florida 32399-0400; (850) 245-0475; Suncom 205-0475; or via electronic mail at eileen.am@fldoe.org.

The heading for each summary provides the school board or agency involved in the inquiry, the bureau resolution or agency order number, and the effective date of the resolution or order.

Bureau Resolutions

Broward County School Board Bureau Resolution Determination No. BISCS 2001-039-RES November 20, 2001

This formal complaint was filed by an advocate representing the parents of a student with disabilities who had been determined eligible for the special program for students with specific learning disabilities (SLD), the special program for students who are other health impaired (OHI), and the special program for students who are speech and language impaired (S/L). In her letter of formal complaint, the advocate alleged that the district failed to provide an appropriate and timely response to requests made by the parents in letters written on February 12, 2001, February 15, 2001, and February 20, 2001; the district failed to provide an appropriate and timely response to written requests made by the complainant on behalf of the parents in a letter written on May 7, 2001; the district failed to inform the parents of the participants who would be in attendance at the June 12, 2001, individual educational plan (IEP) meeting; the IEP team failed to complete the IEP prior to asking the parents to sign it; the IEP developed at the June 12, 2001, meeting failed to contain all of the required components; and the district failed to provided the parents with a copy of a procedural safeguards notice in their native language.

The question in this issue was whether the district provided an appropriate and timely response to requests made by the parents. Evidence indicated that the parents presented their concerns to the district in three separate letters. In addition the complainant alleged that the district failed to provide an appropriate and timely response to written requests made by the complainant on behalf of the parents. The written request, dated May 7, 2001, ask for an IEP meeting to address personnel training, functional assessment of behavior, development of an appropriate positive behavioral intervention plan, implementation of daily communication reports, and review of current IEP. Following a review of the complainant's letters and documentation provided by the district, it was concluded that the district responded but failed to provide the parents with a notice of refusal. Documentation indicated that in one instance the district did fail to respond due to the district's misconception that a statement from a physician was required to conduct an occupational therapy evaluation. As a result the district was required to provide the parents with a notice of refusal with all the required components any time the district refuses to take a requested parental action.

The complainant further alleged that the district failed to inform the parents of who the participants would be at the June 12, 2001, meeting and requested the parents to sign the IEP before it was completed. Evidence indicated that the principal was not noted on the notice of meeting; however, he did attend the meeting and make the decision that the IEP team was to adjourn the meeting. There was disagreement between the district and the parents as to whether the IEP was entirely completed, but records indicated another IEP meeting was scheduled on June 15, 2001, to complete the June 12, 2001, IEP. As a result of the findings, the district was required to ensure that the IEP team had identified all of the IEP issues and that the IEP form had been completed before asking the parents to sign the IEP form.

The complainant's allegation continued in regards to whether the IEP developed at the June 12, 2001, IEP meeting contained all of the required components and whether the parents where provided with a copy of a procedural safeguards notice in their native language. The June 12, 2001, IEP indicated that all the required components were included with the exception of measurable goals. The parents were provided with a copy of the procedural safeguards notice in English based on the district's past experience of communicating with the parents in English. As corrective actions the district was required to ensure that all annual goals on the student's IEP are measurable. It was also recommended that communication to the student's parents be provided in the appropriate language.

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**Collier County School Board
Bureau Resolution Determination No. BISCS 2001-041-RES
December 6, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students who have other health impairments. The complainant in her letter alleged that the district failed to implement the student's individual educational plan (IEP) and ensure that he was making adequate progress toward the stated goals, provide the complainant with an informal meeting to challenge the content of the student's records, and provide an opportunity for correction of the student's records.

In this issue the complainant alleged that the district failed to implement the IEP and ensure that he was making adequate progress toward the stated goals. A review of the documentation indicated that, of the nine short-term objectives, the complainant's son had achieved one, with the other eight being reviewed. In addition, a review of daily work completion sheets indicated that he had made progress in his academic assignments on a daily basis, which indicated that the complainant's son was making progress toward the goals on his IEP.

The complainant further alleged that the district failed to provide the complainant with an informal meeting to challenge the content of the student's records and provide an opportunity to correct them. Records indicated that the district provided the complainant numerous meetings and opportunities to challenge the content of the son's records. The complainant was provided with a written Informed Notice of Refusal regarding information that the district had refused to change in response to the parent. It was concluded that there were no violations of law regarding this issue.

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**Hendry County School Board
Bureau Resolution Determination No. BISCS 2001-040-RES
November 26, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students who are mentally handicapped and the special program for students who are speech and language impaired. In her letter of formal complaint, the parent alleged that the district had failed to comply with all of the provisions of the Early Resolution Agreement signed by the district and the parent on May 14, 2001, and failed to comply with her son's individual educational plan (IEP) at the beginning of the 2001-2002 school year.

A review of the Early Resolution Agreement, signed by the complainant and the district on May 14, 2001, indicated that the district was to provide specific educational ser-

vices to her son. The evidence indicated that the evaluations agreed upon in the Early Resolution Agreement were conducted; however, the IEP meeting was not scheduled by August 3, 2001, as required by the Early Resolution Agreement.

In addition the complainant alleged that the district failed to comply with her son's IEP at the beginning of the 2001-02 school year. Documentation indicated that the school year began on August 6, 2001, with the complainant's son beginning services on August 27, 2002. It was concluded that the district did not implement the services required by the IEP at the beginning of the school year.

As corrective action, the district was required comply with any written agreements that the district made with the parent in regard to the scheduling of IEP meetings and ensure that the related services are clearly defined and are provided in a timely manner. The district was further required to reconvene the IEP team to determine if compensatory time was to be provided. The district was to provide evidence to the bureau of its compliance with the corrective actions.

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**Hillsborough County School Board
Bureau Resolution Determination No. BISCS 2001-022-RES
August 31, 2001**

This complaint was filed by the parent of a student whose eligibility and need for a program for students with disabilities had not been determined. The complainant in her letter of formal complaint alleged that the district failed to consider an independent educational evaluation (IEE) and other evaluation data when determining the potential eligibility of her daughter for an exceptional student education (ESE) program and provide the complainant with a copy of the procedural safeguards notice when requesting parental consent for a formal evaluation or when determining the potential eligibility of her daughter for an ESE program.

Evidence indicated that an eligibility staffing committee met on April 5, 2001, to determine the student's possible eligibility for an (ESE) program. The complainant presented IEE information at the staffing regarding her daughter's educational performance. Documentation indicated that the committee reviewed the results of IEEs presented by the parent. It was further determined that the parent was provided with a copy of a procedural safeguards notice on September 21, 2000, and again on November 1, 2001. Corrective actions were not required.

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**Jackson County School Board
Bureau Resolution Determination No. BISCS 2001-035-RES
November 16, 2001**

This formal complaint was filed by the parents of a student with disabilities who had been determined to be eligible for the special programs for students who are mentally handicapped and for students who are speech and language impaired. The parents in their two letters of formal complaint alleged that the district failed to: provide their son with educational and related services, based on his present levels of educational performance as indicated on his individual educational plan (IEP) developed for the 2000-2001 school year; provide the complainants with an Informed Notice of Refusal form in response to requests by the complainants for educational services for their son; and provide the parents with the opportunity to participate in the IEP meetings held to discuss a change in their son's educational placement during the 2000-2001 school year.

The complainants in this issue alleged that the district failed to provide their son with educational and related services. Records indicated that his IEP was developed on April 13, 2000, and that instruction was provided in all areas addressed in the IEP. It was concluded that the district had implemented his IEP and that the student was making progress toward achieving his goals. In addition, the complainants requested additional academic instruction for their son and that the district consider establishing an academically focused program. Evidence indicated that the district provided additional academic instruction to the complainants' son and considered the proposal for a new class. It was concluded that the district did not fail to provide the complainants with an Informed Notice of Refusal form in response to their requests for additional educational services for their son.

The complainants also alleged that the district failed to provide the parents an opportunity to participate in an IEP meeting that was held to discuss a change of educational placement for their son. A review of the documentation indicated that four IEP meetings were held between April, 2000, and February, 2001, and that the parents were invited to and attended each of the four meetings. Corrective actions were not required for any of the three alleged issues.

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**Lake County School Board
Bureau Resolution Determination No. BISCS 2001-019-RES
August 7, 2001**

This complaint was filed by the parent of a student who was determined not to be eligible for special programs for students with disabilities by an exceptional student education eligibility staffing committee. In the formal complaint the parent alleged that the district failed to provide the student with an evaluation in a timely manner; schedule an eligibility determination meeting at a mutually agreed upon time and place with the complainant; inform the parent of the proposed attendees at the April 3, 2001, eligibility determination meeting; and provide specific information to the parent regarding eligibility for a special education program, curriculum, special education services, and related services for a child diagnosed with a central auditory processing (CAP) problem, as a supplement to the general information that may otherwise may be provided to such parents under the Individuals with Disabilities Education Act (IDEA), Part B.

In the first issue the complainant alleged that the district failed to provide the student with an evaluation in a timely manner. Documentation indicated that the parent requested an evaluation for her daughter on December 20, 2000, with all evaluations on the complainant's daughter being completed by March 8, 2001. The eligibility staffing committee determined the complainant's daughter was not eligible for services as a student with disabilities on March 28, 2001. It was concluded that the student was provided with an evaluation in a timely manner.

The complainant also alleged that the district failed to schedule an eligibility determination meeting at a mutually agreed upon time and place. Records indicated that the district invited the parent to the eligibility determination staffing meeting. The parent agreed to attend and did not request a change of time and place. It was determined that the eligibility staffing meeting was held at a mutually agreed upon time and place.

The complainant further alleged that the district failed to inform the complainant of the proposed attendees at the April 3, 2001, eligibility determination meeting. A review of the records indicated that the complainant received a Notification of Educational Staffing form, dated April 3, 2001, that identified each attendee by last name and title. It was concluded that the district had informed the parent of the proposed attendees at the eligibility determination meeting.

In the final issue the parent alleged that the district failed to provide specific information to her regarding eligibility for a special education program. Documentation indicated that the district and the complainant developed information packets in a collaborative effort. The district was not required as per federal and state legal provisions to provide the requested information to the complainant.

There were no corrective actions required.

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**Lake County School Board
Bureau Resolution Determination No. BISCs 2001-023-RES
September 10, 2001**

This complaint was filed by the parent of a student who had not yet been determined eligible for a program for students with disabilities. In her letter of formal complaint the complainant alleged that the district failed to consider an independent educational evaluation (IEE) and other evaluation data when determining the potential eligibility of the student for an exceptional student education program and provide the complainant with a copy of the procedural safeguards notice when requesting parental consent for a formal evaluation or when determining the potential eligibility of her daughter for an exceptional student education program.

A review of the documentation indicated that an eligibility staffing committee met on April 5, 2001, when, according to the conference notes, the committee was provided an independent educational evaluation by the parent and reviewed the IEE along with other evaluation data. Evidence further indicated that the complainant was provided with a copy of a procedural safeguards notice on September 21, 2000, and on November 1, 2001. Corrective actions were not issued.

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**Lake County School Board
Bureau Resolution Determination No. BISCs 2001-034-RES
November 2, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the program for students with specific learning disabilities and the program for students who are gifted. In her letter of formal complaint, the parent alleged that the district had failed to provide the services prescribed by the student's individual educational plan (IEP); provide the parent with appropriate notification of the February 22, 2001, IEP meeting for her son; inform the parent, in a timely manner, that she and her son had due process rights regarding suspensions; address her son's behavioral needs that result from his attention deficit hyperactivity disorder (ADHD); and administer medication to her son during August, September, and October of 2000 as prescribed by his physician.

In the first issue the complainant alleged that the district failed to provide her son with the services prescribed on his IEP. Records indicated that the 2000-01 school year IEP prescribed "cooperative consultation" between the exceptional student education (ESE) teacher and the student's regular education teacher. It was determined that the student's IEPs were not clear as to what consultation services were required. As corrective action the district was required to specify the amount of services that was to be provided to the complainant's son in a manner that the parent would understand.

The parent also alleged that the district failed to provide her with an appropriate notification of the February 22, 2001, IEP meeting. Documentation indicated that the district had mailed the parent a copy of a notice and given the son a copy to take home. It was determined that the parent was handed a copy of the notice ten days prior to the meeting. As a result of the investigation it was recommended that the district follow up on parent notices to ensure receipt of the notice.

In addition, the parent alleged that the district failed to inform her, in a timely manner, that she and her son had due process rights regarding suspensions. Records indicated that the complainant's son was suspended for three days. Evidence further indicated that the district did not follow appropriate procedures when informing the student of his rights or the parent of the process for appealing a suspension. As a result of the findings the district was required to follow appropriate procedures in informing the student and his parents and provide documentation to the bureau for verification.

In the second issue the parent alleged that the district failed to address the student's behavioral needs that resulted from his disability. The district has acknowledged that the IEP team's refusal to address behaviors relating to the complainant's son was not appropriate and had agreed to specifically address this concern by providing staff development activities specific to the student's disability. The district was required to provide the bureau with documentation of the staff development and a list of personnel who had attended.

In the final issue the parent alleged that the district failed to administer medication to her son as prescribed by his physician. A review of school records indicated the administration of medication to the complainant's son. No corrective action was required.

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**Leon County School Board
Bureau Resolution Determination No. BISCS 2001-026-RES
September 14, 2001**

This complaint was filed by the parent of a student with disabilities who alleged that the district failed to follow appropriate procedures to afford students with disabilities access to extended school year (ESY) services.

To investigate the allegation, the bureau mailed out questionnaires and conducted extensive interviews with parents of students with disabilities, local school personnel, and district staff. In addition, the investigation relied on extensive reviews of IEPs and other documents relating to the provision of services. Following a review of the evidence it was determined that the district did not follow appropriate procedures to afford students with disabilities access to ESY services. As a result of the

conclusions, the district was required to provide a corrective action plan that was to provide extended school year services to students with disabilities based on the IEP team's determination of individual need. The district was further required to provide the bureau documentation that the plan had been implemented.

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**Miami-Dade County School Board
Bureau Resolution Determination No. BISCS 2001-017-RES
July 6, 2001**

This complaint was filed by an advocate representing the parent of a student with disabilities who had been determined eligible for the special program for students with specific learning disabilities (SLD), the special program for students who are emotionally handicapped (EH), and the special program for students who are speech and language (S/L) impaired. In the letter of formal complaint the advocate alleged that the district failed to follow proper procedures relating to the suspensions of the student during the 1998-1999, 1999-2000, and 2000-2001 school years; develop individual educational plans (IEPs) for the student that contained all of the required components during the 1998-1999, 1999-2000, and 2000-2001 school years; provide prior written notice to the parent that the student was going to be dismissed from the special program for students with specific learning disabilities; and provide the parent with the appropriate Notice of Refusal forms, required due to the IEP team's decisions made at the January 16, 2001, IEP meeting.

The complainant alleged that the district did not follow appropriate procedures regarding the suspensions of the student during the 1998-1999, 1999-2000, and the 2000-2001 school years. A review of the documentation indicated that this issue was resolved through mediation. It was required, however, that if during the 2001-02 school year the student was to be suspended, the district was to provide evidence of a manifestation determination and a functional behavior assessment, and that a behavioral intervention plan was developed.

The complainant further alleged that the district failed to develop IEPs that contained all the required components during the 1998-99, 1999-00, and 2000-01 school years. Records indicated that all of the IEPs contained all of the required components with the exception of the 2001-02 IEP, which did not have all the components for transition planning. It was determined that the district was to reconvene the transition/IEP meeting and determine which agencies would be appropriate to participate in the transition planning, and a representative of such agencies was to be invited to attend the meeting.

The complainant also alleged that the district failed to provide prior written notice of the student's dismissal from the special program for students with specific learn-

ing disabilities. A review of the documentation indicated that there was no evidence that the student was dismissed from that program.

The complainant additionally alleged that the district failed to provide the parent with the appropriate Notice of Refusal forms. The review of the evidence indicated that the district provided the parent with an appropriate Notice of Refusal form.

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**Miami-Dade County School Board
Bureau Resolution Determination No. BISCs 2001-020-RES
August 20, 2001**

This complaint was filed by an advocate representing the parents of a student with disabilities who had been determined eligible for special programs for students who are speech and language impaired, specifically language impaired, and who are mentally handicapped, specifically trainable mentally handicapped. In her letter, the advocate alleged that the district had failed to develop an individual educational plan (IEP) on September 8, 2000, for the student that contained all of the required components; obtain the parents' consent prior to placing the student in an exceptional student education (ESE) program; follow appropriate procedures to determine the child's eligibility for special programs for students who are mentally handicapped and speech and language impaired; and consider the least restrictive environment (LRE) for the student when determining her educational placement during the September 8, 2000, IEP meeting.

In this issue the advocate alleged that the district failed to develop an IEP on September 8, 2000, for the student that contained all of the required components. A review of the student's IEP indicated that it contained all the required components; however, it was determined that the goals were not measurable. As a result of the investigation, the district was ordered to develop an IEP that contained the required components including measurable goals. Evidence of compliance was to be provided to the bureau.

The advocate also alleged that the district failed to obtain the parent's consent prior to placing their daughter in an ESE program. Documentation indicated that the eligibility staffing committee determined the student eligible for special programs for students who are speech and language impaired, specifically language impaired, and who are mentally handicapped, specifically trainable mentally handicapped. The parents did not give consent for the special educational placement and placed the student in a private school.

The advocate further alleged that the district failed to follow appropriate procedures to determine the student's eligibility for special education programs for students who are mentally handicapped and speech and language impaired. Records indi-

cated that parental consent for evaluation was given, which was followed by a hearing and vision screening, speech and language evaluation, and educational assessments. It was determined that an appropriately constituted eligibility staffing committee meeting was held and the student was determined to be eligible for special education programs.

In this issue the advocate alleged that the district failed to consider LRE for the student when determining her educational placement during the September 8, 2000, IEP meeting. Documentation indicated that the IEP team determined the appropriate placement for the student was in a self-contained classroom. The parents did not agree with the IEP team's decision. An Informed Notice of Proposal or Refusal to Take a Specific Action form was not provided to the parents until several months later. As a result of the investigation, the district was required to provide an Informed Notice of Proposal or Refusal to Take a Specific Action within a reasonable time after a parental request had been made.

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**Miami-Dade County School Board
Bureau Resolution Determination No. BISCs 2001-021-RES
August 30, 2001**

This complaint was filed by the guardian of a student with disabilities who had been determined eligible for the special program for students who are emotionally handicapped (EH). In her letter of formal complaint, the guardian alleged that the district had failed to follow proper procedures relating to the suspensions of the student from January of 2001 through March of 2001.

Documentation indicated that the student had received 26 days of out-of-school suspensions and four days of in school suspensions during the time period of January through March 2000. No indication was provided that a manifestation determination meeting was held after the initial 10 days of suspension, nor was the student provided exceptional student education (ESE) services. It was concluded that the district failed to follow proper procedures related to the suspensions of the student. As a result, the district was required to ensure that proper procedures are followed in regard to disciplinary actions and provide the student with ESE services during any suspensions. The district was further required to provide evidence to the bureau of compliance with the corrective actions.

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**Miami-Dade County School Board
Bureau Resolution Determination No. BISCS 2001-024-RES
September 17, 2001**

This complaint was filed by an advocate representing a student with disabilities who had been determined eligible for the special programs for students who are autistic and students who are speech and language impaired. In her letter, the advocate alleged that the district had failed to develop the student's individual educational plans (IEPs) for the 2000-2001 and previous school years with all of the necessary components and address his unique needs based on his present levels of performance; provide the student's parents with an Informed Notice of Refusal when a request was made regarding his access to the physical education class, the music class, and a "one-to-one" paraprofessional; consider the appropriate educational placement in the least restrictive environment for him, as determined by the IEP team; conduct an IEP meeting in a timely manner for him on April 13, 2001, with the required participants, including an agency representative to address transition services, a regular education teacher, and an evaluation specialist; meet with the student and the parents at a mutually agreed upon time and date; provide speech and language therapy, as described on his IEP, during the 2000-2001 school year; appropriately conduct a three-year reevaluation of the student during the 2000-2001 school year; and appropriately inform him and his parents regarding the transfer of parental rights to him when he attained the age of majority.

The advocate alleged, in this issue, that the district failed to develop an IEP for the student that contained all of the required components and addressed his unique needs based on his present level of performance. A review of the documentation indicated that the 2000-01 IEP did not contain the necessary components, nor was there any indication of any support and training for personnel. The review further indicated that the 2001-02 school year IEP contained all of the necessary components and addressed the student's unique needs. As a result of the findings, the district was required to submit to the bureau a complete copy of the IEP, with all of the required components, each time that the IEP is revised.

The advocate further alleged that the district failed to provide the parents with an Informed Notice of Refusal when the parents made a request regarding their child's access to the physical education class, the music class, and a one-on-one paraprofessional. Records indicated that the parents made a written request for a paraprofessional, which was not provided during the 2000-01 school year. It was determined that the parents did not receive an Informed Notice of Refusal. As a result of the findings, the district was required to consider all requests made by the student's parents. If the district chose to refuse the request, the parents must be provided an Informed Notice of Refusal, with a copy submitted to the bureau.

In this issue the advocate alleged that the district failed to consider the appropriate educational placement in the least restrictive environment for the student as determined by the IEP team. Documentation indicated that the IEP team considered the appropriate educational placement in the least restrictive environment for the student.

The advocate also alleged that the district failed to conduct an IEP meeting in a timely manner on April 13, 2001, with the required participants at a mutually agreed upon time and place. Documentation indicated that the student's 2001-02 IEP meeting was scheduled for March 28, 2001; however, the parents requested the meeting to be rescheduled. The meeting was conducted on April 13, 2001, but did not include a community agency representative or the student. It was concluded that the meeting was held in a timely manner. As a result of the investigation, the district was required to ensure that the appropriate participants are invited, including those who can address agency transition services. The district was further required to verify compliance by submitting to the bureau the student's IEP and accompanying information.

Additionally, the advocate alleged that the district failed to provide speech and language therapy as described on the student's 2000-01 school year IEP. Records indicated that the student was to receive 30 minutes of speech and language therapy two times per week. The therapist's logs indicated that the student received 21 sessions of speech and language therapy during an 18-week period. The investigation could not determine the length of each session. A review of the facts indicated that the student was not provided with speech and language therapy as described on his IEP. As a result of the findings, the district was required to provide documentation to the bureau, on a quarterly basis, that speech and language services were being provided.

The advocate continued by alleging that the district failed to appropriately conduct a three-year reevaluation of the student during the 2000-01 school year. Records indicated that an evaluation was conducted in February, 1998. Consent for reevaluation was obtained on March 28, 2001. It was concluded that the student was not provided with a reevaluation within a timely manner. As corrective action the district was required to ensure that a three year reevaluation review would be conducted in a timely manner and provide to the bureau documentation.

In the final issue, the advocate alleged that the district failed to appropriately inform the student and his parents regarding the transfer of parental rights to the student when he attained the age of majority. Educational records indicated that the student would reach the age of majority in October 2000. The parents were notified by letter dated November 27, 2000, and again at the student's IEP review on April 13 and 19, 2001.

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Miami-Dade County School Board
Bureau Resolution Determination No. BISCS 2001-028-RES
September 18, 2001

This complaint was filed by an advocate on behalf of the parent of a student with disabilities who had been determined eligible for the special programs for students who are educable mentally handicapped and speech and language impaired. In her letter of formal complaint the advocate alleged that the district failed to consider the least restrictive environment (LRE) for the student when determining the educational placement; address certain components of the individual educational plan (IEP), as required by the IDEA (Individuals with Disabilities Education Act); appropriately determine that the student met the eligibility criteria for the special program for students who have speech and language impairments; determine the student's need for a one-to-one paraprofessional through the IEP process as requested by the parent; ensure that the appropriate participants attended the student's meeting on March 29, 2001; consider the most recent evaluations when developing the IEP dated March 29, 2001; and conduct an IEP meeting and provide an informed notice form to the parents regarding their child's change of placement.

In the first issue the advocate alleged that the district failed to consider LRE for the student when determining the educational placement. Records indicated that the IEP team had considered a variety of placements. It was determined that the IEP team considered the least restrictive environment when determining the student's educational placement.

In this issue the advocate alleged that the district failed to address certain components of the IEP as required by the IDEA. A review of the student's 1999-00, 2000-00, and 2001-02 IEPs indicated that the 1999-2000 and 2000-01 school year IEPs did not have measurable goals, did not address modifications and accommodations, and did not address the need for supports for school personnel. Each school-year's IEP addressed the frequency of speech services that would be provided to the student. It was determined that the IEP team did not address certain components of the IEP during the 1999-2000 and 2000-01 school years. As a result of the findings, the district was required to ensure that all the components are included in the student's IEP and provide copies to the bureau.

In addition, the advocate alleged that the district failed to appropriately determine that the student met the eligibility criteria for the special program for students who have speech and language impairments. Documentation indicated that the student was determined eligible for the special program for students who are speech and language impaired on May 2, 1996, and for the special program for students who are mentally handicapped on March 20, 1997. The 1999-2000, 2000-01, and 2001-02 school-years' IEPs stated the frequency of speech and communication services and included goals that addressed the student's articulation and communication needs.

The complainant further alleged that the district failed to determine the need for a one-on-one paraprofessional as requested by the parent. Evidence indicated that the parents requested a one-on-one paraprofessional for their daughter. The request was considered by the IEP team, which determined that the student did not need a paraprofessional. The district did not provide the parents with an informed notice of refusal to take action form. As a result of the finding, the district was required to provide the parent with an informed notice of refusal to take action form any time that the parent requests a change in the identification, evaluation, or placement of or provision of FAPE to the student and the district chooses not to take the requested action.

The advocate also alleged that the district failed to ensure that the appropriate participants attended the IEP meeting held on March 29, 2001. The complainant indicated that an IEP meeting was convened on March 29, 2001; however, the district indicated that the meeting was postponed until April 16, 2001.

No documentation was submitted to indicate that an IEP meeting was convened during the latter part of March, 2001.

In this issue the advocate alleged that the district failed to consider the student's most recent evaluations when developing the IEP dated March 29, 2001. Evidence indicated that the student's IEP was developed on April 16, 2001, and that it included references to an evaluation that was conducted on March 27, 2001.

The advocate continued by alleging that the district failed to conduct an IEP meeting and provide an informed notice form to the parent regarding their daughter's change of placement. A review of the records indicated that the student was provided educational services in a self-contained classroom setting from 1996 through 2001. During the 2001-02 school year the IEP team determined that a self-contained classroom was the most appropriate placement. It was concluded that the student's educational placement has not changed over the past four school-years.

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**Miami-Dade County School Board
Bureau Resolution Determination No. BISCs 2001-030-RES
October 8, 2001**

This complaint was filed by an advocate representing the parents of a student with disabilities who was enrolled in a private preschool during the 2000-2001 school year. The student had been determined eligible for special programs for students who are speech and language impaired, specifically language impaired, and who are mentally handicapped, specifically trainable mentally handicapped (TMH). In her letter, the advocate alleged that the district failed to appropriately respond to the parents' request for an independent educational evaluation (IEE).

A letter dated May 17, 2001, indicated that the parents requested that the district pay for an IEE of their daughter by an evaluator selected by the parents. Documentation further indicated that the district attempted to negotiate a contract with the requested evaluator; however, the district determined that the evaluator did not meet district criteria. An Informed Notice of Proposal or Refusal to Take a Specific Action form, dated July 2, 2001, and a list of potential evaluators was provided to the parents. Based on the evidence provided, the parents did not demonstrate that unique circumstances existed that would justify an IEE by an evaluator who did not meet district criteria.

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**Miami-Dade County School Board
Bureau Resolution Determination No. BISCS 2001-032-RES
November 1, 2001**

This complaint was filed by an advocate representing the parents of a student with disabilities who had been determined eligible for the special program for students who have specific learning disabilities. In her letter, the complainant alleged that the district had failed to include the appropriate individuals at the student's individual educational plan (IEP) meeting on March 12, 2001; include all of the required components in the student's IEP developed on March 12, 2001; appropriately notify her parents of her March 12, 2001, IEP meeting; and address all areas of her suspected disability in her evaluation and eligibility procedures.

In this issue the advocate alleged that the district failed to include the appropriate individuals at the student's IEP meeting on March 12, 2001. Documentation indicated that an IEP meeting was held on March 12, 2001, with all of the required participants in attendance except the regular education teacher. As a result of the findings, the district was required to ensure that a general education teacher attends the student's IEP meetings and provide evidence of such to the bureau through the 2002-03 school year.

The complainant further alleged that the district failed to include all of the required components in the student's IEP that was developed March 12, 2001. A review of the student's IEP indicated that assistive technology, supplementary aids and services, related services, and support for IEP implementation were considered and determined to be unnecessary. Documentation further indicated that the committee appropriately addressed the student's placement in the least restrictive environment; however, two of the four annual goals on the IEP were not measurable. As corrective action the district was required to rewrite the student's annual goals and ensure that they are measurable. Evidence of the rewritten goals must be provided to the bureau within 30 days.

The advocate also alleged that the district failed to appropriately notify the parents of the March 12, 2001, IEP meeting. Documentation indicated that the parent requested an IEP meeting. Documentation further indicated that the parent was provided an invitation, which was signed by the parent. It was determined that the parents received notice of the March 12, 2001, IEP meeting as required by state and federal law.

In the final issue, the complainant alleged that the district failed to address all areas of the student's suspected disability in her evaluation and eligibility procedures. A review of the records indicated that the student had received both a psychoeducational and speech-language evaluation. The records further indicated that the speech language pathologist had provided information that was incorporated into the student's IEP. It was determined that all of the student's areas of suspected disability were addressed by the district.

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**Miami-Dade County School Board
Bureau Resolution Determination No. BISCS 2001-038-RES
November 19, 2001**

This complaint was filed by an advocate representing the parents of a student with disabilities who had been determined eligible for the special program for students who are mentally handicapped, specifically educable mentally handicapped. In her letter, the advocate alleged that the district had failed to implement the student's individual educational plan (IEP) as written for the 2000-2001 school year; hold an interim IEP meeting to discuss her lack of progress; and provide an opportunity for her parents to participate in the IEP team's decision to change her diploma option.

In the first issue the advocate alleged that the district failed to implement the student's IEP as written for the 2000-01 school year. A review of the student's 2000-01 school year IEP indicated assistive technology, one-on-one assistance, and accommodations in the general education classroom. Notes and anecdotal records submitted by the district indicated that the services addressed in the IEP were being provided.

The advocate also alleged that the district failed to hold an interim IEP meeting to discuss the student's lack of progress. Records indicated that the parents met with school staff, including the exceptional student education (ESE) consulting teacher, five times during the school year and received grade reports every nine weeks and interim progress reports four times during the school year. It was concluded that an interim IEP meeting was not requested or held to discuss the student's progress; however, her academic progress was sufficiently reported to her parents throughout the school year.

The advocate further alleged that the district failed to provide an opportunity for the parents to participate in the IEP team's decision to change the student's diploma option. Documentation indicated that the IEP team determined that the student should seek a Special Diploma as of June 7, and 13, 2001. A further review indicated that the parents were in attendance at the IEP meetings when the diploma option decisions were made by the IEP team.

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**Monroe County School Board
Bureau Resolution Determination No. BISCS 2001-042-RES
December 13, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students who are mentally handicapped, specifically profoundly mentally handicapped. In the parent's letter of formal complaint, the parent alleged that the district had failed to provide the complainant's son with the educational services described on his 2000-2001 school-year individual educational plan (IEP) and provide transportation as a related service to the complainant's son as described on his IEP for the 2000-2001 school-year.

In this complaint the parent alleged that the district failed to provide her son with the educational services described on his IEP due to the district's failure to provide transportation for field trips and other community-based education services. A review of the student's November 30, 2000, IEP indicated off-campus services such as field trips and community experiences. The IEP also described services such as physical, occupational, and speech therapies; transportation; and an assistive technology assessment. It was concluded that the district provided the complainant's son with the educational services and transportation as described on his 2000-01 school year IEP.

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**Orange County School Board
Bureau Resolution Determination No. BISCS 2001-025-RES
September 24, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students who have emotional disabilities. The complainant specifically alleged that the district had failed to implement the student's individual educational plan (IEP)/transition plan as written for the 2000-2001 school year, by providing instruction relative to his described goals and objectives. In response to the complaint, the district agreed that the student's IEP/transition plan as written for the 2000-2001 school year was not implemented. As a result the

district was required to convene an IEP meeting to develop a plan to provide compensatory services and provide those services to the complainant's son. The district was further required to provide documentation to the bureau that the student's IEP was being implemented.

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**Orange County School Board
Bureau Resolution Determination No. BISCS 2001-037-RES
November 15, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students with specific learning disabilities. The complainant alleged that the district had failed to implement the individual educational plan (IEP) and the behavior intervention plan (BIP) for her son that was developed by the IEP team for the 2000-2001 school year.

The investigation was conducted through a review of pertinent documentation and interview with district staff and the complainant. A review of the April 7, 2000, IEP described goals and objectives related to reading comprehension and organizational strategies. The IEP team developed a BIP at a manifestation determination meeting on May 18, 2000. The district implemented the academic and organizational skills portions of the 2000-01 school year IEP but did not implement the BIP. As a result of the investigation, the district was required to convene an IEP team to develop a plan to provide compensatory services and give consideration to positive behavioral interventions, strategies, and supports. The district was further required to submit documentation to the bureau that the student's then-current IEP is being implemented through the 2001-2002 and 2002-2003 school years.

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**Osceola County School Board
Bureau Resolution Determination No. BISCS 2001-029-RES
September 19, 2001**

This complaint was filed by an advocate representing the parent of a student with disabilities who had been determined eligible for the programs for students who have specific learning disabilities and who have speech and language impairments. On February 20, 2001, the student was withdrawn from public school and enrolled in a private school for the remainder of the 2000-01 and the 2001-02 school years. In her letter, the advocate alleged that the district had failed to provide the student with speech therapy services, as described on his 2000-2001 school year IEP, in a timely manner and appropriately discipline the student and provide the parent with a notice of suspension.

A review of the student's October 19, 2000, IEP speech therapy was prescribed for 30 minutes per week. Records indicated that of the 14 possible speech therapy sessions, the student participated in nine sessions. It was recommended that in the event the student returned to the district, the district take action to ensure that the speech services stated on his IEP are provided. It was further indicated that the student received a nine day out-of-school suspension. Records indicated that the parent was informed by telephone and a copy of the discipline referral and out-of-school suspension notice were provided to the parent. It was concluded that the district acted in accordance with the requirements of Section 232.26(1)(b), Florida Statutes.

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**Palm Beach County School Board
Bureau Resolution Determination No. BISCS 2001-031-RES
October 22, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students who have specific learning disabilities. The complainant alleged that the district had failed to address accommodations and adaptations needed by the student in order for him to meet his goals and objectives during the 2000-2001 school year as described on his individual educational plan (IEP), consider the appropriate educational placement for the student in the least restrictive environment for the 2000-2001 school year, and provide an informed notice of refusal to the parent when a request was made to consider curricular adaptations/modifications and special classes as part of the IEP.

In this issue the complainant alleged that the district failed to address accommodations and modifications needed by the student in order for him to meet his goals and objectives as described on his 2000-01 school year IEP. The records indicated that a fully constituted IEP team met and considered all available information when determining the student's needs. Special education services/related services were provided according to the goals and objectives developed, which were designed to meet the needs of the student. Evidence further indicated that modifications/accommodations were reviewed from the previous IEP and were adjusted to meet the student's current needs; however, curriculum modifications were not determined to be necessary. It was concluded that the district addressed the accommodations and modifications needed in order for the student to meet his goals and objectives during the 2000-2001 school year.

The complainant also alleged that the district failed to consider the appropriate educational placement for the student in the least restrictive environment for the 2000-01 school year. Records indicated that the complainant's son was provided with special education services in math and English and was removed from his nondisabled peers less than 5.25 hours per week. It was concluded that the complainant's son was provided the appropriate educational placement in the least restrictive environment.

The complainant further alleged that the district failed to provide an informed notice of refusal to the parent when a request was made to consider curricular adaptations/modifications and special classes as part of the student's IEP. A review of the August 10, 2001, IEP indicated that the complainant requested that general consideration be given to the development of strategies to assist all students with learning disabilities. It was concluded that the complainant's request did not address a change to the identification, evaluation, or educational placement of or the provision of FAPE to the complainant's son and, therefore, the district was not required to provide an informed notice of refusal to the parent.

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**Palm Beach County School Board
Bureau Resolution Determination No. BISCS 2001-036-RES
November 16, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for special programs for students who are autistic and who are speech and language impaired. The student also required occupational therapy. The complainant alleged that the district failed to implement the student's IEP as written for the 2000-2001 school year by providing instruction relative to his described goals and objectives; provide the services described on his IEP, specifically a verbal behavior program, during the 2000-2001 school year; and provide adequate staff development activities regarding the implementation of the Individuals with Disabilities Education Act (IDEA), Part B, and, specifically, the implementation of the student's IEP.

First, the complainant alleged that the district failed to implement her son's 2000-01 school year IEP by failing to provide instruction relative to his described goals and objectives and the verbal behavior program. A review of the student's February 4, 2000, and February 12, 2001, IEP indicated that his goals and objectives included the areas of cognitive functioning, communication, and fine motor skills. Neither IEP described the strategy of "verbal behavior programming." It was concluded that the special education services and instruction had been provided in accordance with the student's goals as described in his IEPs.

The complainant further alleged that the district failed to provide staff development activities regarding the implementation of IDEA, Part B, specifically, the implementation of her son's IEP. Documentation indicated that the district had provided staff training regarding the implementation of IDEA, Part B, during the 1999-2000 school year. In addition, school staff participated in a "verbal behavior" workshop. It was concluded that the district provided adequate staff development activities regarding the implementation of the student's IEP.

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**Volusia County School Board
Bureau Resolution Determination No. BISCS 2001-018-RES
July 10, 2001**

This complaint was filed by the parent of a student with disabilities who had been determined eligible for the special program for students with specific learning disabilities. In her letter, the parent alleged that the district had failed to develop an individual educational plan (IEP) for her son in a timely manner and failed to re-evaluate him in a timely manner.

In this issue the parent alleged that the district failed to develop an IEP for her son in a timely manner. A review of the student's IEP indicated that it was developed on November 1, 1999, with an expiration date of November 1, 2000. The district provided a copy of a Parent/Guardian Participation Notice form dated November 6, 2000, that stated that the parents had been provided with a notice on November 6, 2000, and November 7, 2000; however, there was no date or time given for the IEP meeting, nor any evidence that the parent had actually been contacted. Following a review of the evidence it was concluded that there was no evidence to demonstrate that the parent had been given an opportunity to participate in the development of this IEP. The district was required to ensure that meetings for review and/or revisions of the student's IEPs are held in a timely manner and that the parents receive a proper notification. The district was further required to verify compliance through the 2002-03 school year.

In this issue the parent alleged that the district failed to reevaluate her son in a timely manner. The student's educational records indicate that he was due for a reevaluation by January 7, 2001. The IEP meeting to discuss the student's reevaluation was not held until January 26, 2001. It was concluded that the complainant's evaluation was not completed by January 7, 2001. As a result the district was required to ensure that the reevaluation of the complainant's son were completed in a timely manner. The district was further required to provide evidence to the bureau that the corrective action had been complied with.

In the final issue the parent alleged that the district developed pages of the student's IEP without a meeting of the IEP team. Documentation indicated that the annual

goals and objectives had been developed and added to the student's November 10, 2000, IEP without a formal meeting. The district was required to ensure that IEP meetings are held in a timely manner and that the parents receive a proper notification. The district was further required to verify compliance through the 2002-03 school year.

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Commissioner's Orders

Department of Education
Agency Case No. DOE 2001-663-FOF
July 24, 2001

This complaint was filed by a private citizen, alleging that the Florida Department of Education (DOE) failed to have in place a Comprehensive System for Personnel Development (CSPD) as required by the Individuals with Disabilities Education Act (IDEA), Part B. In summary to the conclusions it was found that the current *Florida State Plan under Part B of the Individual for Disabilities Education Act* described the implementation of the Comprehensive System of Personnel Development implemented in Florida. A range of professional development initiatives were in place that addressed the four components of Florida's Comprehensive System of Personnel Development that included professional development, certification and credentialing, adequacy of supply of teachers, and systems improvements. It was determined that the Florida Department of Education had a CSPD plan in place. The Florida Department of Education implemented the CSPD plan as required by IDEA, Part B.

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Leon County School Board
Agency Case No. DOE 2001-659-FOF
July 13, 2001

This complaint was filed by the parent of a student with disabilities who alleged that the district failed to evaluate students in a timely manner in order to determine their potential eligibility for an exceptional student education (ESE) program, particularly students who may have specific learning disabilities; appropriately evaluate students who may be in need of ESE services, particularly students who may have specific learning disabilities, by using appropriate assessment instruments; provide adequate and timely staff development training opportunities regarding the implementation of the Individuals with Disabilities Education Act (IDEA), Part B, and, specifically, training for teachers of students who have specific learning disabilities; make the Special Programs and Procedures document available for public review,

and charge appropriately for copies of the document; and appropriately include measurable annual goals in the individual educational plans (IEPs) of students with disabilities, as required by the IDEA, Part B. To investigate the allegations, the bureau conducted an on-site visit, interviewed district staff, and reviewed student records and other pertinent information.

The complainant alleged that the district failed to evaluate students in a timely manner in order to determine their potential eligibility for an ESE program. Following a review of 21 student records to determine the time between initial referral and eligibility staffing, it was determined that the district evaluates within a reasonable time in order to determine potential eligibility.

In addition the complainant alleged that the district failed to use the appropriate assessments when evaluating students who may be in need of ESE services, particularly students who may have specific learning disabilities. A review of the district's Special Programs and Procedures for Exceptional Students document identified specific evaluation instruments that may be used to evaluate students who are suspected of having a learning disability. Additional review of student records indicated that the appropriate evaluation instruments were administered to students who have been in need of ESE services, particularly students who may have specific learning disabilities.

The complainant also alleged that the district failed to provide adequate and timely staff development training opportunities regarding the implementation of IDEA, Part B, specifically for teachers of students who have specific learning disabilities. Documentation indicated that the district provided staff development/training activities during the 1999-00 and 2000-01 school year that addressed the implementation of IDEA, Part B, and specifically students with learning disabilities.

The complainant further alleged that the district failed to make available the district's Special Programs and Procedures (SP&P) and inappropriately charged for copies. It was concluded that the document was approved by the district's school board and, therefore, available for public review, and that the charge for copies of the document was appropriate.

In the final issue, the complainant alleged that the district failed to appropriately include measurable annual goals in the IEPs of students with disabilities, as required by IDEA, Part B. A review of annual goals in student records indicated that some IEPs of students with disabilities did not have measurable goals. As a result of the investigation the district was required to provide staff development activities to all staff regarding the development of IEPs and the writing of measurable annual goals. Evidence of compliance was to be provided to the bureau.

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**Miami-Dade County School Board
Agency Case No. DOE 2001-675-FOF
September 11, 2001**

This complaint was filed by an advocate alleging that the district failed to follow district criteria in determining whether students with disabilities are eligible for speech and language services. Documentation indicated that the Miami-Dade County School District had developed alternative criteria for considering speech and language service eligibility for certain special populations of students. It had been determined that the district may not develop criteria that is different from the state criteria for this program and since the district would be in violation of state law had it implemented its own criteria, the complaint issue is moot. As a result of the investigation the district has corrected the speech and language portion of its SP&Ps submitted for the 2000-2001 school year. The Bureau of Instructional Support and Community Services has approved these procedures. It was further recommended that the bureau was to provide technical assistance to the district, and to all of the state's school districts, regarding the criteria for eligibility for the speech and language program, as well as assistance in meeting the communications needs of students with disabilities who do not meet the state criteria for the speech and language program.

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**Miami-Dade County School Board
Agency Case No. DOE 2001-693-FOF
November 27, 2001**

This complaint was filed by an advocate alleging that the district had failed to provide adequate staff development training regarding the individual educational plan (IEP) component for the consideration of special factors; consider special factors when developing students' IEPs; and consider the special factors when developing a student's IEP on May 29, 2001.

A review of relevant documentation indicated that in October of 2000, Miami-Dade County Schools revised the IEP form that the district had been using. The district provided 33 training sessions throughout the six regional areas with a variety of opportunities for participation, including Saturday enhancement training, computer-generated training, and peer assistance. To determine if the district IEP teams considered special factors when developing IEPs, the bureau reviewed ten students' IEPs. Of the ten IEPs that were reviewed, nine were viable and indicated that the "special factors" were referenced in the content of each child's IEP.

The advocate also alleged that the district failed to consider the special factors of a student who had been determined to be eligible for special programs for students who are autistic and who are speech and language impaired when developing his

May 29, 2001, IEP. A review of the student's May 29, 2001, IEP indicated that all six special factors were marked, with four of the six addressed in the body of the IEP.

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Monroe County School Board
Agency Case No. BISCS 2001-033-FOF
October 29, 2001

This complaint was filed by the parents of a student with disabilities who had been determined eligible for the special programs for students who are autistic and who are speech and language impaired. The student also required occupational and physical therapies. In their letter of formal complaint, the parents alleged that the district had failed to provide the speech and language (S/L) services prescribed by the student's individual educational plan (IEP); conduct an S/L evaluation of the student; provide the parents with a copy of a procedural safeguards notice at the IEP meeting held on June 8, 2001; reschedule an IEP meeting that had been adjourned on June 8, 2001, subject to an agreement with the parents that the meeting would be reconvened on June 12, 2001; and provide the parents with a copy of a Notice of Refusal form, with all of the required components, when refusing to reconvene the June 8, 2001, IEP meeting.

In this issue the complainants alleged that the district failed to provide the student with the speech and language services prescribed on the IEP. Based on the documentation, the student missed seven days of speech and language services as a result of the speech pathologist's absence. Evidence provided by the district indicated that the student was provided 20 minutes of extra speech and language services as a result of the missed sessions. It was concluded that the 2000-01 IEP did not accurately reflect the level of speech and language services that were provided. As a result of the investigation, the district was required to ensure that services on the student's IEP are accurately reflected.

The complainants also alleged that the district failed to conduct a speech and language evaluation of the student. Information provided to the bureau indicated that the parents requested an independent educational evaluation for speech and language. There was no evidence to indicate that the evaluation had been conducted or that the parent had been furnished an Informed Notice of Refusal. As a result of the findings, the district was required to provide the parents a written response regarding the speech and language evaluation, specifying that the district agreed to provide the evaluation or the district was to provide the parent with an Informed Notice of Refusal to provide an evaluation, and indicate its intention to file for a due process hearing. The district was further required to provide to the bureau verification as to its decision.

The complainants also alleged that the district failed to provide the parents with a copy of a procedural safeguards notice at the June 8, 2001, IEP meeting. It was concluded that the district was not required to provide the parent with a copy of the procedural safeguards notice at an IEP meeting.

The complainants continued by alleging that the district failed to reschedule an IEP meeting that had been adjourned on June 8, 2001, with an agreement that the meeting would be reconvened on June 12, 2001, and failed to provide the parents a copy of a Notice of Refusal form when refusing to reconvene the meeting. Records indicated that an IEP meeting was held on June 8, 2001, and adjourned by mutual agreement to reconvene June 12, 2001. The June 12, 2001, IEP meeting could not be held due to the district staff not being available during summer break. It was determined that the district refused the parents' request to complete the June 8, 2001, IEP meeting and did not provide them with a Notice of Refusal. As a result of the findings, the district was required to provide the parents with a prior written notice of its refusal anytime the parents request that the district take a specific action relating to the identification, evaluation, or educational placement of, or the provision of a free appropriate public education to the student, and the district refuses. Verification of such document was to be provided to the bureau through the 2001-02 school year.

In the final issue, the complainants alleged that the district failed to consider the student's need for extended school year services, specifically for speech and language services. Documentation indicated that the student was to be provided with extended school year services during the summer of 2001. The parents chose not to have their child participate.

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Pinellas County School Board
Agency Case No. BISCS 2001-027-FOF
September 24, 2001

This complaint was filed by the parents of a student with disabilities who had been determined eligible for the special program for students who have specific learning disabilities. The complainants in their letter alleged that the district failed to appropriately follow procedures subsequent to the arrest of the complainants' son, including the transmittal of his educational records to the appropriate authority; appropriately place him in an interim alternative educational setting (IAES) for his 45-day removal, based on his violation of the school board's rules of student conduct; appropriately place him in an alternative setting, Specialized Academic Interventions for Learners (S.A.I.L.), an interim alternative educational setting (IAES), as determined by the IEP team; conduct a manifestation determination review, and consider all of the available evaluation data including his suspension record, prior to his placement into S.A.I.L., and include all appropriate members of the IEP team in that

process; conduct an IEP meeting for him on February 13, 2001, with all of the required participants; provide an appropriate informed written notice to the complainant prior to proposing/refusing to take a particular action; and, transmit his disciplinary record from Boca Ceiga High School to S.A.I.L. in an appropriate and timely manner.

In this issue the parents alleged that the district failed to appropriately follow procedures subsequent to the arrest of their son, including the transmittal of his educational records to the appropriate authority. Records indicated that the complainants' son was suspended and subsequently arrested by the local law enforcement agency. Evidence further indicated that the school failed to inform the arresting offices that the student was an exceptional education student, resulting in the law enforcement agency failing to request and consider the student's records. It was determined that the district did not appropriately follow procedures subsequent to the arrest of the complainants' son, including the transmittal of educational records to the appropriate authority. As a result, the district was required to provide administrative staff training regarding their responsibility to inform law enforcement agencies when a student is an exceptional education student and to make their education records available when requested.

The parents also alleged that the district failed to appropriately place the complainants' son in an interim alternative education setting (IAES) for 45-day removal, based on his violation of the school board's rules of school student conduct. Documentation indicated that the complainants' son was suspended February 7, 2001, with the parents being notified on March 6, 2001. The student was enrolled in Specialized Academic Interventions for Learners (S.A.I.L.) on February 9, 2001, for violation of the district's code of conduct. It was concluded that the district appropriately placed the complainants' son into an alternative educational setting; however, the placement did not constitute placement in an IAES as defined by IDEA. As a result of the findings the district was required to provide a written notice to the parents if the complainants' son was suspended during the 2001-02 school year.

The parents further alleged that the district failed to appropriately place the complainants' son in Specialized Academic Intervention for Learners (S.A.I.L.), an IAES, determined by the IEP team. The records indicated that the student was assigned to S.A.I.L. on February 9, 2001, for violation of the district's code of conduct, and the IEP was revised by the IEP team on February 21, 2001, to reflect a 45-day stay. On February 29, 2001, the IEP team decided to keep the complainants' son at S.A.I.L. for the second semester with the complainants' approval. Following a review of the documentation it was concluded that the district did not consider the student's educational placement in Specialized Academic Interventions for Learners (S.A.I.L.) as a placement in an IAES as that term is referenced in the IDEA, and as determined by the IEP team.

The complainant continued by alleging that the district failed to appropriately conduct a manifestation determination review, and considered all of the available evaluation data, including the student's suspension record, prior to his placement at S.A.I.L., with all of the appropriate members of the IEP team participating in that process. Records indicated that a manifestation determination meeting was held on February 21, 2001; however, all of the student's educational records were not present nor were all the required IEP team members. The meeting was reconvened on February 29, 2001, at which time the IEP was modified so that the complainants' son would remain at S.A.I.L. Documentation further indicated that the IEP team determined that the behavior which caused the suspension was a manifestation of the student's disability. It was concluded that the district had not appropriately conducted a manifestation determination review and considered all of the available evaluation data, including the student's suspension record, prior to his placement at S.A.I.L.. The district also had not included all appropriate members of the IEP team at the February 21, 2001, IEP meeting. Errors that occurred at the February 21, 2001 meeting were corrected at a February 29, 2001 meeting. As a result of the findings, the district was required to submit complete documentation regarding the meeting to the bureau if the complainants' son has an IEP / manifestation determination review meeting.

In this issue the parents alleged that the district failed to conduct an IEP meeting for their son on February 13, 2001, with all of the required participants. Documentation of the February 13, 2001, meeting indicated that the meeting was a parent conference to discuss the student's placement at S.A.I.L. The records did not indicate that an IEP had been developed, revised, or discussed.

The parents continued by alleging that the district failed to provide them with an appropriate written notice prior to proposing / refusing to take a particular action. A review of the manifestation determination / IEP meeting records of February 21, 2001, indicated that a counseling component was added to the student's IEP and that the parents were provided with a Prior Written Notice of Proposed Change in ESE Services following the meeting. It was concluded that the change did not reflect a substantial change in placement and, therefore, did not require an appropriate written notice.

In the final issue, the parents alleged that the district failed to transmit their son's disciplinary record to S.A.I.L. in an appropriate and timely manner. Documentation indicated that the disciplinary records were available to all schools through the Student Information System. The district provided a copy of the Student Information Record for the complainants' son as verification. Evidence indicated that S.A.I.L. had immediate access to the student's disciplinary records.

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The New Department of
Education

Jim Horne, Commissioner

ESE 312339