

Agency Order Summaries

Resulting from Inquiries Conducted by the Bureau of
Exceptional Education and Student Services



**July—December
2003**

These summaries are available through the Bureau of Exceptional Education and Student 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:

325 W. Gaines St., Room 628
Tallahassee, Florida 32399-0400

Telephone: (850) 245-0477

Suncom: 205-0477

FAX: (850) 245-0987

Internet: **www.myfloridaeducation.com/commhome**

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Introduction

The following are summaries of Florida Department of Education Early Resolutions, Bureau Resolution Determinations, and Commissioner's Orders entered from July through December 2003. These resolutions and orders were issued after inquiries were made by the Bureau of Exceptional Education and Student Services (Bureau) 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 resolution 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 Patricia Howell, Dispute Resolution Program Director, Bureau of Exceptional Education and Student Services, 614 Turlington Building, Tallahassee, Florida 32399-0400; (850) 245-0476; Suncom 205-0476; or via electronic mail at Patricia.Howell@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.

Summaries of Early Resolutions

Hillsborough County School Board

Agency Case No. 2003-2ER

September 26, 2003

The Bureau of Instructional Support and Community Services (Bureau) received a letter of formal complaint from the parent of a student with disabilities. In the parent's letter, the complainant alleged that the district failed to provide the student with an evaluation that was sufficiently comprehensive to identify all of the student's special education and related service needs; consider the inclusion of positive behavioral interventions, strategies, and supports to address the student's behaviors during the 2002-03 school year and follow proper discipline procedures as they relate to a student with disabilities; provide the student with appropriate access to the general curriculum and implement the individual educational plan (IEP), specifically, as the student was transferred into the district with a current IEP; ensure that adequate progress towards the student's stated goals was being made; provide the complainant with the opportunity to fully participate in meetings regarding the student, including placement and IEP development meetings; and provide the parent with access to or copies of the student's educational records in a timely manner.

Following contact from the Bureau, both the district and the complainant agreed to the early resolution process. The parties reached an agreement on [specific date] 2003. The agreement stated that the district would provide educational records and conduct an evaluation within specified timelines. The Bureau was to monitor the implementation of the terms of the agreement. In addition, the parties agreed that the student would transfer to a different school to resolve the issue of future access to the general curriculum.

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Hillsborough County School Board
Agency Case No. 2003-4ER
December 11, 2003

The Bureau of Instructional Support and Community Services (Bureau) received a letter of formal complaint from the parent of a student with disabilities. In the parent's letter, the complainant alleged that the district failed to provide special education in accordance with the student's individual educational plan (IEP) for the 2003-04 school year and to implement a behavioral intervention plan (BIP) from the student's IEP.

Following contact from the Bureau, both the district and the complainant agreed to an early resolution process. The parties reached an agreement on [specific date] 2003. The agreement stated that the student would transfer to a new school, that the complainant would have the opportunity to review all of the student's school records, and that the faculty at the student's middle school would receive inservice training related to exceptional student education (ESE) policies and procedures. The early resolution agreement was signed by both parties and stipulated that the Bureau was to monitor the implementation of the terms of the agreement.

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Orange County School Board
Agency Case No. 2003-3ER
November 4, 2003

The Bureau of Instructional Support and Community Services (Bureau) received a letter of formal complaint from the parent of a student with disabilities. In the parent's letter, the complainant alleged that the district failed to implement the individual educational plan (IEP) and consider the appropriate educational placement for the student at the beginning of the 2003-04 school year.

Following contact from the Bureau, both the district and the complainant agreed to the early resolution process. The parties reached an agreement on [specific date] 2003. The agreement stated that the district would hold a meeting by [specific date] 2003, to discuss the results of the psycho-educational evaluation, as well as the results of the former reevaluation and address an increase in academic time in regular education for the student.

The agreement stated that the district would continue the current schedule of first grade social studies and science class in regular education for four days per week until [specific year], at which time the IEP team would review the data collected and determine the most appropriate class or classes for the student, and it would continue the current transition, including the assistance from the paraprofessional and/or ESE teacher as well as a peer buddy, and would convene the IEP team by [specific date] 2004, to review the transition data from the previous grading period and determine the need for further transition.

The early resolution agreement was signed by both parties and stipulated that the Bureau was to monitor the implementation of the terms of the agreement.

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Summaries of Commissioner's Orders

Highlands County School District
Agency Case No: DOE-2003-956-FOF
December 9, 2003

This formal complaint was filed by a private citizen who alleged that the Florida Department of Education (FDOE) does not have in place a due process system that parents can access to protect their children's rights as required by the Individuals with Disabilities Education Act (IDEA), Part B. Following an investigation, it was concluded that the FDOE has a due process system in place that parents can access to protect their children's rights. A corrective action was not required.

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Summaries of Bureau Resolution Determinations

Alachua County School District
Agency Case No: BISCS 2003-033-RES
November 4, 2003

This formal complaint was filed by the parents of a student with a disability who had been determined eligible for the special programs for students identified as emotionally handicapped (EH) and with speech and language (S/L) impairments. The student also requires occupational therapy (OT). The complainants alleged that the district failed to provide the student with the educational services that were required by the student's individual educational plan (IEP) for the 2002-03 school year and when developing the IEP, to consider the positive behavioral interventions, strategies, and supports that were necessary to address the student's behavior for the 2002-03 school year.

In the first issue, the complainants alleged that the student did not receive the necessary educational services in accordance with the IEP for the 2002-03 school year. A review of the documentation indicated that the district was required to provide academic instruction in a small-group setting, speech services, and OT as a related service. Based on the documentation, it was determined that the district provided the special education services described on the student's 2002-03 school year IEP. Corrective actions were not prescribed.

In the second issue, the complainants alleged that the district did not provide the appropriate positive behavioral interventions, strategies, and supports that were necessary to address the

student's behavior when developing the IEP for the 2002-03 school year. The information and documentation provided to the Bureau indicated that the district had considered and discussed positive behavioral interventions and had developed, updated, and implemented a behavioral intervention plan to provide the intervention strategies and supports that were necessary to address the student's behavior. Corrective actions were not prescribed.

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Broward County School District
Agency Case No: BISCS 2003-034-RES
October 28, 2003

This formal complaint was filed by the parent of a student with a disability who had been determined eligible for the special programs for students with autism and speech and language impairments. The student also required occupational therapy (OT). In the parent's letter of formal complaint, the complainant alleged that the district failed to obtain informed parental consent before reevaluating the student during the 2002-03 school year and to protect the confidentiality of the student's educational records. In addition, the complainant alleged that the district did not afford the parent the opportunity to participate in the student's individual educational plan (IEP) meetings that were held during the 2002-03 school year, specifically the meeting that was scheduled for [specific date] 2003. At a later date, two additional issues were added by the complainant which alleged that the district failed to address the student's need for transportation and did not provide transportation as specified on the student's IEP.

In the first issue, the complainant alleged that the district failed to obtain informed parental consent before reevaluating the student. Documentation indicated that a reevaluation was recommended by the student's IEP team and written parental consent was provided on [specific date] 2002. Based on the evidence, the areas authorized for assessment were speech, language, academic achievement, and occupational therapy. Records further indicated that a functional behavioral assessment (FBA) and behavioral intervention plan (BIP) were completed for the student in [specific year] of 2003. The investigation concluded that the FBA did not include any formal assessments that would have required the provision of additional informed parental consent and the district had obtained informed parental consent before conducting the student's reevaluation during the 2002-03 school year. Corrective actions were not required.

In the second issue, the complainant alleged that an individual, prior to being employed by the school, had been allowed to review the student's records without the parent's consent. Records indicated that the individual was employed by the charter school on a contractual basis. It was concluded that the district protected the confidentiality of the student's educational records during the 2002-03 school year. Corrective actions were not required.

In the third issue, the complainant alleged that the district failed to provide the complainant with the opportunity to participate in the student's IEP meetings during the 2002-03 school year, specifically the meeting scheduled for [specific date] 2003. Documentation indicated that the complainant attended IEP meetings on [specific dates] 2003. In addition, documents indicated

that a consultant also attended these meetings, as a district representative with knowledge and special expertise regarding children with autism. It was concluded that the complainant participated in the student's IEP meetings as evidenced by the parent's signature and the nature of the comments that were recorded during the meetings. Corrective actions were not required.

In the fourth issue, the complainant alleged that the district failed to address the student's need for transportation as a related service when developing the IEP for the 2001-02 and 2002-03 school years. Documentation indicated that an IEP meeting was held on [specific date] 2003 to address the complainant's request for transportation. Records further indicated that the [specific date] 2003, and [specific date] 2003, meetings specified the need for transportation as a related service. The investigation concluded that the need for transportation as a related service was considered when developing the student's IEP.

In the final issue, the complainant alleged that the district failed to provide transportation for the student as specified on the IEP. Documentation indicated that transportation was described as a related service on the [specific date] 2003, IEP. Records further indicate that the district gave the complainant a notice of refusal to provide transportation. The district provided documentation that indicated that the district requested one additional day to gather information as to the student's need. However, following a review of the documentation, it was concluded that transportation was not initiated until the beginning of the 2003-04 school year; therefore, the district did not provide the student with transportation as described in the IEP. As corrective action the district was required to verify on a quarterly basis the provision of appropriate transportation services. In addition, the district was required to review its policies that pertain to transportation and any required forms that might delay the initiation of services.

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Broward County School District
Agency Case No: BISCs 2003-035-RES
November 20, 2003

This formal complaint was filed by the parent of a student with a disability who had been determined eligible for the special programs for students with specific learning disabilities (SLD) and with other-health-impairments (OHI). The complainant alleged that the district failed to follow appropriate discipline procedures and address the student's behavior through the individual educational plan (IEP) process during the 2002-03 school year. The complainant also alleged that the district failed to provide access to or copies of the student's educational records.

In the first issue, the complainant alleged that the district failed to follow appropriate discipline procedures and address the student's behavior through the IEP process during the 2002-03 school year. Documentation indicated that during the 2002-03 school year, the IEP team considered and developed behavior strategies and goals. In addition, the district completed a functional behavior assessment (FBA) and a behavioral intervention plan (BIP) for the student on [specific date] 2003 and revised the IEP to address concerns about the student's behavior. It was concluded that the district followed appropriate procedures when disciplining the student and that the IEP team

developed IEPs for the student that addressed the behavior concerns. Corrective actions were not required.

In the second issue, the complainant alleged that the district failed to provide the parent with access to or copies of the student's educational records. Records indicate that the complainant requested the student's educational records on [specific date] 2003. The complainant signed a receipt form indicating the parent had received the student's educational records. Based on the aforementioned dates, the district did not meet the thirty day requirement set by applicable state law; however, the forty-five day requirement defined by federal law was met. Corrective actions were not required; however, the Bureau recommended that in the event the complainant again makes a written request for records, the district must provide the educational records as defined by the applicable federal and state laws.

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Broward County School District
Agency Case No: BISCS 2003-037-RES
December 5, 2003

This formal complaint was filed by the parent of a student with a disability who alleged that the Florida Department of Education (FDOE) had failed to complete its investigation of the complainant's allegations regarding the violations of federal and state laws relating to the education of students with disabilities within sixty days in conformance with Sections 300.660-300.662 of Title 34 of the Code of Federal Regulations (Title 34).

The complainant alleged that the FDOE violated federal and state laws because the Bureau failed to meet the sixty day timeline prescribed in Sections 300.660-300.662 of Title 34 of the Code of Federal Regulations (Title 34). Documentation indicated that the complainant filed a formal complaint with the FDOE with the beginning date of [specific date] 2003, and a scheduled completion date of [specific date] 2003. The complaint investigation was concluded on [specific date] 2003; therefore, the timeline was not met. As corrective action, the FDOE must continue to work to complete its investigation of alleged IDEA violations within the time parameters established by law. The Bureau must conduct a quarterly analysis through [specific year] 2004, of timelines to determine which components positively affect and/or hinder progress in meeting the sixty day timelines, and modifications to the process must be made as appropriate.

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Highlands County School District
Agency Case No: BISCS 2003-029-RES
August 19, 2003

This formal complaint was filed by the parents on behalf of their children with disabilities. Both students had been determined eligible for the special programs for students with specific learning disabilities (SLD). In addition, one student qualified for occupational therapy (OT). The

complainants alleged that the district failed to provide both students with educational services, specifically accommodations/modifications as required by each student's individual educational plan (IEP) for the 2002-03 school year. The complainants further alleged that the district failed to follow proper procedures regarding the scheduling of one student's IEP meeting in a timely manner in response to the complainants' request.

In the first issue, the complainants alleged that the district failed to provide both students with educational services specifically, accommodations/modifications as required by each students' IEP for the 2002-03 school year. The district acknowledged that it failed to provide sufficient OT services to one of the students and did not produce sufficient documentation to indicate the provision of accommodations or modifications as described on each student's IEP. As corrective action, the district was required to submit to the Bureau documentation that indicated that both students received appropriate services in accordance with their IEPs. Documentation was required to be submitted on a quarterly basis for two consecutive school years.

In the second issue, the complainants alleged that the district failed to follow proper procedures regarding the scheduling of one student's IEP meeting. A review of the documentation indicated that the complainants first requested an IEP meeting on [specific date] 2002, and again on [specific date] 2002. The IEP meeting was held on [specific date] 2002. As corrective action, the district was required to submit to the Bureau documentation on a quarterly basis indicating that the district responded in a timely manner to any parental request for an IEP meeting. Documentation was required to be submitted for two consecutive school years.

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Hillsborough County School District
Agency Case No: BISCS 2003-030-RES
August 29, 2003

This formal complaint was filed by the parent of a student with a disability who had been determined eligible for the special programs for students identified as emotionally handicapped (EH). The complainant alleged that the district failed to provide the student with an evaluation that was sufficiently comprehensive to identify all of the student's special education and related service needs. In addition, the complainant alleged that the district failed to consider the inclusion of positive behavioral interventions, strategies, and supports to address the student's behaviors that impeded the student's learning or that of others when developing the student's individual educational plan (IEP) for the 2002-03 school year.

In the first issue, the complainant alleged that the district failed to provide the student with an evaluation that identified all of the student's special education and related service needs. A review of the documentation indicated that the district evaluated the student in [specific year] of 2003. The evaluation included an assessment of the student's intellectual functioning and academic achievement, a clinical interview, and an interview of both parents. Documentation further indicated that the district provided an independent educational evaluation (IEE) in [specific year] of 2003. The IEP team considered information provided by the parents. It was

determined that the student's IEP team appropriately determined the student's eligibility for the special programs for students who are emotionally handicapped. No corrective action was required.

In the second issue, the complainant alleged that the school staff's behavior management methodology antagonized the student and interfered with the student's academic achievement. A review of the student's IEP described behavioral goals and short-term objectives. It was concluded that the strategies used to address the student's behavioral goals were appropriate. No corrective action was required.

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Indian River County School District
Agency Case No: BISCS 2003-025-RES
July 9, 2003

This complaint was filed by the parent of a student with a disability who had been determined eligible for the special program for students identified as educable mentally handicapped with language impairments. The student also required occupational therapy (OT). The complainant alleged that the district failed to provide an independent educational evaluation (IEE) of the student at public expense as the parent had requested. In addition, the complainant alleged that the district failed to obtain parental consent to evaluate the student by a qualified person and did not afford the complainant the opportunity to participate in the development of the student's individual educational plan (IEP).

In the first issue, the complainant alleged that the district did not provide an IEE of the student as the parent requested. A review of the documentation indicated that the IEE was completed by a qualified evaluator on [specific date] 2002. It was concluded that the district provided an IEE to the student at public expense in response to the complainant's request. A corrective action was not required.

In the second issue, the complainant alleged that the district evaluated the student without parental consent. Records indicated that the complainant signed an informed notice/consent for additional data form on [specific date] 2002, and [specific date] 2002, which provided consent for reevaluation and for an independent evaluation of the student. A corrective action was not required.

In the final issue, the complainant alleged that the district had not afforded the parent the opportunity to participate in the development of the student's [specific] 2001, IEP. Documentation was not provided to indicate that the complainant had received a prior notice of or invitation to the IEP meeting held on [specific date] 2001. In addition, there was no evidence that the parent attended the meeting. As corrective action, the district was required to provide the complainant with prior notice of any IEP meetings planned for the student if re-enrolled in the district. Evidence of compliance was to be submitted to the Bureau through 2004 school year.

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Indian River County School District
Agency Case No: BISCS 2003-028-RES
August 14, 2003

This formal complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students identified as educable mentally handicapped (EMH) and who have speech and language impairments. The student also received occupational therapy (OT). The complainant alleged that the district failed to provide the parent with access to or copies of the student's educational records.

Documentation indicated that the complainant requested the student's educational records on [specific date] 2003. It was determined that the complainant received the records on [specific date] 2003. No corrective action was required.

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Lee County School District
Agency Case No: BISCS 2003-022-RES
July 1, 2003

This complaint was filed by the grandparent of a student with a disability who had been determined eligible for the special program for students identified as emotionally handicapped (EH). The complainant alleged that the district failed to implement the student's 2002-03 school year individual educational plan (IEP), specifically regarding all of the accommodations that the IEP team had determined to be necessary for the student to advance appropriately towards attaining the annual goals.

The complainant alleged that several of the student's teachers had refused to provide the accommodations that were specified on the IEP. A review of the documentation indicated that the district provided all of the accommodations that had been specified on the student's IEPs. A corrective action was not required.

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Lee County School District
Agency Case No: BISCS 2003-036-RES
December 5, 2003

This formal complaint was filed by the parent of a student with a disability who had been determined eligible for the special programs for students identified as educable mentally handicapped (EMH) and speech and language impaired (SI). The student also required occupational therapy (OT). The complainant alleged that the district failed to provide special education and related services to the student in accordance with the student's individual educational plan (IEP) and failed to make a good faith effort to assist the student to achieve the goals and objectives/benchmarks listed in the IEP during the 2002-03 school year.

Documentation indicated that the student had received speech-language therapy as described on the IEP for most of the school year; however, the district did not provide the student with all of the speech-language therapy services as described on the student's 2002-03 school year IEP. As corrective action, the district was required to ensure that speech-language therapy services are provided to the student in accordance with the IEP. In addition, the district was required to determine if compensatory services were appropriate and, if so, to develop a plan for the provision of these services. Documentation was required to be submitted to the Bureau verifying compliance.

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Lee County School District
Agency Case No: BISCS 2003-039-RES
January 5, 2004

This formal complaint was filed by the parent of a student with a disability who had been determined eligible for the special programs for students identified as trainable mentally handicapped (TMH), speech and language impaired (SLI), and orthopedically impaired. The complainant alleged that the district failed to provide the complainant with the opportunity to fully participate in meetings regarding the student and provide proper parental notices regarding the individual educational plan (IEP) meeting that was scheduled [specific date] 2003. The complainant also alleged that the district failed to provide the appropriate educational placement for the student in accordance with the IEP for the 2003-04 school year.

In the first issue, the complainant alleged that the district failed to provide the complainant with the opportunity to fully participate in the student's IEP meetings and failed to provide proper parental notice regarding the [specific date] 2003, IEP meeting. A review of the documentation indicated that the [specific date] 2003, meeting was identified as a parent conference. The documentation further indicated that the district considered the complainant's requests and input regarding the student's educational needs during meetings. It was concluded that the district followed proper procedures. No corrective actions were issued.

In the second issue, the complainant alleged that the district failed to provide the appropriate educational placement for the student in accordance with the IEP for the 2003-04 school year, specifically inclusion services. A review of documentation indicated that the inclusion services described on the student's IEP were not consistently provided. In addition, the complainant alleged that the district did not provide the parent with a notice of change of placement when the student was placed in a different class. Documentation indicated that the student's placement was not changed during the 2003-04 school year; instead, a reorganization of classes had occurred. The reorganization did not impact the student's placement or educational services as specified in the IEP. As corrective action, the district was required to ensure that inclusion services are provided to the student as specified on the IEP. Verification of compliance was to be provided to the Bureau on a quarterly basis.

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Leon County School District
Agency Case No: BISCS 2003-027-RES
August 14, 2003

This formal complaint was filed by the parent of a student with a disability who had been determined eligible for the special programs for students with language impairments. Present educational records indicated that the student was no longer in need of special education services. The complainant alleged that the district failed to follow proper dismissal procedures for the student during the 2002-03 school year.

Documentation indicated that the district recommended an evaluation and the parent signed a consent for the evaluation on [specific date] 2002. The reevaluation report, dated [specific date] 2002, indicated that the student scored within the normal range. Based on the reevaluation report, the individual educational plan (IEP) team recommended that the student be dismissed from the exceptional student education (ESE) program. Documentation further indicated that a meeting to review the reevaluation was scheduled on [specific date] 2002. The parent's signature was on both the parent invitation/participation form and notice of dismissal form. It was concluded that the district followed all of the proper dismissal procedures and that the notification and dismissal documentation contained all of the required components. Corrective actions were not issued.

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Miami-Dade County School District
Agency Case No: BISCS 2003-032-RES
October 9, 2003

This formal complaint was filed by an attorney representing the parents of a student who may be eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA). In the attorney's letter of formal complaint, the attorney alleged that the district failed to fulfill its Child Find responsibilities by not identifying the child as one who may be eligible for special education and related services under the IDEA and failed to grant the parents' request for a formal evaluation during the 2000-01 school year. On [specific date] 2003, an additional issue was presented by counsel that alleged that the district failed to provide a continuum of alternative placements to ensure that an appropriate placement was available to meet the student's educational needs during the 2000-01 school year.

In the first issue, the attorney alleged that the district failed to fulfill its Child Find responsibilities by not identifying the student as one who may be eligible for special education and related services under the IDEA. The attorney alleged that the parents had informed the district of the student's disability; however, the district did not offer to conduct an evaluation to determine possible eligibility for special education and related services. A review of the records indicated that the student's performance for the 1999-2000 to 2000-01 school years did not reflect a drop in coursework or conduct grades; therefore, the district was not obligated to identify the student as a student eligible for special education and related services. A corrective action was not issued.

In the second issue, the attorney alleged that the district failed to grant the parents' request for a formal evaluation during the 2000-01 school year. There was no documentation to indicate that the parents requested an evaluation of the student during the 2000-01 school year. A review of the records indicated that the student's performance did not deteriorate sufficiently to warrant the district evaluating the student to determine eligibility for special education and related services. A corrective action was not issued.

In the final issue, the attorney alleged that the district failed to provide a continuum of alternative placements to ensure that an appropriate placement was available to meet the student's educational needs during the 2000-01 school year. Documentation indicated that the parents enrolled the student in a private residential school; therefore, the student had not been referred for evaluation and an individual educational plan (IEP) was not developed nor was the full range of IDEA placement options that could be offered by the district requested by, proposed to, or discussed with the parents. A corrective action was not issued.

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Orange County School District
Agency Case No: BISCS 2003-031-RES
October 28, 2003

This formal complaint was filed by the parent of a student with a disability who had been determined to be eligible for the special programs for students with specific learning disabilities. The complainant alleged that the district failed to implement the individual educational plans (IEPs) and to determine the eligibility category for the student appropriately by not addressing all areas of suspected disability. In addition, the complainant alleged that the district failed to follow appropriate discipline procedures with the student by not developing appropriate behavioral intervention plans in an effort to address the student's disability during the 2002-03 school year.

In the first issue, the complainant alleged that the district failed to implement the student's IEPs, including transportation as a related service for the 2002-03 school year. A review of the student's [specific date] 2002, and [specific date] 2003, IEPs indicated that transportation was to be provided due to the student's disability. The district has acknowledged that it did not provide transportation services to the student throughout the 2002-03 school year. It was concluded that the district did not fully implement the student's 2002-03 school year IEP. As corrective action, the district was required to provide the Bureau with documentation indicating that the student was receiving transportation services in accordance with the student's IEP.

In the second issue, the complainant alleged that the district failed to evaluate the student appropriately and address all the student's areas of suspected disability. Documentation indicated that speech and language development was a concern; in addition, an assessment dated [specific date] 2002, indicated reading and oral expression as concerns. An informed notice and consent for evaluation form dated [specific date] 2002, was signed by the complainant, giving the district permission to evaluate the student. Documentation was not provided to indicate the district completed the evaluation. The investigation indicated that the district did not address all of the

student's areas of suspected disabilities. As corrective action, the district was required to ensure that the student's evaluations are completed in a timely manner and all suspected areas of disability are addressed. Verification of compliance was required to be submitted to the Bureau.

In the last issue, the complainant alleged that the district failed to follow appropriate discipline procedures during the 2002-03 school year and develop appropriate behavioral intervention plans in an effort to address the student's disability. Records indicate that the student was suspended for 9 days because of an incident that transpired on [specific date] 2003. The complainant was notified of the suspension on [specific date] 2003, and a manifestation determination meeting was held on [specific date] 2003. The team determined that the behavior was a manifestation of the student's disability. It was concluded that the district did not follow appropriate discipline procedures because the complainant was not notified about the suspension within twenty-four hours of the incident and the manifestation determination meeting was not held within 10 days of the suspension, as required in the district's student handbook. As corrective action, the district was required to provide the Bureau with documentation that indicates the student's behavioral goals and objectives are being addressed.

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Palm Beach County School District
Agency Case No: BISCS 2003-040-RES
January 5, 2004

This formal complaint was filed by the parent of a student with a disability who had been determined eligible for the special programs for students identified as mentally handicapped. The complainant alleged that the district failed to provide the student with the educational services that were required by the student's individual educational plan (IEP) for the 2003-04 school year, specifically specially designed physical education (PE), small-group training in the community, a computer usage daily, and activities with the regular education students.

A review of the documentation indicated that the student received community activities, daily computer usage, and activities with regular education students. Documentation further indicated that the student did not participate in PE classes as described on the IEP. As corrective action, the district was required to ensure that the student's IEP was implemented as written. Verification of compliance was required on a quarterly basis.

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St. Lucie County School District
Agency Case No: BISCS 2003-026-RES
July 11, 2003

This formal complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students identified as severely emotionally handicapped, have specific learning disabilities, and with speech and language impairments. The complainant alleged that the district failed to evaluate the student in a timely manner and failed to provide the student with educational services, specifically speech and language services as

required by the student's individual educational plan (IEP) for the 2002-03 school year.

In the first issue, the complainant alleged that the district failed to evaluate the student in a timely manner. A review of the documentation indicated that the complainant provided consent for an occupational therapy (OT) evaluation on [specific date] 2002, and a psychological evaluation on [specific date] 2003. The OT evaluation was reviewed with the complainant on [specific date] 2003; however, the district acknowledged that the district failed to respond to the request for a psychological evaluation. It was concluded that the OT evaluation was not reviewed and the psychological evaluation was not processed in a timely manner. As corrective action, the district was required to ensure that the student's evaluations are completed and reviewed with the student's parents in a timely manner. Evidence of compliance was required to be provided to the Bureau throughout the 2003-04 school year.

In the second issue, the complainant alleged that the district failed to provide the student with educational services, specifically speech and language services as required by the student's IEP for the 2002-03 school year. A review of the student's IEP indicated that the student was to receive language therapy services thirty minutes per week. Documentation indicated that the student had attended the specified sessions. No corrective action was required.



John L. Winn, Commissioner

ESE 312759