

Agency Order Summaries

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



**January–June
2005**

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:

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Introduction

The following are summaries of Florida Department of Education Early Resolutions, and Bureau Resolution Determinations, and Commissioner's Orders entered from January through June 2005. 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 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 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.

Commissioner's Order

Highlands County School District

Agency Case: No. DOE-2005-1055-FOF

February 4, 2005

This formal complaint was filed by the parents of a student with a disability. The complainant's allegations involved the following:

In the first issue, the complainant alleged that the district failed to provide parents with a copy of the notice of procedural safeguards when required and explain these procedural safeguards appropriately during the 2003-04 school year.

In the second issue, the complainant alleged that the district failed to conduct appropriate Child Find activities in accordance with appropriate procedures during the 2003-04 school year.

In the third issue, the complainant alleged that the district failed to follow appropriate procedures when responding to requests for due process hearings during the 2003-04 school year.

The Bureau issued corrective actions for issue two as a part of a systemic review within the district.

Bureau Resolution Determinations

Alachua County School District

Bureau Resolution Determination: No. BEESS-2005-011-RES

April 22, 2005

This formal complaint was filed by a parent of a student who had been determined eligible for the specially designed instruction for students who are homebound or hospitalized (H/H). The complainant's allegation involved whether the district provided the student with homebound instruction, including the appropriate accommodations as specified on the student's individual educational plans (IEPs) during the 2003-04 and 2004-05 school years.

Documentation verified the provision of homebound instruction as specified on the student's IEPs, except for a specific time period for which the documentation was unclear. In addition, the documentation did not verify the provision of accommodations as specified on the IEPs.

As corrective action, the IEP team was to determine the amount of compensatory services that may be needed to make up any insufficient specially designed instruction, with verification to be provided to the Bureau.

* * *

Broward County School District

Bureau Resolution Determination: No. BEESS-2005-016-RES

May 27, 2005

This formal complaint was filed by the parent of a student who had been determined eligible for the special programs for students who are autistic and speech and language impaired, receiving occupational therapy (OT) as a related service. The complainant alleged that the district failed to provide the student with an appropriate parent participation form for the student's individual educational plan (IEP) meeting.

A review of the documentation indicated that the district had verbally informed the complainant of the scheduling of the IEP team meeting and the participants. Documentation further showed that on the day of the IEP the district informed the complainant that an additional person with knowledge and/or special expertise would attend the IEP team meeting, to which the complainant indicated plans to attend. It was concluded that the district had appropriately exercised its discretion to invite an additional person with knowledge and/or special expertise and had taken appropriate action to provide sufficient notice to the complainant regarding the individuals who would be participating at the IEP team meeting. Corrective actions were not issued.

* * *

Broward County School District
Bureau Resolution Determination: No. BEESS-2005-017-RES
June 7, 2005

This formal complaint was filed by the parent of a student who had been determined eligible for the special programs for students who are autistic and speech and language impaired, receiving occupational therapy (OT) as a related service. The complainant alleged that the district failed to provide the parent with an Informed Notice of Refusal regarding the district's refusal to include a goal for social interaction with non-disabled peers on the student's extended school year (ESY) individual educational plan (IEP) for the summer of 2003.

Documentation was not provided by the complainant or the district which verified that the complainant had made such a request to include a goal for social interaction with non-disabled peers on the IEP that had been developed for the summer, 2003 ESY for the student. Corrective actions were not issued.

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Broward County School District
Bureau Resolution Determination: No. BEESS-2005-019-RES
June 23, 2005

This formal complaint was filed by the parents of a student who had been determined eligible for the special programs for students with specific learning disabilities (SLD). There were six allegations within the complaint.

In the first issue, the complainants alleged that the district failed to implement the student's behavioral intervention plan (BIP), as described on the student's individual educational plan (IEP) in 2004-05. Documentation indicated that eighteen of the twenty behavioral interventions described on the student's BIP had been implemented; however, two behavioral interventions could not be verified. It was concluded that the district implemented the student's BIP as described on the IEP, with the exception of two consequences strategies. As corrective action, if the student returned to the district in 2005-06, the district was to clearly indicate on the student's BIP that the district was responsible to provide any reinforcers specified and provide the Bureau with copies of the student's BIPs during the 2005-06 school year within ten days of their finalization.

The second allegation was that the district failed to invite the complainants to each of the eight IEP team meetings held for the student from [specific date] 2004, through [specific date] 2005. The parent had been provided with a parent participation form for five of the eight IEP team meetings. It was concluded that the district did not provide the parents with parent participation forms for three of the student's IEP team meetings. As corrective action, if the student returned to the district, the district was to take steps to ensure that written notice with the required components was provided to the complainants for all IEP meetings. The district was to provide the Bureau with verification of compliance through the 2005-06 school year.

In the third issue, the complainants alleged that the district failed to provide the complainants with the required notice(s) of procedural safeguards, and appropriate explanation(s), during the 2004-05 school year. Documentation showed that the complainants had signed statements which indicated that they had read and understood the notice(s) of procedural safeguards. Corrective actions were not issued.

In the fourth issue, the complainants alleged that the district failed to provide special education and related services to the student in accordance with the student's [specific date] 2005 IEP, and to make a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed in the [specific date] 2005 IEP. A review of the documentation verified that instruction regarding academic and organizational skills had been provided. In addition the review indicated that the provision of counseling services as specified on the [specific date] 2004 IEP was limited by the student's absences from school on the days when counseling sessions were scheduled. It was concluded that the district provided special education and related services to the student in accordance with the [specific date] 2005 IEP, and made a good faith effort to assist the student to achieve the goals and objectives or benchmarks listed in the [specific date] 2005 IEP. Corrective actions were not issued.

In the fifth issue, the complainants alleged that the district changed the student's placement during the 2004-05 school year without parental notice or participation. A review of the documentation indicated that the complainants' and their attorney's signatures on the [specific date] 2004 IEP team meeting form indicated that they had been provided with an opportunity to participate during the IEP team meeting when the decision to change the student's placement had been made. Corrective actions were not issued.

In the final issue, the complainants alleged that the district had not responded appropriately to the complainants' request for an independent educational evaluation (IEE) at public expense. Evidence showed that the complainants had requested an IEE on [specific date] 2005. It was concluded that the district did not respond appropriately to the complainants' request for an IEE. As corrective action, if the student returned to the district, and the parents provided a written request to the district for an IEE, then the district would be required to either initiate a hearing to show that the district's evaluation is appropriate, or ensure that an IEE is provided to the student at public expense. During the 2005-06 school year, the district was to provide the Bureau with any documentation regarding any requests for an IEE that are made by the complainants.

* * *

Duval County School District
Bureau Resolution Determination: No. BEESS-2005-04-RES
March 4, 2005

This formal complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students with specific learning disabilities (SLD). The complainant's allegations involved the following issues: whether the district provided the student with the accommodations that were specified on the student's individual

educational plan (IEP) during the 2004-05 school year and whether the district properly developed and individualized the student's IEPs that were developed from [specific date] 2002 until [specific date] 2004.

Documentation provided by the district was unclear as to what extent all the accommodations were being provided to the student. As corrective action, the district was ordered to meet with the complainant to address the consideration of compensatory services for the student and, if the student were to reenroll in a district school, the district would meet with the complainant within ten days to develop a new IEP for the student.

* * *

Escambia County School District
Bureau Resolution Determination: No. BEESS-2005-015-RES
May 20, 2005

This formal complaint was filed by the parents of a student who was eligible for the special programs for students who are emotionally handicapped (EH), have specific learning disabilities (SLD), and are speech and language (S/L) impaired. The complainants alleged that the district failed to appropriately conduct an individual educational plan (IEP) meeting to develop an IEP for the student and failed to follow appropriate procedures when it had determined the student's placement during the 2004-05 school year.

Documentation and interviews with district staff showed that the parents participated via telephone in the IEP meeting in question, and their participation was documented in the IEP. The parents had wanted the student to attend a district charter school. Documentation submitted by the district and interviews with district staff indicated that the IEP team determined the student would not receive the appropriate level of exceptional student education (ESE) services that were specified on the student's IEP at the charter school. Based on what the district had determined to be sufficient and appropriate data, the IEP team determined that the services indicated on the student's IEP were appropriate for meeting educational needs. The complainant opted to educate the student at home. Corrective actions were not issued.

* * *

Highlands County School District
Bureau Resolution Determination: No. BEESS-2005-009-RES
March 30, 2005

The Bureau of Exceptional Education and Student Services (BEESS) received a letter of formal complaint, with allegations involving the following issues:

In the first issue, the complainant alleged that the district failed to provide parents with opportunities for meaningful participation in their children's individual educational plan (IEP) meetings during the 2003-04 school year.

In the second issue, the complainant alleged that the district failed to employ qualified mental health therapists who were appropriately trained and adequately prepared to provide counseling services to students with disabilities in accordance with their 2003-04 school year IEPs.

In the third issue, the complainant alleged that the district teachers and mental health therapists employed by the district did not implement the 2003-04 school year IEPs of students with disabilities.

In the fourth issue, the complainant alleged that the district failed to sufficiently describe the counseling services that were to be provided for students with disabilities on their 2003-04 school year IEPs.

In the fifth issue, the complainant alleged that the district failed to conduct appropriate Child Find activities in accordance with appropriate procedures during the 2003-04 school year.

In the sixth issue, the complainant alleged that the district may not have evaluated students in every area of suspected disability during the 2003-04 school year.

In the seventh issue, the complainant alleged that the district had not scheduled IEP meetings for students with disabilities and their parents at a mutually agreed upon time and place during the 2003-04 school year.

In the eighth issue, the complainant alleged that the district had not provided parents with copies of the Notice of Procedural Safeguards when required, and had not explained these procedural safeguards appropriately, during the 2003-04 school year.

In the ninth issue, the complainant alleged that the district had not appropriately maintained the educational records of students with disabilities, and had not permitted parents to inspect and review these records relating to their children.

In the tenth issue, the complainant alleged that the district had not responded appropriately to parental requests for evaluation reports pertaining to their children with disabilities during the 2003-04 school year.

In the eleventh issue, the complainant alleged that the district had not followed appropriate procedures during the 2003-04 school year regarding the observation of students who were suspected of having a specific learning disability.

In the twelfth issue, the complainant alleged that the district had not followed appropriate procedures during the 2003-04 school year regarding parental requests for due process hearings.

In the thirteenth issue, the complainant alleged that the district had not followed appropriate manifestation determination procedures during the 2003-04 school year.

There were no findings for the following issues: one, two, three, six, seven, eight, nine, ten,

twelve, and thirteen.

For issue four, the Bureau recommended that the district ensure that the amount of counseling services to be provided is stated in the IEP, so that the level of the agency's commitment of resources and the amount of time to be committed will be clear to parents and other IEP team members.

Corrective action for issue five was already in place as a result of the systemic review of exceptional student education (ESE) services in Highlands County, as follows:

The district is required to conduct a review of the timeliness of eligibility determination meetings to determine the causes of delay; based on the findings of that review, the district may be required to develop a plan to ensure that there is no undue delay in the provision of services to eligible students with disabilities.

The district is required to conduct a review of the procedure that is used for students who have spent more than one semester in the child study process to ensure that decisions are being based on the individual needs of the child, and that any procedural requirements of the process itself may not be jeopardizing the timely evaluation of students who are suspected of having a disability.

The district will be required to provide guidance and/or training to school staff regarding a student's retention of eligibility despite a lack of parental consent to the placement of the child.

Corrective action of issue eleven required that the district ensure that at least one of the observations of each student who is suspected of having a specific learning disability is completed by a team member other than the child's regular education teacher. For the remainder of the 2004-05 school year, and during a portion of the 2005-06 school year, the district shall provide the Bureau with documentation to verify that appropriate procedures have been followed regarding the observation of such students.

During the investigation of this complaint, an additional issue was discovered, with the following corrective action: the district shall ensure that the two students who had not received their speech/language therapies as specified on their IEPs during the 2003-04 school year receive appropriate compensatory services. Documentation of the provision of such services is to be provided to the Bureau.

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Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2005-014
May 16, 2005

This formal complaint was filed by a parent of a pre-school student whose current areas of disability had been determined as developmental delay and speech/language impaired.

In the first issue, the complainant alleged that the district failed to provide an independent educational evaluation (IEE) of the student within a reasonable time period during the 2004-05 school year. The investigation found that the district provided the student's IEE within a reasonable time period.

In the second issue, the complainant alleged that the district failed to follow the correct procedures to determine the student's eligibility for occupational therapy (OT) at the individual educational plan (IEP) meeting. Documentation indicated that the district had followed the correct procedures to determine the student's eligibility for occupational therapy at the IEP meeting.

In the third issue, the complainant alleged that the district failed to identify all of the invited personnel in the prior parent notification form for the student's IEP meeting. There was no indication that the complainant had been informed prior to the IEP meeting that additional staff members had been invited to attend the IEP meeting because of their knowledge and special expertise. However, the documentation from the IEP meeting does not reflect any objections to their participation at the meeting.

In the fourth issue, the complainant alleged that the district failed to provide accurate information, specifically regarding the IEP team's consideration of the student's IEE, in the notice of intent to change exceptional student education eligibility and/or prior placement form, and to provide the notice to the complainant in a timely manner. The documentation that was received indicated that the IEE had been considered as part of the student's eligibility for occupational therapy. The notice of intent to change exceptional student education eligibility and/or prior placement form was provided to the complainant in a timely manner.

In the fifth issue, the complainant alleged that the district failed to ensure that there had been an opportunity for full parental participation at the IEP meeting. The district ensured that there had been an opportunity for full parental participation at the IEP meeting.

Corrective actions were not issued.

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**Indian River County School District
Bureau Resolution Determination: No. BEESS-2005-012-RES
April 29, 2005**

This formal complaint was filed by the parent of a student with disabilities who had been determined eligible for the special programs for students who are educable mentally handicapped (EMH) and who are speech and language impaired (S/L). The complainant's allegations involved eight issues.

In the first issue, the complainant alleged that the district failed to provide the complainant with copies of the Notice of Procedural Safeguards when providing notices of the student's individual

educational plan (IEP) meetings. Documentation indicated that the district held two IEP meetings for the student during the 2004-05 school year with copies of the Notice of Procedural Safeguards being provided to the complainant each time. Corrective actions were not issued.

In the second issue, the complainant alleged that the parent was denied the opportunity to participate in the IEP team's decision regarding the student's participation in the Florida Comprehensive Assessment Test (FCAT) during the [specific date] 2004, IEP meeting. A review of the records indicated that the complainant was included in the IEP team's discussion and decision regarding the student's FCAT participation. Corrective actions were not issued.

In the third issue, the complainant alleged that the IEP team did not consider the student's communication needs when making determinations about the student's speech/language services during the development of [specific date] 2004, IEP. A review of the documentation concluded that the IEP team had considered the student's communication needs when making determinations about the student's speech/language services during the development of the student's [specific date] 2004, IEP. Corrective actions were not issued.

In the fourth issue, the complainant alleged that the IEP team did not review existing evaluation data on the student, specifically relating to the student's vision, in the determination of special education and related services needs during the 2004-05 school year. Documentation indicated that the IEP team had reviewed existing evaluation data, including information related to the student's vision, in the determination of special education and related services needs. Corrective actions were not issued.

In the fifth issue, the complainant alleged that the district failed to schedule an IEP meeting on [specific date] 2004, as he had requested. Documentation indicated the district had held two IEP meetings for the student during the 2004-05 school year and that the complainant had requested an IEP meeting by letter dated [specific date] 2004. Records further showed that the district had provided the complainant with an Informed Notice of Refusal to Take a Specific Action form in response to the complainant's request for an IEP meeting. It was concluded that the district followed appropriate procedures regarding its refusal to grant the complainant's request to schedule another IEP meeting. Corrective actions were not issued.

In issue six, the complainant alleged that the student's teachers did not hold valid Florida educator's certificates and had no training in special education. A review of the records verified that all of the student's teachers had held valid Florida educator's certificates and that the paraprofessional and substitute teacher met the legal requirements for their positions. It was concluded that all of the student's teachers, substitute teacher, and aide had the appropriate credentials to provide special education and related services. Corrective actions were not issued.

In issue seven, the complainant alleged that the district had held an IEP meeting about the student without notifying the parent about the IEP meeting. Documentation indicated that the district conducted two IEP meetings for the student with the appropriate parent participation notices been provided to the complainant for both meetings. Neither the complainant nor the district provided documentation to indicate that an IEP meeting had been held without notifying

the complainant. Corrective actions were not issued.

In issue eight, the complainant alleged that the district had failed to provide the parent with a student progress report. A review of the documentation that was provided by the complainant and the district indicated that the complainant had received progress reports at least as often as parents of non-disabled students are informed of their non-disabled children's progress, and as specified on the student's IEP. Corrective actions were not issued.

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Leon County School District
Bureau Resolution Determination: No. BEESS-2005-018 RES
June 16, 2005

This formal complaint was filed by the parent of a student with a disability. In the letter, the complainant made several allegations. Upon receipt and careful review of well over a thousand pages of documentation that were submitted from the complainant and the district, the Bureau determined that the following issue was subject to investigation: whether the district failed to provide opportunities for parental participation in the individual educational plan (IEP) meetings that were held for students with disabilities at a specific school during the spring of 2004.

A careful analysis of the data obtained from a variety of sources indicated that the district had provided an opportunity for parental participation at the IEP meetings that were held for students with disabilities at the school during the spring of 2004.

Corrective actions were not issued.

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Marion County School District
Bureau Resolution Determination: No. BEESS-2005-007-RES
March 14, 2005

This formal complaint was filed by the parent of a student who had been determined eligible for the special programs for students with specific learning disabilities (SLD) and who are speech and language impaired (S/L). In the letter of formal complaint, the complainant alleged that the district failed to follow appropriate procedures for determining the student's placement at the individual educational plan (IEP) team meetings that were held on [specific date] 2004, and on [specific date] 2004; or to provide the accommodations described on the student's [specific date] 2004 IEP; and did not appropriately respond to the parent's request for a neuropsychological evaluation of the student.

In the first issue, documentation indicated the IEP team consisted of the legally appropriate members who reviewed and drew upon a variety of information to determine the student's needs. The IEP team developed an IEP based on the student's needs; therefore, it was concluded that

the student was placed in the least restrictive environment with accommodations and supports as required by law. Corrective actions were not issued.

In the second issue, the student's [specific date] 2005, IEP stated accommodations and modifications; however, the district did not provide documentation to show the student was receiving the accommodations and modifications as described on the [specific date] 2004 IEP. It was determined that the Victor Reader was not available for the student to use until after [specific date] 2005. The investigation showed that the student was not appropriately provided with accommodations in accordance with the IEP. As corrective action, the district was required to verify, on a quarterly basis, that the student was receiving the appropriate accommodations in each class as prescribed on the student's IEP.

In the final issue, there was no documentation provided to the investigation, by the district or parents, to indicate that a request for an independent educational evaluation was made by the parents or received by the district. Corrective actions were not issued.

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**Miami-Dade County School District
Bureau Resolution Determination: No. BEESS-2005-003-RES
February 17, 2005**

The complainant's allegations involved the following issues.

In the first issue, the complainant alleged that the district had denied students with disabilities who were placed in the hospital/homebound instructional program (HHIP) during the 2003-04 school year, a full school day.

In the second issue, the complainant alleged that the district had denied the students with disabilities who were placed in the HHIP during the 2003-04 school year, an opportunity to pursue a standard high school diploma.

In the third issue the complainant alleged the district had denied the students with disabilities who were placed in the HHIP during the 2003-04 school year, an opportunity to take state and district-wide assessments.

In the fourth issue, the complainant alleged the district had denied students with disabilities who were placed in the HHIP during the 2003-04 school year, their prior notification rights when related services, specifically occupational therapy (OT) and physical therapy (PT), were discontinued.

In the fifth issue, the complainant alleged the district had denied students with disabilities who were placed in the HHIP "the related services necessary for them to benefit from special education services," particularly OT and PT, during the 2003-04 school year.

In the sixth issue, the complainant alleged the district failed to require that prior to initiating HHIP services, the parents of students previously identified as students in need of special education services and placed under an exceptional student education (ESE) program, must sign a form entitled: Initial Placement in Exceptional Student Education, as if placement in HHIP for these students would constitute an initial placement in exceptional student education.

There were no findings of noncompliance for issues one, two, and six. The Bureau issued corrective action for issue three to ensure that when the individual educational plan (IEP) team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), the IEP will contain an accurate statement of how the child will be assessed. Documentation is to be provided to the Bureau during the remainder of the 2004-05 school year, and for the first semester of the 2005-06 school year, regarding the specific students whose IEPs contained the violations.

Corrective action for issue four required that during the remainder of the 2004-06 school year and the first semester of the 2005-06 school year, the district provide the Bureau with the following documents for the students whose IEPs contained the violation: copies of all of the IEPs developed for the student, including any documents that are developed during interim IEP or IEP revision meetings, along with copies of parent invitations to the meetings and any related notices provided to the parent.

For issue five, the Bureau recommended that the district review the records of the four specific students whose records included discrepancies, to determine whether any staff training and procedural improvements would be helpful to ensure that such documentation is consistent.

During the investigation of this complaint, an additional issue was discovered, with the following corrective action: the district shall ensure that the two students who had not received their speech/language therapies as specified on their IEPs during the 2003-04 school year receive appropriate compensatory services. Documentation of the provision of such services is to be provided to the Bureau.

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**Miami-Dade County School District
Bureau Resolution Determination: No. BEESS-2005-010-RES
April 6, 2005**

The complainant's allegations involved the following issues.

In the first issue, the complainant alleged the district had routinely denied the related service of occupational therapy (OT) and the related service of physical therapy (PT) to the students with disabilities who require them.

In the second issue, the complainant alleged the district's occupational therapists and physical therapists had failed to participate in annual individual educational plan (IEP) team meetings,

including the annual IEP team meetings of those students who are receiving the related services of OT, PT, or both services.

In the third issue, the complainant alleged the district had made decisions outside of an IEP team meeting, regarding the frequency of its provision of OT and/or PT services, and regarding any possible dismissals from OT and/or PT services as to those students with disabilities who have been receiving such services.

In the fourth issue, the complainant alleged the district had decreased the frequency of OT and/or PT services without providing prior written notice to the parents.

In the fifth issue, the complainant alleged the district had violated the right that parents have to independent evaluations, by denying when parents requested an independent OT and/or PT evaluation, the district denies such a request, claiming that it does not provide independent OT and/or PT evaluations.

There were no findings of noncompliance for issues two and three. The Bureau issued corrective action for issue one to ensure the provision of the related services of OT and PT to the students with disabilities who require them. The district is required to review its procedures and policies regarding the provision of OT and PT as follows: the timely completion of evaluations, the timely completion of eligibility determinations, and the provision of appropriate prior written notice to parents regarding changes in PT and/or OT services. In addition, eligibility/staffing/IEP teams were to be convened by [specific date] 2005, to address the results of any of the district's failures to provide timely OT and/or PT evaluations, timely and appropriately conducted OT and/or PT eligibility determinations, and written prior informed notice regarding any proposed changes to the provision of OT and/or PT services, as to specific students referenced in the report.

Corrective action for issue four required the district to review its procedures and policies regarding the provision of OT and PT services as to the provision of appropriate prior written notice to the parents when an IEP team determines that PT and/or OT services should be changed. Documentation is to be provided to the Bureau, that shows the district's consideration of the need for and the implementation of any changes to OT and PT procedures and policies, including documentation of any necessary training provided to district staff regarding such changes. The district shall provide documentation to the Bureau verifying that eligibility/staffing/IEP teams have been convened to address any of the district's failures to provide written prior informed notice regarding proposed changes to the provision of OT and/or PT services.

For issue five, the district is required to confer with the parent who had requested an independent educational evaluation (IEE) to reconsider the request; if the parent continues to request an IEE for OT, the district shall provide the IEE or file for a due process hearing to defend the evaluation that had been provided by the district.

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**Orange County School District
Bureau Resolution Determination: No. BEESS-2005-001 RES
January 6, 2005**

The complainant alleged that the district failed to provide students with the speech therapy as specified on their individual educational plans (IEP)s during the 2003-04 and 2004-05 school years.

The district acknowledged that it did not provide the students with the amounts of speech and language therapy specified on their IEPs for the 2003-04 school year. The district began to provide compensatory speech and language sessions for services missed during the 2003-04 school year. The district began providing the students with speech therapy during the 2004-05 school year. The students missed some sessions and some compensatory services being provided in 2004-05. No rescheduling of the compensatory speech sessions missed during the 2004-05 school year had been documented. Due to the district's failure to provide any documentation regarding the provision of any speech therapy to the students during the first half of the 2003-04 school year, the Bureau could not determine whether any such services were provided at all during that time period. It was determined that the district did not provide the speech therapy as specified by the student's IEPs during the 2003-04 and 2004-05 school years.

As corrective action, the district shall ensure that the speech therapy services that must be provided to the students are sufficiently described on their IEPs. The district shall also provide the Bureau with verification of the provision of speech therapy services, including compensatory speech therapy services, in accordance with the IEPs.

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**Orange County School District
Bureau Resolution Determination: Case No. BEESS-2005-002-RES
February 11, 2005**

This formal complaint was filed by a parent of a student who had been determined to be eligible for special programs for students who are emotionally handicapped (EH) and mentally handicapped (MH). The complainant alleged that the district did not provide the student with the positive behavioral supports that were necessary to ensure that the student was provided with a free appropriate public education (FAPE) in the least restrictive environment (LRE) during the 2001-02 through 2003-04 school years. In addition, the complainant alleged that the district did not follow the appropriate procedures that afforded the parent the opportunity to participate in the student's individual educational plan (IEP) meetings during the 2001-02 through 2003-04 school years; and did not follow appropriate procedures that provided the parent with prior notice of any proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student, or the provision of FAPE during the 2001-02 through 2003-04 school years.

Documentation for issue one indicated that the student received educational services using a reduced-day schedule, through home instruction. The district's prolonged use of restrictive

placements, such as putting the student on a severely reduced day and on home instruction, appears to have caused the student to receive an insufficient amount of educational services. The student attended school full-time approximately five months. Although the apparent justification for such restrictive placements was to address the student's behaviors that were interfering with the educational progress, most of the documentation indicated that the student's behaviors were not significantly improved as a result of such placements.

As corrective action, the district was required to develop a plan regarding services to be provided, with consideration of positive behavioral interventions, strategies, and supports to address behaviors that impede the learning of the student. This plan was to include a statement of the supplementary aids and services to be provided to the student and a statement of the program modifications or supports for school personnel that would be provided for the student to receive FAPE in the LRE.

Documentation submitted for issue two indicated that the district held several IEP meetings during the 2001-02 through 2003-04 school years to discuss the student's educational issues. The student's parents attended three of the seven meetings and were given opportunity to participate in the IEP meetings. Corrective actions were not issued.

Documentation submitted for issue three indicated the student's placement was changed eight times between [specific date] 2001 and [specific date] 2004. The parents were provided an Informed Notice of Change of Placement for six of the eight placements. Also the student received full-day extended school year (ESY) services during the summer of 2003 although the student's IEP said no ESY was required. Parent was not informed of two of the placement changes.

Corrective action for issue three required the district to ensure that written notice with all the required components is provided to the student's parent as required by law and any changes of ESE placement are determined by the student's IEP team and documented in the IEP. If the student re-enrolls in the Orange County School District in the future, the district will provide the Bureau with documentation of the IEP and notice provided to the parent within ten days of the IEP development.

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**Orange County School District
Bureau Resolution Determination: No. BEESS-2005-005-RES
February 23, 2005**

This formal complaint was filed by the parent of a student with a disability who is determined to be eligible for the special programs for students who are emotionally handicapped and who have a specific learning disability. The complainant alleged that the district failed to implement the behavioral intervention plan (BIP) strategies as specified on the student's individual educational plan (IEP) during the 2004-05 school year. The complainant further alleged that the district did not allow the student to use the Alpha Smart System in the student's classroom as specified on

the student's IEP that was developed for the 2004-05 school year.

The district provided documentation which indicated that the BIP strategies have been implemented as specified on the IEP. Information and documentation was also provided indicating that the student has been allowed to use the Alpha Smart System as specified on the student's IEP developed for the 2004-05 school year. Corrective actions were not issued.

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Orange County School District
Bureau Resolution Determination: Case No. BEESS-2005-013-RES
May 13, 2005

This formal complaint was filed by the parent of a student who has been receiving exceptional student education services (ESE) for the special program for students who are mentally handicapped. The complainant's allegations involved the following issues.

In the first issue, the complainant alleged that the district had failed to implement the student's individual educational plan (IEP) during the first semester of the 2004-05 school year. It was determined that the student had not received the small group instruction specified on the IEP for one subject during the first nine weeks of the school year and another subject during the entire first semester of the school year. A corrective action was issued for the IEP team to reconvene to determine the amount of compensatory services that may be needed as a result of any specially-designed instruction that may not have been provided to the student during the 2004-05 school year.

In the second issue, the complainant alleged that the district had failed to conduct a reevaluation of the student since 2000. It was determined that the Orange County School District has not conducted a reevaluation of the student since 2000, that a reevaluation was scheduled for April 13, 2005, and that the reevaluation was in progress. For corrective action, the district shall provide the Bureau with verification that a complete reevaluation has been reviewed with the student's IEP team, with documentation to show that notice of and an opportunity to attend that IEP team meeting was provided to include the complainant.

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Palm Beach County School District
Bureau Resolution Determination: No. BEESS-2005-006-RES
March 4, 2005

This formal was filed by the parent of a student identified as gifted. The complainant alleged whether the district failed to provide the student with the reading instruction as specified on the student's educational plan (EP) during the 2003-04 school year.

There were discrepancies between the documentation provided by the district and the parent. As

corrective action, the EP team was to meet to determine the amount of compensatory services that may be needed to make up any insufficient specialized instruction services.

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Pinellas County School District
Bureau Resolution Determination: No. BEESS-2005-008
April 21, 2005

This formal complaint was filed by the complainant, on behalf of the parents and a student who was determined eligible for the special programs for students with autism and with speech or language impairment. The complaint alleged that the district did not provide the student with the specialized transportation, including the presence of a paraprofessional on the bus, as specified on the student's individual educational plan (IEP) for the 2004-05 school year. District documentation acknowledged that the paraprofessional had not been present on the bus consistently.

As corrective action, the district shall ensure that the student receives any specialized transportation services specified on the student's IEP. For the remainder of the 2004-05 school year and for the first semester of the 2005-06 school year, documentation was to be provided to the Bureau to verify the provision of such services.



John L. Winn, Commissioner