

Agency Order Summaries

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



**January–June
2006**

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 2006. 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.

Summary of Early Resolution Agreements

Pinellas County School District

Early Resolution Agreement: Case No. BEESS-2006-001-ER

March 30, 2006

This systemic formal complaint was filed by the chair of Statewide Advocacy Network on Disabilities (STAND) on behalf of students who had been determined eligible for the homebound or hospitalized special programs. Specifically, the complainant's allegation involved the following issue:

Issue: Whether the Pinellas County School District provided homebound or hospitalized students with educational services as specified on their individual educational plans (IEPs) the week of [specific date], during the FCAT testing period.

Documentation submitted indicated that the district agrees that students who are determined eligible for the hospital/homebound services, but not participating in FCAT, are entitled to classroom services during FCAT administration. The district agrees to disseminate information to involved district personnel addressing the issue of missed ESE services during FCAT administration. In addition, a written document and distribution plan developed by a committee team of district representatives from different programs will be distributed by [specific date].

The Bureau received a copy of the agreement, which addressed the concern stated in the formal complaint, and the complainant's electronic letter which the complainant requested to be used as the written agreement. The Bureau will monitor the implementation of the terms of the agreement.

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Summaries of Bureau Resolution Determinations

Broward County School District

Bureau Resolution Determination: No. BEESS-2006-018-RES

June 21, 2006

This formal complaint was filed by the parent of a student with disabilities. Specifically, the complainant's allegations involved the following issue:

Issue: Whether the Broward County School District followed required procedures in a timely manner specifically related to the provision of a due process resolution session as required by the Individuals with Disabilities Education Improvement Act (IDEA 2004) for the complainant's due process hearing requests since July 1, 2005.

Conclusions following the investigation include:

The requirement for a resolution session, unless waived by both parties, became effective July 1, 2005, with IDEA 2004. The complainant and the district agreed that due process case number one would be governed by F.A.C. rather than IDEA 2004, and the ALJ ordered it. Case numbers two, three, four, and five were subsequently consolidated into case number one. Case number six did have a resolution session scheduled prior to proceeding with a due process hearing. The Broward County School District followed required procedures in a timely manner, specifically related to the provision of a due process resolution session, as required by the Individuals with Disabilities Education Improvement Act (IDEA 2004) for the complainant's due process hearing requests since July 1, 2005, when applicable.

There were no corrective actions for this complaint.

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Hardee County School District

Bureau Resolution Determination: No. BEESS-2006-005-RES

January 23, 2006

This formal complaint was filed by a complainant representing a parent of a student who had been determined eligible for the special programs for students who are orthopedically impaired and speech / language impaired. Specifically, the complainant's allegations involved the following issues:

Issue 1: Whether the Hardee County School District unnecessarily delayed the provision of an independent educational evaluation (IEE) for a student, and denied the student's parents an opportunity to select the independent evaluator who would conduct the student's IEE; and,

Issue 2: Whether the Hardee County School District relied upon a parental consent form, allegedly intended only for IEE, as the authority to conduct its own physical therapy (PT), occupational therapy (OT), and speech/language therapy (S/L) evaluations.

The district provided an independent educational evaluation (IEE) for the student with an evaluator selected by the student's parents, within a reasonable time period following the request. The district relied upon the appropriate parental consent form to conduct authorized physical therapy (PT), occupational therapy (OT), and speech/language therapy (S/L) evaluations of the student.

Central to this case was an acknowledged miscommunication between the parent and the district as to the definition of an IEE. Corrective actions were not issued.

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Bureau Resolution Determinations

**Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2006-001-RES
January 6, 2006**

This formal complaint was filed by the parent of a student who had been determined eligible for the special programs for students with autism and speech/language impairments. Specifically, the complainant's allegations involved the following issues:

Issue 1: Whether the Hillsborough County School District inappropriately delayed the provision of a three-year reevaluation for the student during the 2004-05 school year; and,

Issue 2: Whether the Hillsborough County School District unreasonably delayed the provision of an independent educational evaluation (IEE) for the student, specifically related to the written parental request for a psychological evaluation, during the 2005-06 school year.

Documentation showed that the district did inappropriately delay the provision of a three-year reevaluation for the student during the 2004-05 school year. However, it did not unreasonably delay the provision of the independent educational evaluation (IEE) for the student.

As corrective action, the IEP team is to convene and review the results of the student's reevaluation and determine whether or not if revisions are needed. In addition, the IEP team is to determine whether there is a need for compensatory educational or related services due to the delay in the provision of the three-year reevaluation, and any changes in services that would have been indicated by the IEP team's timely consideration of that reevaluation data. If there is

a determination that compensatory services are needed, a plan for the provision of these services shall be prepared and provided to the Bureau.

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Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2006-002-RES
January 10, 2006

This formal complaint was filed by the parent of a student who had been determined eligible for the special programs for students with autism and speech/language impairments. Specifically, the complainant's allegation involved the following issue:

Issue: Whether the Hillsborough County School District provided the extended school year (ESY) services specified in the student's individual educational plan (IEP) during the summer of 2005.

Documentation provided shows the district did provide the extended school year (ESY) services specified in the student's IEP during the summer of 2005, with the exception of writing instruction. The student's behavior and absences for family vacation interfered with the district's provision of writing instruction. However, it appears that the district may not have made a good faith effort to address the problem behaviors and to explore alternative strategies to provide the instruction.

As corrective action, the district was ordered to convene an IEP meeting to address the possible need for compensatory writing instruction due to any failure to fully implement the IEP during the summer.

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Hillsborough County School District
Bureau Resolution Determination: Case No. BEESS-2006-007-RES
February 17, 2006

This formal complaint was filed by the parent of a student who had been determined eligible for the special programs for students identified as developmentally delayed. Specifically, the complainant's allegation involved the following issues:

Issue 1: Whether the Hillsborough County School District provided the complainant with the opportunity to participate in the review and development of the student's individual educational plans (IEPs) for the 2005-06 school year.

Issue 2: Whether the Hillsborough County School District changed the student's placement during the 2005-06 school year without providing prior written notice to the parent.

- Issue 3:** Whether the Hillsborough County School District followed the procedures, as required by the Individuals with Disabilities Education Improvement Act (IDEA 2004), regarding the provision of a surrogate parent for educational purposes for the student
- Issue 4:** Whether the Hillsborough County School District IEP team members addressed the student's needs that result from his disability, specifically related to counseling, social/emotional needs, and below-grade-level academics, in the IEP(s) for the 2005-06 school year.
- Issue 5:** Whether the Hillsborough County School District followed required procedures when determining to modify the length of the student's school day.
- Issue 6:** Whether the Hillsborough County School District permitted the complainant to inspect and review the student's school records upon request.

The educational records that were provided indicated the separation of the child from the complainant and the child's multiple residence within an eighteen month time period. The student has recently been moved to a therapeutic foster home in another school district. Corrective action will take place should the child be re-enrolled in Hillsborough County School District, prior to the end of the 2005-06 school year, which include the convening of the IEP team to determine the possible need for compensatory services for the time the child's placement was changed without an IEP meeting or revision. The district in response to this complaint has made policy and procedural changes with respect to students in foster care/group home placement and parental rights. This includes mandatory provision of legal documentation stating which person or agency has parental rights to the student upon enrollment.

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Hillsborough County School District
Bureau Resolution Determination: BEESS- 2006-011-RES
March 21, 2006

This formal complaint was filed by parents of a student who had been determined eligible for special programs special programs for students identified with other health impairments. Specifically, the complainant's allegations involved the following issues:

- Issue 1:** Whether the Hillsborough County School District followed required disciplinary procedures with the student regarding the [specific date] incident, specifically related to ensuring that copies of the special education and disciplinary records of the child were transmitted for consideration by the appropriate authorities to whom the agency reported the crime.

Issue 2: Whether the Hillsborough County School District followed required procedures when assigning the student to an alternative educational setting.

The following additional issue was discovered during the investigation of the formal complaint:

Whether during the 2005-06 school year and prior to the November 16, 2005, incident, the Hillsborough County School District reviewed/revised the student's IEP to address behavioral needs resulting from the student's disabilities, specifically related to the general education setting.

In regard to the first issue, it was found that the district did not transmit the required special education and disciplinary records of the child to the authorities to whom it reported the crime or for consideration by the person making the final determination regarding the disciplinary action.

As corrective action the district was ordered to ensure that the required procedures are followed, specifically related to the provision of special education and disciplinary records to law enforcement authorities, in the event of the future arrest of a student with a disability. Additionally, the Bureau recommended that following the release of the final regulations for the Individuals with Disabilities Education Improvement Act (IDEA 2004), the District review and revise, their "Fast Fact Sheet" entitled "Referral to and Action by Law Enforcement Authorities and Judicial Authorities" and consider distributing it to principals and other school and district administrators on an annual basis.

It was determined that the district did not follow required procedures when assigning the student to an alternative educational setting, as addressed in issue two. The district determined that the incident was a manifestation of the student's disability and changed the placement as a method of disciplinary action.

As corrective action, the IEP team was required to convene after the completion of the student's Psychological and Social/History evaluations, with the appropriate participants in attendance. The IEP team shall consider the continuum of placements to determine whether the provision of supplementary aids and services would enable the student to be appropriately placed in his home-zoned school. Documentation of the IEP team's determination regarding the appropriateness of the student's placement in the home-zoned school shall be provided to the Bureau within one week of the IEP meeting.

It was also found that the district failed to review/revise the student's IEP to determine whether it was necessary to provide the student with behavioral supports in the general education setting, specifically related to behavioral needs resulting from the student's disabilities.

Corrective action for this issue referenced the action ordered in issue two.

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Lee County School District
Bureau Resolution Determination: No. BEESS-2006-008-RES
March 8, 2006

This formal complaint was filed by a parent of a student who had been determined eligible for special programs for students identified as emotionally handicapped (EH). Specifically, the complainant's allegation involved the following issue:

Issue: Whether the Lee County School District followed the required procedures regarding the student's reevaluation.

The complainant stated an observation by an autism specialist had not been completed as recommended by the individual educational plan (IEP) team. The district provided documentation showing that even though there had been a delay in the completion of the observation by an autism specialist; required procedures had been followed regarding the student's reevaluation. In addition, the district acknowledged that there had been some confusion regarding the completion of the student's observation by an autism specialist.

Corrective actions were not issued.

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Leon County School District
Bureau Resolution Determination: No. BEESS-2006-004-RES
January 13, 2006

This formal complaint was filed by the parent of a student who had been determined eligible for the special programs for students with speech and language impairments. Specifically, the complainant's allegations involved the following issues:

Issue 1: Whether the Leon County School District "included a specific statement of the special education and related services and supplementary aids and services" to be provided to the student in order for the student to be involved and progress in the general curriculum, and include the individual educational plan (IEP) team's recommendation to provide an instructional aide in the student's IEPs during the 2004-05 and 2005-06 school years.

Issue 2: Whether the Leon County School District appropriately determined the student's eligibility for all applicable exceptional student education (ESE) categories with consideration of the information that had been provided from the student's "private and earlier evaluations."

- Issue 3:** Whether the Leon County School District considered the student's need during the 2004-05 school year for extended school year (ESY) services based on appropriate criteria.
- Issue 4:** Whether the Leon County School District appropriately completed the prior written notice form dated [specific date] 2005, to inform the parent of all of the placement options that had been considered.
- Issue 5:** Whether the Leon County School District followed the appropriate required procedures when it determined the student's placement in the least restrictive environment (LRE) during an IEP meeting that was held on [specific date] 2005.
- Issue 6:** Whether the Leon County School District appropriately developed the student's IEPs for the 2004-05 and 2005-06 school years by including all of the required components.

An instructional aide has been assigned to assist the student from [specific date] 2004, to date, and appropriate procedures were followed to determine the student's eligibility for all applicable ESE categories. The district followed the appropriate procedures when determining the student's placement in the LRE. The IEP did include all of the required contents except for the statements as to: how the student's progress toward the annual goals will be measured; and, how the student's parents will be regularly informed.

As corrective action, the district shall convene the student's individual educational plan (IEP) team, with the appropriate participants and sufficient advance notice to provide an opportunity for the parent to attend that IEP team meeting. The IEP team shall revise the student's IEP to address statements as to how the student's progress towards the annual goals will be measured and how often the parent will be informed of this progress. Documentation of the IEP's revision shall be forwarded to the Bureau.

As a recommendation, the district shall also consider revising its "Informed Notice of Refusal to Take a Specific Action" form to ensure that all of the required components are included.

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Liberty County School District
Bureau Resolution Determination: No. BEESS-2006-020-RES
June 27, 2006

This formal complaint was filed by the parent of a student who had been determined to be eligible for students who are other health impaired (OHI). Specifically, the complainant's allegations involved the following issues:

Issue 1: Whether the Liberty County School District followed the required procedures for the ESE referral process and completed the required initial evaluation(s) to determine the student's eligibility for ESE services prior to the [specific date] 2006, IEP meeting;

Issue 2: Whether the Liberty County School District appropriately identified the student as eligible for special programs for students who are trainable mentally handicapped (TMH).

The Liberty County School District did not follow the required procedures for the ESE referral process nor did the district complete the required initial evaluation(s) to determine the student's eligibility for ESE services prior to [specific date] 2006 IEP meeting.

As corrective action, the district shall ensure that the required procedures for ESE referrals and evaluations are followed. During the 2006-07 school year the district shall submit the complete referral files of all students (not to exceed ten files) referred to ESE during the 2006-07 school year to the Bureau for review. These files shall be provided to the Bureau.

As a recommendation, during the 2006-07 school year, it will be critical to address the student's behavioral issues as often as necessary to ensure that the IEP goals are being implemented, and there is expected progress toward the goals. It is recommended that the Liberty County School District provide a reevaluation to the student one year from the previously administered evaluation.

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Orange County School District

Bureau Resolution Determination: No. BEESS-2006-015-RES

April 7, 2006

This formal complaint was filed by the custodial aunt of a student who had not been determined eligible for the special programs for students receiving exceptional student education services (ESE). Specifically, the complainant's allegation involved the following issue:

Issue 1: Whether the Orange County School District addressed the student's needs that result from his disability, specifically related to documented medical conditions, in determining eligibility for exceptional student education.

Documentation submitted from the district showed it had inappropriately halted the student's evaluation process due to the complainant's refusal to sign a release of medical information form. Therefore, there was not an opportunity to address the student's needs that resulted from the disability, specifically related to documented medical conditions, in determining eligibility for ESE.

For corrective action, the district shall complete any evaluations necessary to determine whether or not the student is eligible for ESE services. As part of the eligibility process, the district shall make efforts to collaborate with the complainant in order to ensure that the student's evaluation is sufficiently comprehensive to identify all of the special education and related services needs.

The district shall provide verification to the Bureau that the student's evaluation has been completed, and that the team has made a determination regarding eligibility for ESE services. This documentation shall be provided within one week following the eligibility determination meeting.

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Pasco County School District

Bureau Resolution Determination: No. BEESS-2006-003-RES

January 10, 2006

This formal complaint was filed by the parent of a student who had been determined eligible or the special programs for students identified as trainable mentally handicapped (TMH). Specifically, the complainant's allegations involved the following issues:

- Issue 1: Whether the Pasco County School District revised the student's transition individual educational plan (TIEP) and/or behavior intervention plan (BIP), as appropriate, to address any lack of expected progress towards the annual goals during the 2005-06 school year.**
- Issue 2: Whether the Pasco County School District implemented the student's 2005-06 transition individual educational plan (TIEP), specifically as it related to behavior for the student.**

Documentation submitted shows the student's transition individual educational plan (TIEP)s for the 2005-06 school year were not clear regarding the amount of assistance that a behavior specialist should provide to student. TIEP meeting notes also shows acknowledgements by both parties that the student's participation in extracurricular activities has been limited due to behavioral concerns. The student's functional behavioral assessment (FBA) and the behavior intervention plan (BIP) were not revised to address any lack of expected progress towards the behavioral annual goals during the 2005-06 school year.

As corrective action, the TIEP team is to convene to review the student's FBA, BIP, and TIEP to address concerns regarding behavior and any lack of progress towards behavioral goals. Verification of the TIEP team's meeting and any related documentation shall be provided to the Bureau within one week from the date of the meeting.

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Polk County School District
Bureau Resolution Determination: Case No. BEESS-2006-010-RES
March 10, 2006

This formal complaint was filed by a parent of a student who had been determined eligible for specific programs for students identified with a developmental delay and language impairment. Specifically, the complainant's allegations involved the following issues:

- Issue 1: Whether the Polk County School District made changes to the student's individual educational plan (IEP) without following proper procedures, specifically related to the provision of speech/language services.**
- Issue 2: Whether the district provided speech/language services as specified on the student's IEP during the 2005-06 school year.**
- Issue 3: Whether the district provided speech/language services to students with disabilities as specified on their IEPs during the 2005-06 school year.**

In issue one, the complainant alleged that the district did not provide language services that were listed in the student's IEP from another district prior to the family relocating to Polk County. The district acknowledged the oversight regarding the student's language therapy and compensatory services were being provided. It was acknowledged in issue two that the district provided speech/language services as specified on the student's IEPs during the 2005-06 school year. No corrective action was needed for Issue one or two.

In issue three, a systemic complaint; it was found that the Polk County School District did not adequately provide speech/language services to students with disabilities as specified on their IEPs during the 2005-06 school year.

The district was ordered to review the verification of speech/language services provided to all students who were currently eligible for such services, comparing services required by the IEP and services that had been provided during the 2005-06 school year. This documentation was to be provided to the Bureau no later than 2005-06.

Also, for each student who had not been provided speech/language services (excluding student absences, school holidays, and special events) during the 2005-06 school year, the student's IEP team was to convene to address the possible need for compensatory speech/language services due to any failure to fully implement the student's IEP. Verification of the IEP teams' determinations regarding compensatory services and verification of the provision of these services was to be provided to the Bureau.

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Polk County School District
Bureau Resolution Determination: No. BEESS-2006-014-RES
April 7, 2006

This formal complaint was filed by the parents of a student who had been determined eligible for the special programs for students with autism and language impairments. Specifically, the complainants' allegations involved the following issues:

- Issue 1: Whether the Polk County School District implemented the student's special education services in the least restrictive environment (LRE), as defined in his individual educational plan(s) (IEPs) for the 2005-06 school year.**
- Issue 2: Whether the Polk County School District provided the student with the occupational therapy (OT) and the speech/language therapy (S/L) as specified in his IEPs, for the 2005-06 school year.**
- Issue 3: Whether the Polk County School District unreasonably delayed the student's independent educational evaluation (IEE), and usurped the student's parent's right to select the independent evaluator for the student's IEE.**
- Issue 4: Whether the Polk County School District provided the student's parent with progress updates, as specified on the student's IEPs for the 2005-06 school year.**
- Issue 5: Whether the Polk County School District fully addressed the student's needs related to his disability, specifically regarding classroom accommodations and the opportunity to take the Florida Comprehensive Assessment Test (FCAT) with accommodations, on the student's IEPs for the 2005-06 school year.**

For the first issue, the primary concern stated in the letter of formal complaint was the student's participation in regular education classes. Documentation submitted indicated that the Polk County School District the student's special education services in the least restrictive environment (LRE), as defined in the IEPs for the 2005-06 school year except for the time period from the beginning of the school year until [specific date]. It was recommended that the district consider additional modifications and support personnel that will allow for increased participation in general education settings. As corrective action, the district shall provide evidence of the student's participation in the general education setting as specified on the IEP and a plan submitted to the Bureau by a specified date.

In the second issue, documentation submitted supported the conclusion that the Polk County School District did not provide the student with the language therapy (S/L) as specified in the IEPs for the 2005-06 school year. OT was not included on the student's IEPs for the 2005-06

school year due to dismissal in 2004. As corrective action, the district shall ensure that speech/ language services are provided to the student as specified on the IEP and compensatory services are provided as determined necessary by the IEP team and a plan submitted to the Bureau by a specified date.

In the third issue, review of documentation revealed that the Polk County School District did not delay the student's independent educational evaluation (IEE). The parent was allowed to select the IEE evaluator. There was no corrective action necessary.

In the fourth issue, documentation submitted indicated that the Polk County School District did not provide the student's parent with progress updates as specified on the student's IEPs for the 2005-06 school year. As corrective action, the district will ensure that the student's progress toward annual goals is provided as specified on the student's IEP and a plan submitted to the Bureau by a specified date.

In the fifth and final issue, documentation submitted indicated that the Polk County School District fully addressed the student's needs related to the disability, specifically regarding classroom accommodations and the opportunity to take the Florida Comprehensive Assessment Test (FCAT) with accommodations, on the student's IEP for the 2005-06 school year. No corrective action was required.

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Polk County School District

Bureau Resolution Determination: No. BEESS-2006-016-RES

April 25, 2006

This formal complaint was filed by the parents of a student who had been determined eligible for the special programs for students identified as emotionally handicapped, specific learning disabled, and with speech impairments. Specifically, the complainants' allegations involved the following issues:

- Issue 1:** **Whether the Polk County School District implemented the student's individual educational plan(s) (IEPs) for the 2005-06 school year, specifically related to the following accommodations: immediate restroom passes, social/emotional "cool down" periods, and shortened/reduced assignments in all classrooms.**
- Issue 2:** **Whether the Polk County School District followed the required procedures regarding the student's [specific date], suspension (three days, reduced to one day).**
- Issue 3:** **Whether the Polk County School District responded appropriately to a request by the complainants for an additional IEP meeting during the 2005-06 school year to discuss the student's placement and diploma options.**

Issue 4: Whether the Polk County School District ensured that the student's IEP is accessible to all persons responsible for its implementation in the 2005-06 school year.

Documentation revealed that the district implemented the student's individual educational plan(s) (IEPs) for the 2005-06 school year, specifically related to the following accommodations: social/emotional "cool down" periods and shortened/reduced assignments in all classrooms. The goal that documented bladder control problems was implemented upon request. The district followed the required procedures regarding the student's suspension (three days, reduced to one day). The district responded in an appropriate and timely manner to a request by the complainant for an additional IEP meeting following receipt of the complaint letter. The district ensured that the student's IEP was accessible to all persons responsible for its implementation in the 2005-06 school year. There was no need for corrective actions.

Polk County School District

Bureau Resolution Determination: Case No. BEESS- 2006-021-RES

June 30, 2006

This formal complaint was filed by a parent of a student who was determined eligible for the special programs for students with specific learning disabilities (SLD). Specifically, the complainant's allegations involved the following issues:

Issue 1: Whether the Polk County School District implemented the student's individual educational plan(s) (IEP) for the 2005-06 school year, specifically related to the following accommodations: the provision of textbooks and materials, accommodations during assessments, and the provision of assistive technology.

Issue 2: Whether the Polk County School District followed required procedures in the development of the student's IEPs for the 2005-06 school year, specifically related to the location for the provision of accommodations.

Issue 3: Whether the Polk County School District followed the required procedures regarding the provision of notice when recommending a change to the student's occupational therapy (OT) evaluation that was recommended on [specific date].

Issue 4: Whether the Polk County School District responded appropriately to a request by the complainant for an additional IEP meeting during the 2005-06 school year.

Issue 1 was divided into three subcategories to separately address the issues of a) provision of textbooks and materials, b) implementation of accommodations during assessments, and c) provision of assistive technology. Regarding subcategory "a," it was found the district did not provide the textbooks for the student to keep at home within a reasonable period of time, during the 2005-06 school year.

As corrective action, the district was ordered to provide verification to the Bureau that it ensured that all textbooks were made available to keep at home no later than the beginning of the school year, or when the textbooks were received by the district and used by students in class. The Bureau also recommended that when an IEP requires the provision of textbooks, if some subjects are only taught from student workbooks, the district consider providing the parent with the content of workbooks.

In Issue 1, subcategory “b,” it was found that the district did not consistently provide the student with the accommodations, specified on his IEPs for the 2005-06 school year, during assessments. Additionally, the location identified on the student’s IEPs for the provision of testing accommodations was incorrect, as the student did not have any ESE classes.

As corrective action, the district was ordered to provide the Bureau with verification that it ensured that it provided the student with accommodations, as specified on the student’s IEP.

In Issue 1 subcategory “c,” it was determined that the district followed the required procedures relating to the issue of assistive technology, specifically as none of the student’s IEPs listed any requirement for provision of technology for the 2005-06 school year. No corrective actions were issued.

In Issue 2, it was found that the IEPs active during the 2005-06 school year were not developed using the required procedures, specifically related to the location for the provision of testing accommodations for the student.

As corrective action, it was determined that the district would provide verification that the IEP team had reconvened to address the location of testing accommodations so that the student is not removed from the general education classroom solely because of accommodations needed to access the general curriculum.

In Issue 3, it was found that the district did not follow the required procedures regarding the inclusion of an occupational therapy (OT) evaluation in the student’s reevaluation that was recommended, specifically relating to the provision of Prior Written Notice to the parent when the IEP team rescinded its request for an OT evaluation. However, the IEP team did consider the appropriate information when determining whether an OT evaluation was required for the student.

As corrective action, the district was required to provide the Bureau with verification that it ensured that required procedures were followed regarding the student’s reevaluations and the provision of Prior Written Notice, through the provision of documentation regarding any consideration for reevaluation of the student and related notices to the parent.

In Issue 4 it was found that the district did not respond in a timely manner to a request by the parent for an IEP meeting. In addition, the district did not provide the parent with a notice of refusal to meet regarding the implementation of the IEP.

As corrective action, the district shall ensure that requests for IEP meetings from the complainant are responded to in a timely manner and provide verification to the Bureau of the complainant’s

requests for IEP meetings and the district's responses, during the 2006-07 school year.

**Sarasota County School District
Bureau Resolution Determination: No. BEESS-2006-006-RES
February 10, 2006**

This formal complaint was filed by the parent of a student who had been determined eligible for students identified as specific learning disabled. Specifically, the complainant's allegations involved the following issues:

Issue 1: Whether the Sarasota County School District had failed to implement the provision of accommodations for the student as specified on the student's individual educational plan (IEP) for the 2005-06 school year.

Issue 2: Whether the Sarasota County School District had failed to follow appropriate discipline procedures with the student regarding a specific drawing and the student's reaction to the disciplinary action.

Issue 3: Whether the Sarasota County School District had failed to follow appropriate procedures when the IEP team determined the student's placement for the 2005-06 school year.

Issue 4: Whether the Sarasota County School District had failed to appropriately address the student's needs that result from the disability, specifically related to the provision of assistance with panic attacks and the consideration of additional accommodations during the 2005-06 school year.

The IEP team shall reconvene to consider whether it has appropriately addressed all of the student's special education and related services needs that result from his disability.

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**Seminole County School District
Bureau Resolution Determination: No. BEESS-2006-019-RES
June 27, 2006**

This formal complaint was filed by the parent of a student who had been determined to be eligible for students who are educable mentally handicapped (EMH) and speech impaired (SI). Specifically, the complainant's allegation involved the following issue:

Issue: Whether the Seminole County School District has implemented the student's individual educational plan(s) (IEPs) during the 2005-06 school year, specially with regard to speech therapy.

The Seminole County School District did not fully implement the student's IEPs during the 2005-06 school year, specially with regard to speech therapy.

As corrective action, the district shall convene the student's IEP team, with the appropriate participants, to determine the amount of compensatory services that the student may need as a result of the speech therapy services that had not been provided during the 2005-06 school year. Documentation of the IEP team's determination regarding any compensatory services that must be provided to the student, and any resulting plan/timeline, shall be provided to the Bureau within one week following the IEP meeting. Although it is not expected that there be a 1:1 correlation between what was missed and what is provided as compensatory services, reasonableness should prevail. During the 2006-07 school year, verification of the provision of any compensatory services as specified on any such plan shall be provided to the Bureau.

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St. Lucie County School District

Bureau Resolution Determination: Case No. BEESS-2006-009-RES

March 13, 2006

This formal complaint was filed by a parent of a student who had been determined eligible for special programs for students with visual impairment and other health impairments. Specifically, the complainant's allegations involved the following issues:

- Issue 1: Whether the St. Lucie County School District implemented the student's individual educational plan (IEP) during the 2005-06 school year, specifically related to the provision of the following supplementary materials: monthly consultation instruction in vision, monthly consultation in orientation and mobility instruction, low vision aids, extended time for testing, and consultation for general education teachers.**
- Issue 2: Whether the St. Lucie County School District appropriately developed the student's IEPs during the 2005-06 school year, specifically related to parent participation in the IEP meetings.**

In Issue one, it was found that the district implemented the student's IEP during the [specific date] school year, specifically related to the provision of supplementary materials specified in the letter of formal complaint, with the exception of orientation and mobility consultation and the timely purchase of large-print books for the student's use.

As corrective action, the district was ordered to provide to the Bureau verification of the provision of the student's orientation and mobility consultation services for the remainder of the [specific date] school year and the first semester of the [specific date] school year. In addition, the district was ordered to provide verification that large print materials had been ordered within one week after the student's class schedule had been decided for the [specific date] school year.

For issue two, the documentation submitted showed that the district appropriately developed the student's IEP during the school year, specifically related to parent participation in IEP meetings.

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Volusia County School District

Bureau Resolution Determination: No. BEESS-2006-013-RES

March 30, 2006

This formal complaint was filed by the parents of a student who had been determined eligible for the special programs for students identified as gifted, autistic, and language impaired. Specifically, the complainants' allegations involved the following issues:

Issue 1: Whether the Volusia County School District provided an opportunity for the parents and other relevant individuals to participate in the student's [specific date] 2006, individual educational plan (IEP) meeting.

Issue 2: Whether the Volusia County School District's notice related to the student's [specific date] 2006, IEP meeting included the required information.

Issue 3: Whether the Volusia County School District considered providing the student with related services ("pragmatic skills language therapy") and supplementary aids and services ("teacher's aide service") in the student's IEP revision on [specific date] 2006.

Documentation submitted indicated that the district provided an opportunity for the parents and other relevant individuals to participate in the student's [specific date], IEP meeting. The district's notice related to the student's IEP meeting included the required information, but did not consider the provision of a teacher's aide for the student. However, the team did consider providing other supplementary aids and services.

As corrective action, the district shall convene the student's IEP team, with appropriate participants and sufficient notice to provide the parents with an opportunity to attend the meeting, to consider the provision of supplementary aids and services, specifically a teacher's aid. Verification and the outcome of the district conducting this meeting must be provided to the Bureau within five days following the meeting date.

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Volusia County School District

Bureau Resolution Determination: No. BEESS-2006-017-RES

May 18, 2006

This formal complaint was filed by the parent of a student who had been determined eligible for the special programs for students identified as other health impaired (OHI) and gifted. Specifically, the complainant's allegations involved the following issues:

- Issue 1:** Whether the Volusia County School District has followed required procedures related to the complainant's request for copies of the student's records during the 2005-06 school year.
- Issue 2:** Whether the Volusia County School District has responded appropriately to the requests made by the complainant for the student related to eligibility, placement, services, and evaluations.
- Issue 3:** Whether the district followed required procedures regarding the complainant's request for an independent educational evaluation (IEE) for the student during the 2005-06 school year.
- Issue 4:** Whether the Volusia County School District implemented the student's behavioral intervention plan (BIP) during the 2005-06 school year, specifically related to "melt-downs."

Documentation submitted shows the district followed required procedures related to the complainant's request for copies of the student's records. The school district responded appropriately to the requests made by the complainant for the student related to eligibility, placement, services, and evaluations. The required procedures were followed regarding the complainant's request for an IEE, and the student's BIP was implemented related to melt-downs, when the student was present at school.

There were no corrective actions for this complaint.



John L. Winn, Commissioner