

Agency Order Summaries

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



**January–June
2007**

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

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

Telephone: (850) 245-0477

Suncom: 205-0477

FAX: (850) 245-0987

Internet: www.fldoe.org/ese/sumorder.asp

Table of Contents

Introduction..... 1

Summaries of Early Resolution Agreements

Osceola County School District..... 1
Palm Beach County School District 2

Summaries of Bureau Resolution Determinations

Bay County School District 3
Brevard County School District..... 4
Broward County School District..... 6
Charlotte County School District..... 8
Flagler County School District 10
Gadsden County School District..... 11
Hillsborough County School District..... 12
Indian River County School District..... 19
Lake County School District..... 21
Lee County School District..... 22
Leon County School District 25
Orange County School District..... 26
Palm Beach County School District 30
Pinellas County School District 32
Polk County School District 34

Introduction

The following are summaries of Florida Department of Education Early Resolutions, Bureau Resolution Determinations, and Commissioner's Orders entered from January through June 2007. 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 300.151 - 300.153 of Title 34 of the Code of Federal Regulations. Complete copies of the resolutions and orders (with appropriate redactions) 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 order.

Summaries of Early Resolution Agreements

Osceola County School District

Early Resolution Agreement: No. BEESS-2007-024-ER

May 11, 2007

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students who are autistic and language impaired (LI). Specifically, the complainant's allegations involved the following issue:

ISSUE: Whether during the 2006-07 school year the Osceola County School District provided the supplemental aids and services and program modifications or supports for school personnel that were needed to allow the student to advance appropriately toward attaining the annual goals and to be educated and participate with other children.

The complainant and the district agreed to attempt to resolve the issue through an Early Resolution Agreement (ER). An ER was reached at a meeting held in April 2007.

The district agreed to change the student to a different pre-kindergarten classroom with all current services and to teach the self-care skills as specified on the student's individual educational plan (IEP). In addition, the principal apologized to the parent on behalf of the school and informed the parent that the teacher had been reprimanded regarding the offensive communication to the parent.

* * *

Palm Beach County School District
Early Resolution Agreement: No. BEESS-2007-031-ER
June 20, 2007

On April 25, 2007, the Bureau of Exceptional Education and Student Services received a state complaint letter from a complainant, on behalf of another parent's child and all similarly situated students, alleging that the Palm Beach County School District violated federal and state laws relating to the education of students with disabilities. Specifically, the complainant's allegations referenced the following issues:

ISSUE I: Whether the Palm Beach County School District followed the required procedures regarding student discipline for a specific student for the 2006-07 school year specifically related to the following:

- **Determination of alternative placement**
- **Parent notification**
- **Manifestation determination**
- **Functional behavioral assessment (FBA) and behavioral intervention plan (BIP)**

ISSUE II: Whether the Palm Beach County School District followed the required procedures regarding out-of-school suspensions for exceptional education (ESE) students at the alternative education sites during the 2006-07 school year.

The complainant and the district agreed to attempt to resolve the issues through an Early Resolution Agreement (ER). An ER between the parent and district staff was reached at a meeting held in June 2007. The parties agreed to the following:

- Training on the requirements and procedures regarding the appropriate disciplining of ESE students will be provided by the Exceptional Student Education (ESE) and Alternative Education Departments for all principals and assistant principals by December 2007.
- Copies of What Do I Do When The Answer Book on Discipline will be provided to all principals.
- Copies of Alternative Schools: Legal Guidance for Serving Special Education Students will be provided to all middle, high and alternative education principals.
- A bulletin that outlines the criteria for and procedures applicable to 45-day placements of ESE students in interim alternative educational settings will be distributed to all principals.
- District-wide referral rates to alternative education will be reviewed on a monthly basis by the appropriate district offices to identify any schools that have a significantly higher referral rate. The referral and suspension data at those schools will be analyzed, and the school-wide behavior systems implemented at those schools will be reviewed for their effectiveness.
- The attendance and discipline records of ESE students who have attended an Excel site since August of 2006 to the present date will be analyzed. Data screens will be corrected as needed to accurately reflect suspensions and absences.

- Excel will offer to provide compensatory tutoring to all ESE students who have attended an Excel site from August of 2006 to the present date in one of the following ways:
 - » Sylvan tutoring
 - » On-line tutoring
 - » Direct instruction by an ESE teacher at an Excel site after regular school hours
- Excel will notify the parents of all ESE students about the availability of such tutoring via a letter and a meeting, with an acknowledgment of the reason for the provision of such tutoring.
- The school district's ESE and Alternative Education Departments will provide Excel with training on the provision of school-wide positive behavior supports and the implementation of school-wide positive behavior support plans at all of its sites in Palm Beach County.
- The school district will ensure that any future contracts with Excel include provisions that specifically require compliance with the district's discipline and attendance policies and procedures. If the district does not renew its contract with Excel and Excel fails to perform its obligations under this ER, the district agrees to assume Excel's obligations.
- The district has begun the training of Excel staff in the Language! Reading program since Spring of 2007, and this will be implemented at all of its Palm Beach County sites by Fall of 2007.
- The specific student referenced in the complaint will be provided with compensatory tutoring services, including additional reading tutoring.
- The specific student referenced in the complaint will receive a stipend from Excel for participating in the twice-weekly sessions, as previously agreed to by Excel in its letter to the Alternative Education Department.
- The specific student referenced in the complaint will receive compensatory speech and language services.
- By the execution of this ER, the district does not admit that it, Excel, or its agents, have committed any wrongdoing.
- This ER is intended to amicably resolve all issues presented in the referenced state complaint.
- Each party shall bear its own attorney's fees and costs incurred in the handling of this matter.

* * *

Summaries of Bureau Resolution Determinations

Bay County School District

Bureau Resolution Determination: No. BEESS-2007-020-RES

April 27, 2007

This formal complaint was filed by the parents of a student who had been evaluated and determined eligible for special programs for students who are developmentally delayed (DD) and language impaired (LI). Specifically, the complainants' allegations involved the following issues:

ISSUE I: Whether the student's individual educational plan (IEP) team considered the use of positive behavioral interventions and supports, and other strategies, in the development of the student's IEP that was in effect while the student was enrolled at Callaway Elementary School during the 2006-07 school year.

ISSUE II: Whether the student's IEP was implemented, specifically related to behavioral goals, short-term objectives, interventions, supports, and/or strategies while the student was enrolled at Callaway Elementary School during the 2006-07 school year.

ISSUE III: Whether the student's IEP was revised, as appropriate, to address any lack of expected progress toward the annual goals specific to the student's behavior while the student was enrolled at Callaway Elementary School during the 2006-07 school year.

Regarding Issue I, documentation submitted verified that the student's IEP team considered the use of positive behavioral interventions and supports, and other strategies, in the development of the student's IEP and the behavior intervention plan (BIP) that was in effect while the student was enrolled at Callaway Elementary School during the 2006-07 school year. There was no corrective action issued.

Regarding Issue II, documentation verified that the student's IEP and BIP were implemented, specifically related to behavioral goals, short-term objectives, interventions, supports, and/or strategies while the student was enrolled at Callaway Elementary School during the 2006-07 school year. There was no corrective action issued.

Regarding Issue III, documentation verified that the student's IEP and BIP were revised, as appropriate, to address any lack of expected progress toward the annual goals specific to the student's behavior while the student was enrolled at Callaway Elementary School during the 2006-07 school year. However, when the complainants were provided with the student's education records, the psychological observation dated December 2006 was not included, but was provided to the parents in April 2007. There was no corrective action issued; however, there was a recommendation that when parents request access to their child's education records, the district shall be careful to ensure that all of the requested education records are included in a timely manner.

* * *

Brevard County School District

Bureau Resolution Determination: No. BEESS-2007-021-RES

May 9, 2007

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students who are speech impaired (SI). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Brevard County School District failed to implement the student's 2006-07 individual educational plan(s) IEP(s) with regard to the provision of speech and language therapy by a certified speech language pathologist.

ISSUE II: Whether the Brevard County School District failed to provide the student with accommodations per the student's IEP(s) for the Florida Comprehensive Assessment Test (FCAT) during the 2006-07 school year.

Regarding Issue I, the Brevard County School District provided services by certified speech language pathologists; however, the district did not provide the student with all of the speech therapy required by the IEP. The corrective action required the Brevard County School District to convene the student's IEP team during May 2007 with the appropriate participants and sufficient advance notice to provide an opportunity for the parent to attend that IEP team meeting to determine the amount of compensatory services that the student may need as a result of the speech and language therapy that had not been provided to the student during the 2006-07 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. Verification of the provision of any compensatory services as specified on any such plan shall be provided to the Bureau by October 31, 2007.

Regarding Issue II, the Brevard County School District provided the student with accommodations per the student's IEP for the Florida Comprehensive Assessment Test (FCAT) during the 2006-07 school year. There was no corrective action for this issue.

* * *

**Brevard County School District
Bureau Resolution Determination: No. BEESS-2007-026-RES
June 5, 2007**

This formal complaint was filed by the parent on behalf of a student who was being evaluated for exceptional student education (ESE) services. Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Brevard County School District followed the required timelines regarding the student's evaluation during the 2006-07 school year at the Osprey Elementary Charter School in Rockledge, Florida.

In the letter of complaint, the complainant alleged that the student's educational progress was affected due to the delay of the initial evaluation. The complainant also stated she had provided outside services on her own to support the child's needs.

Considering the number of school days the student was in attendance, the district took sixty-two (62) days to evaluate the student. A staffing was held, and the student was determined ineligible for ESE services. The Bureau determined that the Brevard County School District did not follow the required timelines regarding the student's evaluation during the 2006-07 school year at the Osprey Elementary Charter School in Rockledge, Florida.

Corrective action requires that the Brevard County School District ensure that students who attend the Osprey Elementary Charter School in Rockledge, Florida, and request a formal evaluation for ESE services are evaluated within the required timelines. No later than September 17, 2007, the district is required to provide staff development for all the Osprey Elementary Charter School employees responsible for the ESE evaluation process and the required timelines. In addition, verification of the implementation of the staff development shall be provided to the Bureau no later than September 28, 2007.

* * *

Broward County School District
Bureau Resolution Determination: No. BEESS-2007-003-RES
January 12, 2007

This formal complaint was filed by the parent of a student who had been identified as other health impaired (OHI). Specifically, the complainant's allegation involved the following issue:

ISSUE I: Whether the Broward County School District failed to provide the student with accommodations specified in the individual educational plan (IEP) for the 2005-06 school year and the beginning of the 2006-07 school year.

An additional issue was discovered during the investigation of the complaint, as follows:

ISSUE II: Whether the Broward County School District followed the required procedures for the student's dismissal from exceptional student education (ESE) services.

Documentation showed that the district did provide the student with the accommodations specified on the IEPs during the 2005-06 and beginning of the 2006-07 school years, during the times that these IEPs were in effect.

Documentation also showed that the student was improperly dismissed from receiving ESE services on [specific date]. Evidence suggests that the district may have provided accommodations for the student following the dismissal from ESE services on [specific date], and prior to the development of a new IEP on [specific date]. However, there was no active IEP or Section 504 plan to specify what such accommodations should have been.

The corrective action required the district to convene an IEP meeting to consider what compensatory services were needed due to the time that the student had been improperly dismissed from

ESE services. The IEP team must determine the specific amount of compensatory services that must be provided to the student and develop a plan for the provision of such services, which must be completed prior to the beginning of the 2007-08 school year. Verification of the IEP meeting and the team's determination regarding compensatory services and any related documentation shall be provided to the Bureau, as well as verification of the provision of the compensatory services.

During the IEP meeting, the student's IEP team shall consider the need for revisions or additions to the exceptional student education and related services, accommodations, supplementary aids and services, and/or program modifications or supports for school personnel that will be provided to enable the student to make progress in the general curriculum. Medical needs related to the student's medical condition will be included in the IEP team's consideration for revision of the IEP.

* * *

Broward County School District
Bureau Resolution Determination: No. BEESS-2007-010-RES
March 19, 2007

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students with autism and for students who are speech and language impaired. Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Broward County School District failed to convene a resolution meeting within fifteen days of receiving the complainant's December 19, 2006, due process hearing request.

Regarding the issue of this complaint, although the district did not convene the resolution meeting within fifteen days of receiving the complainant's December 19, 2006, due process hearing request the district conducted the resolution meeting with respect to the administrative law judges (ALJ's) order for defining the end of the resolution period. There was no corrective action.

* * *

Broward County School District
Bureau Resolution Determination: Case No. BEESS-2007-012-RES
March 28, 2007

This formal complaint was filed by a complainant on behalf of the parents and/or guardians of Students A, B, and C. Student A is a kindergarten student who had been determined eligible for special programs for students who are speech and language impaired (S/L). Student B is an eighth-grade student who was being evaluated for exceptional student education and Student C is an eighth-grade student who was being evaluated for exceptional student education.

ISSUE: Whether the Broward County School District followed required timelines for evaluations for Students A, B, and C.

The complainant alleged that the Individuals with Disabilities Education Act (IDEA 2004) timeline for evaluation applied rather than the state's allowed timeline for evaluation: "60 school days of which the student is in attendance" from the State Board of Education Rule 6A-6.0331, Florida Administrative Code (F.A.C.). In addition, the complainant alleged that the delay in the completion of the evaluations had created difficulties for the students referenced in the complaint.

Documentation identified that the district followed the required timelines for the evaluations of Students B and C. The district had acknowledged that Student A's psychological report was not completed in a reasonable time frame. In March 2007 Student A was determined eligible for special programs for students who are autistic, other health impaired (OHI) and language impaired (LI).

Regarding corrective action issued, Student A's individual educational plan (IEP) team was required to reconvene no later than April 30, 2007, with the appropriate participants after sufficient notice has been provided to afford the parent or guardian with an opportunity to attend, to consider what compensatory services may be necessary due to the time period when there was a delay in the completion of the student's reevaluation report. If the IEP team determined a need for compensatory services, the type and amount of compensatory services would be specified along with a plan for the provision of such services. Verification regarding the IEP meeting and the team's determination regarding compensatory services was to be provided to the Bureau no later than ten days after the IEP meeting is held. Verification of the provision of the compensatory services was to be provided to the Bureau by June 15, 2007.

In addition, the district shall ensure that students receive timely reevaluations. The district was to self monitor for the next five reevaluations and report results to the Bureau no later than June 15, 2007. Additional documentation may be required by the Bureau.

* * *

**Charlotte County School District
Bureau Resolution Determination: No. BEESS-2007-014-RES
April 4, 2007**

This formal complaint was filed by the parents on behalf of a student who had been evaluated and found to be eligible for the special programs for students with specific learning disabilities (SLD). Specifically, the complainants' allegation involved the following issue:

ISSUE: Whether the Charlotte County School District considered providing the student with transportation as a related service during the 2006-07 school year.

The complainants alleged that the district had violated federal and state laws relating to the

education of students with disabilities, specifically regarding the district's not reimbursing the complainants for mileage costs associated with transporting the student to an out-of-zone school. The student's reassignment to a different elementary school had been approved by the district, and the complainants had informed the district by letter regarding the following:

- Their position that the student's move from one elementary school to another was due to the student's needs not being met at the initial school
- Their concerns about the student being insecure about riding the bus to the new elementary school, so they would transport the student to school
- Their understanding that the student was entitled to transportation as a related service, and they were not waiving their rights to any other related services
- The letter did not include a request for reimbursement to the parents for mileage costs associated with transporting the student to an out-of-zone school.

Documentation reviewed by the Bureau indicated that the student's individual educational plan (IEP) team considered the student's reassignment to be at the parent's request and the parents would be responsible for transportation since the student's IEP could have been implemented at his home school.

The Bureau's conclusion was that the Charlotte County School District had considered providing the student with transportation as a related service during the 2006-07 school year. There was no corrective action.

* * *

Charlotte County School District
Bureau Resolution Determination: No. BEESS-2007-017-RES
April 11 2007

This formal complaint was filed by a parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students who are identified as specific learning disabled (SLD). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Charlotte County School District provided the student with speech therapy three times per week as specified on the individual educational plan (IEP) during the 2006-07 school year.

ISSUE II: Whether the Charlotte County School District provided the student's parent with weekly reports from the speech therapist, as specified on the student's IEPs for the 2006-07 school year.

ISSUE III: Whether the Charlotte County School District ensured that the speech therapy included no more than one additional student, as specified on the student's IEP for the 2006-07 school year.

Regarding Issue I, the district did not provide the student with the speech/language therapy as specified in the IEP during the 2006-07 school year. However; the district took steps to address the student's missed services. The corrective action required verification of the provision of the student's speech/language therapy, including the additional therapy to address missed services. This documentation was to be provided to the Bureau for the remainder of the 2006-07 school year and the first semester of the 2007-08 school year on the following dates: June 15, 2007, and January 31, 2008.

Regarding Issue II, the weekly reports from the speech therapist were not required by the student's IEP that was in effect at the time the state complaint was filed; however, the student had been provided with weekly reports from the speech therapist during the 2005-06 school year. The complainant received reports on October 14, 2005, November 18, 2005, December 20, 2005, and January 27, 2006. The student's March 13, 2007, IEP meeting notes specified the provision of weekly progress notes for speech/language therapy. There was no corrective action issued for Issue II.

Regarding Issue III, the district did not ensure that the speech therapy included no more than one additional student. The district has taken steps to address the deficiencies of IEP implementation related to the student's speech/language therapy services. Corrective action required that verification of the provision of the student's speech/language therapy, including the size of the therapy group, was to be provided to the Bureau for the remainder of the 2006-07 school year and the first semester of the 2007-08 school year on the following dates: April 16, 2007, June 15, 2007, October 31, 2007, and January 31, 2008.

* * *

Flagler County School District
Bureau Resolution Determination: No. BEESS-2007-023-RES
May 17, 2007

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students who are speech impaired (SI). Specifically, the complainant's allegations involved the following issue:

ISSUE: Whether the Flagler County School District failed to schedule the student's March 9, 2007, individual educational plan (IEP) meeting with the parents at a mutually agreed on time.

The complainant alleged that "This meeting was scheduled around the convenience of the exceptional student education (ESE) Director and school staff and [the parents'] schedules as parents were not taken into consideration."

The district's documentation included a written meeting notice dated February 28, 2007, which district staff said was sent home in the student's planner. This notice included the following statement: "If the meeting date, time, or place is not convenient for you, we will make alternative,

mutually agreeable arrangements.” However, the complainants did not recall receiving a copy of the meeting notice. There was no written documentation reviewed by the Bureau which indicated whether the complainants disagreed or agreed to attend the March 9, 2007, meeting. However, one of the complainants attended the March 9, 2007, IEP meeting. Although the meeting had been scheduled for 12:30 p.m., the ESE Director and the Principal did not arrive at the meeting until after the parent left at 1:10 p.m. to return to work. (Both the ESE Director and the Principal had sent messages that they were running late for the meeting.)

The Bureau’s conclusion was that although the district did not fail to schedule the student’s March 9, 2007, IEP meeting with the parents at a mutually agreed on time, the tardiness of two of the district’s IEP team participants hindered the parent’s participation in the meeting.

There was no corrective action ordered; however, the Bureau recommended that the district may consider following up with the parents sooner if the meeting notice has not been returned so that the parents may have more input into the scheduling of the meeting. In addition, the parents may consider informing district staff regarding their time limitations for the IEP meeting when responding to meeting notices.

* * *

**Flagler County School District
Bureau Resolution Determination: No. BEESS-2007-032-RES
June 20, 2007**

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

ISSUE: Whether the Flagler County School District implemented the student’s individual educational plan (IEP) with regard to the provision of instruction for writing paragraphs, social skills training, and conflict resolution instruction during the 2006–07 school year.

Documentation reviewed by the Bureau verified that instruction for writing paragraphs and social skills training had been provided as specified on the student’s 2006-07 IEPs. However, conflict resolution instruction was not specified on any of the student’s 2006-07 IEPs. There was no corrective action for this complaint.

* * *

**Gadsden County School District
Bureau Resolution Determination: No. BEESS-2007-030-RES
June 20, 2007**

This formal complaint was filed by the parents on behalf of a student who had been evaluated and found to be eligible for the special programs for students with specific learning disabilities

(SLD). Specifically, the complainants' allegations involved the following issues:

- ISSUE I: Whether during the 2006-07 school year the Gadsden County School District provided special education to the student by appropriately trained personnel.**
- ISSUE II: Whether during the 2006-07 school year the Gadsden County School District implemented the student's individual educational plan(s) (IEPs) specifically related to the exceptional student education (ESE) teacher's support in the general education classes.**
- ISSUE III: Whether during the 2006-07 school year the Gadsden County School District implemented the student's IEP(s) specifically regarding the accommodations.**
- ISSUE IV: Whether during the 2006-07 school year the Gadsden County School District revised the student's IEP(s) specifically to address any lack of expected progress toward the academic goals and in the general education curriculum.**

Regarding Issue I, the Bureau found that the Gadsden County School District provided special education to the student by appropriately trained personnel during the 2006-07 school year. There was no corrective action for this issue.

Regarding Issue II, documentation identified that the district had implemented the student's IEPs specifically related to the exceptional student education (ESE) teacher's support in the general education classes during the 2006-07 school year. There was no corrective action for this issue.

Regarding Issue III, documentation identified that the district implemented the student's IEP(s) specifically regarding the accommodations during the 2006-07 school year. There was no corrective action for this issue.

Regarding Issue IV, documentation showed the student had made progress toward the academic goals listed on the IEP; however, the student's grades for fourth-grade level performance included two D's and one F. In addition, the student's IEP team met four times to review the IEP and revise as needed. There was no corrective action for this issue.

* * *

**Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007-002-RES
January 4, 2007**

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

ISSUE I: Whether the district implemented the student's individual educational plan (IEP), specifically regarding the provision of physical education class, math class, and reading class, during the 2005-06 school year.

ISSUE II: Whether the district implemented the student's individual educational plan (IEP), specifically regarding the school-based jobs, during the 2005-06 school year.

Regarding Issue I, the documentation submitted by the district verified that the student's individual educational plan (IEP) was implemented specifically regarding the provision of physical education, math, and reading, during the 2005-06 school year. There was no corrective action issued for Issue I; however, the Bureau recommended that the district consider reconvening the student's IEP team to develop a very specific plan for the student's remaining time in school prior to movement from high school graduation to post-school activities. The parent's request for the student to take specific courses in order to meet the priority education needs should be considered by the IEP team. The goal is to provide the student with opportunities to learn skills that will enhance a successful transition from school to post-school adult life. In addition, goals and short term objectives need to be written in clear and understandable language to all participants on the IEP team.

Regarding Issue II, the district implemented the student's IEP, specifically regarding the school-based jobs, during the 2005-06 school year. No corrective action was issued; however, a recommendation was made as follows: Due to the limited time before the student's desired transition to post-school employment, the district is urged to continue to teach the student the skills necessary for securing and maintaining employment and provide on-site practice/work opportunities within the community.

* * *

**Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007-006-RES
January 23, 2007**

This formal complaint was filed by the parent of a student who had been determined to be eligible for the special programs for students who are gifted. Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Hillsborough County School District implemented the student's educational plans (EPs) during the 2005-06 and 2006-07 school years with regard to the instructional goals.

ISSUE II: Whether the Hillsborough County School District developed the student's educational plans (EPs) that have been in effect during the 2005-06 and 2006-07 school years with consideration of individual needs related to organization, time management, and planning improvement for self-directed learning and leadership.

The Hillsborough County School District implemented the student's educational plans (EPs), during the 2005-06 and 2006-07 school years with regard to the instructional goals. The district developed the student's EPs that have been in effect during the 2005-06 and 2006-07 school years with consideration of individual needs related to organization, time management, and planning improvement for self-directed learning and leadership. There were no corrective actions for this complaint.

* * *

**Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007-007-RES
February 8, 2007**

This formal complaint was filed by an attorney on behalf of a student who had been evaluated and found to be eligible for the special programs for students who are educable mentally handicapped and speech and language impaired. Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Hillsborough County School District implemented the student's individual educational plan (IEP), specifically regarding the provision of the daily "one-on-one aide" in exceptional student education (ESE) and regular education classes, during the 2005-06 and 2006-07 school years.

The student's IEP for the 2005-06 school year specified a "one-on-one aide" for most of the school day. The 2006-07 IEP specified a "one-on-one aide" for all of the school day. The parents estimated that during the past school year the student was provided with the support of a paraprofessional only about 40% of the time. District documentation confirmed that due to staffing issues, a one-on-one paraprofessional was not assigned to the student on a consistent basis throughout the 2005-06 and the 2006-07 school years. For corrective action, the IEP team is to convene to address the possible need for compensatory services due to the lack of consistency in providing "one-on-one aide" services. If compensatory services are determined to be necessary, a plan for the provision of such services shall be developed and provided to the Bureau, along with documentation of the IEP meeting. Verification of the provision of any needed compensatory services shall be provided to the Bureau.

In addition, the district shall ensure that this student is provided with "one-on-one aide" services as specified in the IEP. For the remainder of the 2006-07 school year and the first semester of the 2007-08 school year, the district shall provide the Bureau with verification of the provision of "one-on-one aide" services as specified on the student's IEP.

To ensure the consistency of "one-on-one aide" services for other students within the Hillsborough County School District whose IEPs specify such services, the district shall provide the Bureau with a plan for addressing the determination of possible need for compensatory services when students are not receiving the "one-on-one aide" services specified on the IEP due to va-

cant positions. This plan shall be provided to the Bureau no later than April 16, 2007. Additional documentation may be required by the Bureau.

* * *

Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007-007-015
April 4, 2007

On February 6, 2007, the Bureau of Exceptional Education and Student Services received a formal complaint from a complainant alleging that the Hillsborough County School District did not engage in meaningful and timely consultation regarding meeting the requirements of special education and related services to privately placed students and other “child find” matters. Specifically, the complainant’s allegation involved the following issue:

ISSUE: Whether the Hillsborough County School District met the requirements of conducting a timely and meaningful discussion about special education and related services to privately placed students and other “child find” matters.

Documentation submitted shows that the district met the requirements of conducting a timely and meaningful discussion about special education and related services provided to privately placed students and other “child find” matters. There was no corrective action issued.

* * *

Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007-016-RES
April 4, 2007

This formal complaint was filed by the parent of student who had been determined eligible for special programs for students with autism. In addition, the student received occupational therapy (OT) as a related service. Specifically, the complainant’s allegations involved the following issues:

ISSUE I: Whether the Hillsborough County School District followed the Individuals with Disabilities Education Act (IDEA 2004) requirements in the determination of the occupational therapy (OT) services needed for the student in the development of the student’s [specific date], individual educational plan (IEP) for the 2006-07 school year.

ISSUE II: Whether the Hillsborough County School District provided the student with training on the Assistive Writing Device, specified in the [specific date], IEP for the 2006-07 school year.

Regarding Issue I, documentation submitted identified that the student's need for OT had been addressed in the present level narrative and included in the IEP. Therefore, it was determined that the district followed the IDEA 2004 requirements in the determination of the OT services needed for the student in the development of the student's IEP for the 2006-07 school year. No corrective action was issued for Issue I.

Regarding Issue II, documentation identified that the student had received training on the Assistive Writing Device as specified in the student's IEP for the 2006-07 school year and work samples showed his skills as proficient. No corrective action was issued for Issue II.

* * *

**Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007-025-RES
June 5, 2007**

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students with autism and speech and language impairment (S/L). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Hillsborough County School District failed to provide the complainant Informed Notice of Refusal/Prior Written Notice at the March 2007 individual educational plan (IEP) meeting, specifically related to providing the student with direct services from a trained behavior therapist.

ISSUE II: Whether the Hillsborough County School District followed the required procedures regarding discipline for the student during the 2006-07 school year, specifically related to the student's suspensions.

ISSUE III: Whether the Hillsborough County School District followed the required procedures regarding discipline for the student during the 2006-07 school year, specifically related to the use of physical restraint for three consecutive days without notifying the complainant.

Regarding Issue I, the Hillsborough County School District was not required to provide the complainant an Informed Notice of Refusal/Prior Written Notice at the March 2007 individual educational plan (IEP) meeting, specifically related to providing the student with direct services from a trained behavior therapist. Upon the finalized revisions to the IEP, if the direct services from a trained behavior therapist were not determined appropriate by the IEP team, then an Informed Notice of Refusal/Prior Written Notice would be provided. There was no corrective action for this issue.

Regarding Issue II, the district followed the required procedures as stated in the Code of Conduct from the student handbook and School Board Policy Manual regarding discipline for the student with regard to "respect for persons and property." The Hillsborough County School District

followed the required procedures regarding discipline for the student during the 2006-07 school year, specifically related to the student's suspensions. There was no corrective action for this issue.

Regarding Issue III, from the description of the three different behavior incidents that required the use of physical restraints during the 2006-07 school year, the required procedures were followed to ensure the safety of all students and to maintain an orderly classroom. Although the complainant was only notified and requested to attend a conference for the third incident, the Hillsborough County School District followed the required procedures regarding discipline for the student during the 2006-07 school year, specifically related to the use of physical restraint as referenced in the formal complaint. There was no corrective action for this issue; however, the Bureau made the following recommendation: Immediately following the use of physical restraints, the district should consider reconvening the IEP team to consider any changes that may be needed in the use of positive behavioral interventions and supports, and other strategies, to address inappropriate behavior exhibited.

* * *

**Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007-027-RES
June 5, 2007**

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students with autism. Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Hillsborough County School District revised the student's individual educational plan (IEP) to address any lack of expected progress towards the reading, writing, and math goals during the 2006-07 school year.

ISSUE II: Whether the student's IEP(s) for the 2006-07 school year included functional goals designed to meet the student's self-help needs.

Regarding Issue I, the Hillsborough County School District revised the student's individual educational plan (IEP) to address the lack of expected progress towards the reading, writing, and math goals during the 2006-07 school year. There was no corrective action for this issue.

Regarding Issue II, the student's IEPs that were effective during the student's enrollment from August 3, 2006, until December 12, 2006, did not include specific functional goals designed to meet the student's self-help needs; nor was there documented evidence of the need for such goals prior to the student's withdrawal from the Hillsborough County School District. There was no corrective action for this issue.

* * *

**Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007-028-RES
June 5, 2007**

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students with autism. Specifically, the complainant's allegations involved the following issues:

- ISSUE I: Whether the student's September 2006 individual educational plan (IEP) adequately addressed modification of the student's lunch environment.**
- ISSUE II: Whether the Hillsborough County School District implemented the student's September 2006 IEP specifically related to placement (general education and ESE).**
- ISSUE III: Whether the Hillsborough County School District provided periodic reports on the progress the student was making toward meeting the annual IEP goals.**
- ISSUE IV: Whether the Hillsborough County School District provided the opportunity for the parent to participate in the September 2006 IEP meeting.**

Regarding Issue I, the September 2006 IEP indicated that the student was successful eating lunch in the cafeteria. No need for modification of the student's lunch environment was referenced on the student's IEP. There was no corrective action for this issue.

Regarding Issue II, documentation provided verified that the district implemented the student's September 2006 IEP specifically related to placement (general education and ESE). There was no corrective action for this issue.

Regarding Issue III, the district provided progress reports quarterly; however, the progress report for the first quarter did not address all of the student's IEP goals. The following corrective action was required if the student re-enrolls in the Hillsborough County School District before the end of the first semester of the 2007-08 school year: The district shall provide verification to the Bureau by January 30, 2008, that progress reports for all IEP goals have been provided to the parent as stated in the most current IEP.

Regarding Issue IV, the district provided documentation which verified that the parent was provided the opportunity to participate in the September 2006, IEP meeting. There was no corrective action for this issue.

* * *

Hillsborough County School District
Bureau Resolution Determination: No. BEESS-2007- 037-RES
June 29, 2007

The Bureau of Exceptional Education and Student Services received a state complaint letter on May 31, 2007, from a parent alleging that the Hillsborough County School District violated federal and state laws related to the education of her child who was being evaluated for exceptional student education services. Specifically, the complainant's allegations involved the following issue:

ISSUE: Whether the Hillsborough County School District followed the required timelines regarding the student's evaluation during the 2006-07 school year.

On March 15, 2007, the parent gave informed written consent for the evaluation. On June 13, 2007, the student was evaluated by the school psychologist. The student was in attendance at school for a total of 43 days from the date of the school's receipt of the signed consent to the evaluation completion date by the school psychologist. The Bureau determined that the Hillsborough County School District followed the required timelines regarding the student's evaluation during the 2006-07 school year. There was no corrective action for this issue.

* * *

Indian River County School District
Bureau Resolution Determination: Case No. BEESS-2007-004-RES
January 21, 2007

This formal complaint was filed by the parent of a student who had been determined to be eligible for the special programs for students with mental handicaps (MH) and speech and language impairments. The complainant's allegations involved the following issues:

ISSUE I: Whether during the 2005-06 school year, the Indian River County School District provided special education to the student by appropriately trained personnel.

ISSUE II: Whether during the 2005-06 school year, the Indian River County School District revised the student's individual educational plan (IEP), specifically to address any lack of expected progress toward the academic goals.

ISSUE III: Whether the Indian River County School District implemented the student's IEP(s) for the 2005-06 school year, specifically related to the provision of English, Social Studies, and Science.

ISSUE IV: Whether during the 2005-06 school year, the Indian River County School District considered the special factors specifically related to the student's behavior impeding his learning or that of his peers, during the development

of the IEP(s), with regard to the need for positive behavioral interventions, supports, and other strategies to address behavior.

ISSUE V: Whether during the 2005-06 school year, the Indian River County School District implemented the student's behavior intervention plan (BIP) and/or IEP, specifically regarding the incidents referenced in the formal complaint.

ISSUE VI: Whether the Indian River County School District implemented the student's IEPs for the 2005-06 school year, specifically related to the speech and language therapy.

ISSUE VII: Whether the Indian River County School District ensured that during the 2005-06 school year, each teacher and provider responsible for implementing the student's IEP was informed of his/her specific responsibilities and the specific accommodations, modifications, and supports related to implementing the IEP.

In Issue I, it was found that the student's varying exceptionalities (VE) teacher held valid Florida educator's certificates in the areas of Elementary Education and Exceptional Student Education for the 2005-06 school year. The VE teacher met the legal requirements for teaching a K-12 VE class during the 2005-06 school year and had the appropriate credentials to provide special education and related services to the student. No corrective action was issued.

In Issue II, there was no indication of a lack of progress toward the student's annual goals during the 2005-06 school year; nor was there any documentation to indicate a request by the student's parent for an IEP review meeting to address the status of the student's progress toward his annual goals. However, the progress report provided to the student's parents did not reference the student's progress toward the annual goals and the extent to which that progress was sufficient to enable the student to achieve the goals by the end of the year. It was determined that the district followed required procedures regarding the review of the student's IEP during the 2005-06 school year, but not regarding the content of the progress reports. As corrective actions, the district shall inform parents of students with disabilities regarding progress toward annual goals and the extent to which that progress is sufficient to enable the students to achieve the goals by the end of the year. The district was required to provide verification regarding the provision of such progress reports from a sampling of schools throughout the district, including at least five elementary schools, two middle schools, and three high schools. In addition, if the student referenced in the complaint re-enrolled in the Indian River County School District during the remainder of the 2006-07 school year or the first semester of the 2007-08 school year, verification of the provision of sufficient progress reports to this student's parent would be provided to the Bureau.

In Issue III, it was found that the student's IEP for the 2005-06 school year did not specify the provision of English, Social Studies, and Science, nor was there any requirement for the district to provide English, Social Studies, and Science to the student during the 2005-06 school year. No corrective action was issued. As a recommendation, the Bureau suggested that if the student re-enrolls in the district, the IEP team reconvene and consider the parent's concerns regarding the

provision of English, Social Studies, and Science in the development of annual goals. In addition, these concerns may be considered in the scheduling of the student's courses.

In Issue IV, it was found that the district considered the special factors specifically related to the student's behavior impeding his learning or that of his peers, during the development of the IEP and behavior intervention plan (BIP) with regard to the need for positive behavioral interventions, supports and other strategies to address behavior. No corrective action was issued. However, the Bureau recommended that if the student re-enrolls in the district, the IEP team convene to review and possibly revise the student's IEP and BIP to address the need for modifications to the student's positive behavioral interventions to ensure that the student's behavior does not impede his learning or that of his peers.

In Issue V, it was determined that neither the student's IEP nor his BIP specifically prohibited the use of physical touch or restraint by school personnel as a means of behavior modification or redirection. In regard to the incidents referenced by the parent, the district implemented the student's BIP and/or IEP, specifically regarding two of the three incidents referenced in the complaint. However, regarding the other incident referenced in the complaint, the student's BIP and IEP were not implemented completely due to intervention by staff from another school during a field trip. Although no corrective action was issued, the Bureau recommended that if the student re-enrolls in the district, the IEP team reconvene and consider methods for ensuring that any party who may have even brief supervisory responsibility for the student during school-sponsored field trips be informed regarding the student's behavioral needs and appropriate methods of intervention.

In Issue VI, it was found that the district implemented the student's IEPs for the 2005-06 school year, specifically related to the speech and language therapy. No corrective action was issued.

In Issue VII, it was determined that the district ensured that during the 2005-06 school year, each teacher and provider responsible for implementing the student's IEP was informed of his/her specific responsibilities and the specific accommodations, modifications, and supports related to implementing the IEP. No corrective action was issued.

* * *

Lake County School District

Bureau Resolution Determination: No. BEESS-2007-019-RES

April 18, 2007

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students with specific learning disabilities (SLD). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Lake County School District convened an individual educational plan (IEP) meeting within a reasonable time period following the complainant's November 14, 2006, request.

ISSUE II: Whether the Lake County School District considered revising the student's IEP to include the provision of supplementary aids and services to assist the student in making passing grades during the 2006-07 school year.

Regarding Issue I, the Lake County School District convened an individual educational plan (IEP) meeting within a reasonable time period following the complainant's November 14, 2006, request, considering the scheduling limitations of the parent and the winter holidays. There was no corrective action.

Regarding Issue II, the Lake County School District considered revising the student's IEP to include providing the student with the supplementary aids and services to assist the student in making passing grades during the 2006-07 school year; however, the meeting to revise the IEP did not occur until January 22, 2007, following the parent's request. The student's progress reports included ratings for Math that seemed contradictory to the Math grades on the student's report cards. Although there was extensive electronic communication between the parent and the school district, more frequent parent conferences may have been helpful and may have demonstrated more clearly the school's effort to address the student's progress.

The corrective action required the school district to provide consistent, accurate information regarding the student's progress toward meeting the annual goals. For the remainder of the 2006-07 school year and the first semester of the 2007-08 school year, verification of the provision of sufficient progress reports for this student shall be provided to the Bureau on the following dates (as applicable): June 15, 2007, and January 15, 2008.

In addition, the following recommendations were made, pertinent to both complaint issues:

1. The student's IEP team may review the supplemental aids and services currently being provided to the student for effectiveness, and revise as needed.
2. To ensure consistent communication with the parent, the district may designate one staff member for the parents to contact.
3. Within the learning strategies class, there could be more focus on teaching the student organizational skills that facilitate generalization for all classes.

* * *

**Lee County School District
Bureau Resolution Determination: No. BEESS-2007-033-RES
June 29, 2007**

This formal complaint was filed by the parent on behalf of a student who had been determined to be eligible for special programs for students who are emotionally handicapped (EH), autistic, and language impaired (LI). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Lee County School District followed the required procedures

related to the Individuals with Disabilities Education Act (IDEA 2004) when eliminating the student's one-on-one aide during the 2006-07 school year.

- ISSUE II:** Whether the Lee County School District implemented the student's individual educational plan (IEP) during the 2006-07 school year, specifically by ensuring the academic instruction during the assignment of homebound or hospitalized (H/H).
- ISSUE III:** Whether the Lee County School District followed required procedures in the development and implementation of the student's IEP for the 2006-07 school year, specifically regarding the provision of the counseling services (frequency and duration).
- ISSUE IV:** Whether the Lee County School District followed required procedures related to the use of physical force and restraints for the student during the 2005-06 and 2006-07 school years.
- ISSUE V:** Whether the Lee County School District provided special education to the student by appropriately trained personnel during the 2005-06 and 2006-07 school years.
- ISSUE VI:** Whether during the 2006-07 school year the Lee County School District implemented the student's IEP, related to the provision of a specifically trained aide for the student upon a transfer to another school within the district.
- ISSUE VII:** Whether the Lee County School District implemented the student's 2005-06 and 2006-07 IEPs, specifically regarding placement in the least restrictive environment (LRE).

Regarding Issue I, documentation identified that although the student's IEP for homebound or hospitalized (H/H) services did not specify a one-on-one aide, instruction on a 1:1 ratio was provided for all subjects. The district followed the required procedures related to the IDEA 2004 when the student's educational services were changed during the 2006-07 school year. There was no corrective action for this issue.

Regarding Issue II, the student's IEP for H/H specified 240 minutes per week instruction with a 1:1 ratio for all subjects. The student's academic goals and objectives/benchmarks for H/H were very similar to the academic goals and objectives/benchmarks from the previous IEP. Documentation provided verified that the district implemented the student's IEP, specifically by ensuring the academic instruction during the assignment of H/H. There was no corrective action for this issue.

Regarding Issue III, the district followed the required procedures in the development of the student's IEPs for the 2006-07 school year specifically regarding the duration of counseling services. However, the required procedures regarding the frequency of the counseling services

were not followed; and the district did not fully implement the student's IEPs for the 2006-07 school year specifically regarding the therapeutic counseling, as only one session was provided. The district has implemented changes to the way that IEPs specify the frequency of therapeutic counseling, requiring the IEP team to clearly define the frequency.

The corrective action for Issue III requires that no later than July 20, 2007, the student's IEP team shall reconvene, with appropriate notice to the complainant, to determine the specific amount of compensatory services that must be provided to the student due to the therapeutic counseling that was not provided, and to develop a plan for the provision of such services. Although it is not expected that there be a 1:1 correlation between what is missed and what is provided as compensatory services, reasonableness should prevail. In addition, verification of the IEP meeting and the team's determination regarding compensatory services and any related documentation shall be provided to the Bureau no later than one week after the meeting. Verification of the provision of the compensatory services shall be provided to the Bureau on a quarterly basis until the completion of such services: October 31, 2007, and January 31, 2008. The Bureau may request additional documentation.

Regarding Issue IV, review of existing documentation from both parties did not clearly establish a violation related to the district's use of physical force and restraints for the student during the 2005-06 and 2006-07 school years. However, the time-out room referenced in the complaint and documentation from both parties did not appear to meet the state requirement for seclusion time-out rooms, specifically regarding the brick-wall surface. At the present time the district is developing guidelines for the use of time-out and physical restraint.

The corrective action regarding Issue IV requires that no later than August 31, 2007, the district shall provide the Bureau with the newly-developed guidelines for the use of time-out and physical restraint. No later than December 20, 2007, the district shall provide the Bureau with the following documentation of training that has been provided to personnel based on the newly-developed guidelines for the use of time-out and physical restraint:

- Date and location of training
- Who led the training session(s)
- Names and positions of personnel who participated in the training
- Planned follow-up for training participants
- Plan(s) for ongoing personnel training

In addition, the district shall ensure that seclusion time-out rooms meet state requirements. A record of the inspection of the district's seclusion time-out rooms by a local fire official shall be provided to the Bureau no later than August 20, 2007.

Regarding Issue V, documentation verified that the school personnel involved in the student's education had the required education and certifications. There was no corrective action for this issue.

Regarding Issue VI, documentation verified that the district implemented the student's IEP,

specifically related to the provision of a specifically trained aide for the student upon a transfer to another school within the district. There was no corrective action for this issue.

Regarding Issue VII, services and placement decisions were made by the student's IEP team members. The continuum of placements was reviewed along with the student's educational needs. The parent participated in the placement and services decisions. The student had been educated in math classes with non-disabled peers at both elementary schools attended. Interactions with non-disabled peers also occurred in school specials. In January 2007 the student's IEP team recommended placement in the special programs for students who are H/H, based upon medical recommendation by the student's physician. During the February 2007 IEP meeting, it was agreed that the student would transition slowly from H/H services back to the elementary school setting. Documentation verified that the district implemented the student's 2005-06 and 2006-07 IEPs specifically regarding placement in the LRE. There was no corrective action for this issue.

* * *

**Leon County School District
Bureau Resolution Determination: No. BEESS-2007-029-RES
June 20, 2007**

This formal complaint was filed by a complainant on behalf of a student with a disability. The parent provided permission to the Bureau in a letter dated May 11, 2007, for the complainant to have access to the student's records.

The complainant's allegations involved the following issues:

- ISSUE I: Whether the Leon County School District followed required procedures regarding the student's placement for PACE Secondary School.**
- ISSUE II: Whether the Leon County School District followed required discipline procedures including any Functional Behavioral Assessments (FBAs) and supplementary aids and services for the student for the 2006-07 school year.**
- ISSUE III: Whether the Leon County School District followed required procedures for parental input into the course of study leading to diploma options for the student.**

Regarding Issue I, the parent had participated in the individual educational plan (IEP) team meetings, but disagreed with the IEP team's decision to place the student at PACE Secondary School. The Bureau determined that the Leon County School District followed the required procedures regarding the student's placement for PACE Secondary School. There was no corrective action for this issue.

Regarding Issue II, the student had been suspended for a total of two days during the 2006-2007 school year. There was no requirement for a FBA during the 2006-07 school year. The IEP for

the 2006-07 school year included behavioral strategies, annual goals, and benchmarks related to behavior. Documentation identified that the district followed required discipline procedures including any Functional Behavioral Assessments (FBAs) and supplementary aids and services for the student for the 2006-07 school year. There was no corrective action for this issue.

Regarding Issue III, the rating scale for the student's "Diploma Option Indicators for Grades 6-8," dated August 2004 (8th grade), and signed by the parent, indicated, "Special Diploma options needed to be discussed at the IEP conference." The student's IEPs dated August 2004 (8th grade), May 2005 (8th grade), March 2006 (9th grade), April 2006 (9th grade), and April 2007 (10th grade), indicated Standard Diploma. The parent attended all of the IEP meetings referenced in the Findings of Fact. Student progress was noted and reviewed at each IEP meeting. The student's cumulative grade-point-average (GPA) following the first semester of the 2006-07 school year was 2.91 for 10.50 credits earned. Documentation identified that the Leon County School District followed the required procedures for parental input into the course of study leading to diploma options for the student. There was no corrective action for this issue.

* * *

**Orange County School District
Bureau Resolution Determination: No. BEESS-2007-001-RES
January 3, 2007**

This formal complaint was filed by the parent of a student who had been identified as educable mentally handicapped (EMH). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the district failed to appropriately respond to the complainant's request for an independent education evaluation (IEE) without unnecessary delay, during the 2005-06 and the 2006-07 school years.

Documentation showed that the district did not provide the complainant with information about where an IEE could be obtained in a timely manner following the complainant's request. There were additional delays in the IEE process which resulted from the district's pricing parameters. Documentation reviewed by the Bureau indicated that at the time of the issuance of the final report, arrangements were being finalized with an evaluator to provide the IEE for the student. The Bureau's conclusion was that the district failed to appropriately respond to the complainant's request for an IEE without unnecessary delay during the 2005-06 and the 2006-07 school years.

The corrective action required the district to ensure that the student's IEE is completed and addressed by the individual educational plan (IEP) team in a timely manner. Verification regarding the provision of the IEE and the IEP team meeting to review the results shall be submitted to the Bureau. In addition, the district shall ensure that all parents who request an IEE are appropriately responded to without unnecessary delay. The district shall submit to the Bureau for the next six months, all records of IEE requests, with the district's response, and verification of the provision of the IEEs. Such verification shall be provided to the Bureau each quarter for the remainder of the 2006-07 school year.

Finally, the district shall revise its Exceptional Student Education Department Procedures for Independent Educational Evaluations (IEE) document to include language regarding where an IEE may be obtained (consistent with the Orange County School District SP&P and State Board of Education Rule 6A-6.03311(7)(a), F.A.C.).

* * *

**Orange County School District
Bureau Resolution Determination: No. BEESS-2007-005-RES
January 23, 2007**

This formal complaint was filed by the parent of a student who had been eligible for special programs for students who are autistic and speech and language impaired (S/L). Specifically, the complainants' allegations involved the following issues:

ISSUE I: Whether the Orange County School District implemented the student's [specific date], individual educational plan (IEP) during the 2006-07 school year, specifically as follows:

- A. by providing the student with the supplementary aids and services determined appropriate and necessary for participation in extracurricular activities**
- B. by providing a qualified one-on-one paraprofessional, with training and knowledge regarding the student's safety concerns and Positive Behavior Support plan**
- C. regarding the student's goals**
- D. regarding consultation between the student's ESE and classroom teacher**
- E. regarding the student's speech and language therapy (S/L)**
- F. regarding the student's occupational therapy (OT)**
- G. regarding the student's Community Based Instruction (CBI)**
- H. regarding the student's social skills training**
- I. regarding the student's ability to earn and purchase items in a store-like atmosphere in the math class**

ISSUE II: Whether the Orange County School District ensured that at least one teacher participated in each of the student's IEP meetings during the 2006-07 school year.

Regarding Issue I, the documentation submitted verified that the district implemented the student's IEP during the 2006-07 school year, specifically regarding each of the allegations in the complaint. In addition, the district acknowledged the reason for the number of "limited progress" comments was likely due to inconsistency of the measuring instrument. There was no corrective action issued; however, the Bureau recommended that the district ensure consistency in the measurement instrument used in determining the student's progress toward annual goals. In addition, the Bureau recommended that clarification regarding such measurement of progress shall be shared with the appropriate school staff.

Regarding Issue II, the student's teachers were present for at least part of the [specific date] IEP meeting, which lasted in excess of three hours. Documentation indicated that the only "teachers" who were present for the entire meeting were the district behavior specialist (also a certified ESE teacher) who has worked with the student from time to time and a district instructional support teacher who works directly with the student as identified on the [specific date] IEP. Documentation verified that the district had ensured the required teacher participation in the student's IEP meeting referenced in the complaint. No corrective action was issued.

* * *

**Orange County School District
Bureau Resolution Determination: No. BEESS-2007-008-RES
February 23, 2007**

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students who are specific learning disabled (SLD). Specifically, the complainant's allegation involved the following issues:

- ISSUE I: Whether the Orange County School District provided all the accommodations necessary for the student, during the 2005-06 and 2006-07 school years, as specified on the individual educational plan (IEP).**
- ISSUE II: Whether the Orange County School District followed the required procedures in a timely manner following a parent request for a behavioral intervention plan (BIP), during the 2005-06 and 2006-07 school years.**
- ISSUE III: Whether the Orange County School District failed to follow the student's BIP, during the 2006-07 school year.**

Regarding Issue I, the district provided all the accommodations specified on the student's IEPs during the 2005-06 and 2006-07 school years, according to the documentation submitted. Regarding Issue II, the district also followed the required procedures in a timely manner following the parent's request for a BIP, during the 2005-06 and 2006-07 school years.

For Issue III, documentation verified that the district implemented the student's BIP for the 2006-07 school year. However, there were concerns which resulted in corrective action such as:

- No replacement behaviors were included in the BIP.
- The district had received feedback from two different behavioral professionals regarding ineffective interventions by school staff.
- Despite the student's incidents of verbal and physical aggression, strategies for dealing with the student's aggression were not included in the BIP.

Corrective action issued for Issue III requires the IEP team to reconvene no later than [specific date] to review the student's BIP and to consider possible revision to include replacement behaviors and the strategies for dealing with the student's verbal and physical aggression. Documentation shall be provided to the Bureau for verification.

In addition, during the remainder of the school year and the first semester of the 2007-08 school year, the district will provide the Bureau with verification regarding the implementation of the student's revised BIP. Documentation shall be provided to the Bureau on June 15, 2007, and January 31, 2008.

The Bureau recommends that if the district offers services for the student such as counseling services, the parent shall consider allowing the student to participate. If there is disagreement for a recommended service, a trial period could be considered. (The student had been asked to participate in a school counseling group, but the parent declined the group.)

* * *

**Orange County School District
Bureau Resolution Determination: No. BEESS-2007-009-RES
March 14, 2007**

This formal complaint was filed by the parents of a student who had been eligible for special programs for students who are other health impaired (OHI), receiving occupational therapy (OT) as a related service. Specifically, the complainants' allegations involved the following issues:

- ISSUE I: Whether the Orange County School District reviewed and revised the student's individual educational plan(s) (IEPs) with regard to the student's behaviors and the parents' allegations of the use of inappropriate physical restraints during the 2006-07 school year.**
- ISSUE II: Whether the Orange County School District provided an Alpha Smart assistive technology device per the student's IEP(s) for school use during the 2006-07 school year.**
- ISSUE III: Whether the Orange County School District provided the student with the social skills training per the IEP(s) during the 2006-07 school year.**
- ISSUE IV: Whether the Orange County School District provided the student with fewer homework assignments as a modification per the student's IEP(s) during the 2006-07 school year.**

Regarding Issue I, the student's IEPs were reviewed and revised with regard to the student's behaviors, but none of the documents (IEPs, functional behavioral assessment (FBA), and behavioral intervention plans (BIPs)) addressed the use of physical restraints.

The following corrective action was issued for Issue I. No later than April 2, 2007, the district shall convene the student's IEP team, with the appropriate participants and sufficient advance notice to provide an opportunity for the parent to attend that IEP team meeting, to determine what interventions are appropriate for the student's behavior. Documentation of the IEP team's determination must be provided to the Bureau within one week following the IEP meeting.

Regarding Issue II, the district provided an Alpha Smart assistive technology device per the student's IEP(s) for school use during the 2006-07 school year. No corrective action was issued.

Regarding Issue III, the district provided the student with some of the social skills training (counseling) per the IEP(s) during the 2006-07 school year. The following corrective action was issued for Issue III. The Orange County School District shall ensure that the student is provided with the social skills training specified on the IEP. At the IEP team meeting required for Issue I corrective action, the student's IEP team shall determine if compensatory services are necessary as a result of the social skills training that has not been provided during the 2006-07 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. Documentation of the verification of compensatory services should be provided to the Bureau on the following dates: June 15, 2007, October 31, 2007, and January 31, 2008.

Regarding Issue IV, the student's IEPs for the 2006-07 school year did not require that the student be provided with fewer homework assignments. However, the student was provided with homework modifications following an informal meeting between school personnel and the student's parents. There was no corrective action for this issue, but the Bureau recommended that during the IEP meeting required for the corrective action for Issues I and III, the student's IEP team may consider whether modifications are needed for the student's homework assignments.

* * *

Palm Beach County School District

Bureau Resolution Determination: No. BEESS-2007-034-RES

June 29, 2007

This formal complaint was filed by the parents on behalf of a student who had been evaluated and found to be eligible for special programs for students who are educable mentally handicapped (EMH) and language impaired (LI), receiving occupational therapy (OT) as a related service. Specifically, the complainants' allegations involved the following issues:

ISSUE I: Whether the Palm Beach County School District followed the student during the 2004-05 and the 2005-06 school years.

ISSUE II: Whether the Palm Beach County School District followed the required pro-

cedures regarding the student's change of placement recommended at the September 21, 2005, individual educational plan (IEP) meeting.

ISSUE III: Whether the Palm Beach County School District reviewed and revised the student's IEP to address any lack of expected progress towards the annual goals and in the general education curriculum specifically regarding the student's functional behavioral assessment (FBA) during the 2004-05 and 2005-06 school years.

ISSUE IV: Whether the student's IEP team considered the 2004/2005 reports written by Dr. Merrill Winston specifically relating to the student's functional behavioral assessment (FBA).

ISSUE V: Whether the Palm Beach County School District provided the student's specially designed instruction and related services on a consistent basis during the 2004-05 school year.

ISSUE VI: Whether the Palm Beach County School District followed the required procedures when the parent requested an independent educational evaluation (IEE) during the 2004-05 and 2005-06 school years.

Regarding Issue I, the district used Professional Crisis Management (PCM) restraints when physical restraints were needed in emergency situations. The student's behavior intervention plan (BIP) identified county approved restraints could be used if the student displayed continuous aggression or high magnitude disruption. Documentation reviewed supported that the district followed the required procedures regarding the use of physical restraints for the student during the 2004-05 and the 2005-06 school years. There was no corrective action for this issue. However, due to the district's acknowledgement that some of the PCM log records were missing, the Bureau made a recommendation that the district should consider ways to ensure that all students' PCM logs are kept at the school site.

Regarding Issue II, the Prior Written Notice (PWN) form (Change of Placement/FAPE) was provided to the parent at the September 2005 IEP meeting. The IEP team proposed that the student attend a special school and participate in a special class to work on the intense behavioral and academic needs. In addition, the IEP team reviewed the student's discipline and attendance records, classroom performance, and the parental information. Documentation identified that the district followed the required procedures regarding the student's change of placement recommended at the September 2005 IEP meeting. There was no corrective action for this issue.

Regarding Issue III, the district reviewed and revised the student's IEP to address any lack of expected progress towards the annual goals and in the general education curriculum specifically regarding the student's FBA during the 2004-05 and 2005-06 school years. There was no corrective action issued. However, the Bureau recommended that the student's IEP team consider reviewing the student's FBA for possible revisions.

Regarding Issue IV, documentation showed that the student's IEP team considered the

2004/2005, reports written by Dr. Winston, the psychologist who conducted the outside evaluation, and made recommendations at the April 2005 IEP conference meeting. However, the student's FBA document was not revised. There was no corrective action for this issue; however, the recommendation made in Issue III applies for Issue IV.

Regarding Issue V, the student's school staff reported that the parent was contacted on three occasions to pick up the student for biting himself and/or school staff. These three occasions resulted in out-of-school suspensions. School staff reported that the parent was not asked to keep the student home the day after being suspended. If the exceptional student education (ESE) teacher was absent, the school would hire another experienced ESE teacher (never a substitute) due to the student's behavioral needs. Documentation showed that the district provided the student's specially designed instruction and related services on a consistent basis during the 2004-05 school year. There was no corrective action issued.

Regarding Issue VI, the parent requested an IEE at public expense for the student on October 6, 2005, due to behavioral concerns. The district decided to do a current evaluation since the last evaluation had been done in 2002. On October 21, 2005, the parents again requested an IEE; and the student's IEP team met and agreed to the student's need for a full reevaluation. The parent signed the consent but requested an IEP meeting on [specific date] to review [the parent's] recommendations for the reevaluation. An IEP meeting was held, and the team agreed to the parent's request for a comprehensive psychoeducational evaluation as part of the student's reevaluation. After the evaluation was completed, the parents again requested an IEE on June 17, 2006, because they disagreed with results of the district's psychoeducational evaluation. The district granted the IEE which was completed on August 31, 2006. Documentation showed that the district followed the required procedures when the parent requested an IEE during the 2004-05 and 2005-06 school years. There was no corrective action issued.

* * *

**Pinellas County School District
Bureau Resolution Determination: No. BEESS-2007-013-RES
April 12, 2007**

This formal complaint was filed by the parent of a student who had been determined eligible for special programs for students who are language impaired (LI), receiving occupational therapy on a consultative basis. Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the student's individual educational plan (IEP) team assisted the student during the 2006-07 school year, specifically regarding:

- A. teaching the student how to advocate for himself**
- B. encouraging the student to attend tutoring daily**
- C. speaking with the student to help him understand his disability**

ISSUE II: Whether the Pinellas County School District reviewed, updated and considered the student's goals based on his needs during the 2006-07 school year

ISSUE III: Whether the Pinellas County School District considered transitional/vocational goals for the student on the 2006-07 IEP

Regarding Issue I, the district's IEP team assisted the student during the 2006-07 school year regarding teaching the student how to advocate for himself and encouraging the student to attend tutoring daily. The district also assisted the student regarding speaking with the student to help him understand his disability; however, this had not yet occurred at the time the complaint was filed. No corrective action was issued for Issue I; however, the Bureau recommended that the district should encourage clear communication with parents regarding anticipated timelines when the IEP team agrees to a parent's request.

Regarding Issue II, the district reviewed and considered the student's goals based on his needs during the 2006-07 school year. Documentation identified that the student's progress towards meeting the goals was reported to the complainant and the student's IEP team met throughout the 2006-07 school year. No updates or changes to the student's goals were determined necessary by the IEP team. No corrective action was issued for Issue II.

Regarding Issue III, the student's IEP and course history identified that the district considered and supported transitional/vocational goals for the student on the 2006-07 IEP. No corrective action was issued for Issue III.

* * *

**Pinellas County School District
Bureau Resolution Determination: No. BEESS-2007-018
April 13, 2007**

This formal complaint was filed by the grandparent on behalf of a student who had been evaluated and found to be eligible for the special programs for students who are specific learning disabled (SLD). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Pinellas County School District measured the student's progress toward meeting the annual goals specified on the individual educational plan (IEP) during the 2006-07 school year, reported this progress periodically to the parent/guardian, as required by the IEP and revised the student's IEP to address any lack of expected progress toward the annual goals.

The student's progress toward meeting the annual goals specified on the IEP was measured. Progress reports were issued with the student's report cards; however, these progress reports gave contradictory information by indicating anticipated mastery of goals in spite of the student's declining (and failing) grade-point average. Although the student had failing grades since the beginning of the school year, the IEP team did not meet to review and revise the IEP until December 4, 2006. Corrective action required that the district shall ensure that progress reports provide consistent, accurate information regarding the student's progress toward meeting the

annual goals. The student referenced in the complaint withdrew from the Pinellas County School District and received a McKay Scholarship to attend a private school. If the student re-enrolls in the Pinellas County School District during the remainder of the 2006-07 school year or the first semester of the 2007-08 school year, verification of the provision of sufficient progress reports shall be provided to the Bureau on the following dates (as applicable): June 15, 2007, and January 15, 2008.

In addition, corrective action required that the district shall ensure that students' IEPs are reviewed in a timely manner, and revised as appropriate to address any lack of expected progress toward annual goals and in the general education curriculum. If the student re-enrolls in the district during the remainder of the 2006-07 school year or the first semester of the 2007-08 school year, verification regarding the student's progress and the timely scheduling of any needed IEP meetings for the review and possible revision of the student's IEP shall be provided to the Bureau on the following dates (as applicable): June 15, 2007, and January 15, 2008.

* * *

Polk County School District
Bureau Resolution Determination: No. BEESS-2007-011-RES
March 20, 2007

This formal complaint was filed by the parent of a student who had been eligible for special programs for students who are other health impaired (OHI) with speech and language impairments (S/L). Specifically, the complainant's allegations involved the following issues:

- ISSUE I: Whether the Polk County School District implemented the student's individual education plan (IEP), specifically regarding providing a paraprofessional, during the 2006-07 school year.**
- ISSUE II: Whether the Polk County School District implemented the student's IEP, specifically regarding the appropriate placement in the general education classroom with nondisabled students, during the 2006-07 school year.**
- ISSUE III: Whether the Polk County School District provided special education to the student in the general education classroom by qualified personnel during the 2006-07 school year.**
- ISSUE IV: Whether the Polk County School District provided speech therapy to the student (in the therapy room) as specified on the student's IEP for the 2006-07 school year.**

Regarding Issue I, the student's 2006-07 IEP dated [specific date], identified the related service of "Paraprofessional Assistance for a specific need(s)", with an initiation date of [specific date], and an anticipated duration identified as "Until IEP review date/when in session." The frequency of services was identified as daily with the location in the exceptional student education (ESE)

and general education class. Even though the student's IEP did not identify one-to-one aide services for the student, the paraprofessional's schedule indicated that the majority of her school day was devoted to the student. Therefore, the district implemented the student's IEP, specifically regarding providing a paraprofessional, and there was no corrective action issued for Issue I.

Regarding Issue II, the student's 2006-07 school year IEP, identified, "Placement, Regular Class (more than 79% with non-ESE)," which meant that the student should be scheduled more than 79% of school time with non ESE peers. The student was removed from the general education classroom only for speech and language services sixty minutes per week, and all other services were provided in the general education classroom. Therefore, the district implemented the student's IEP regarding the appropriate placement in the general education classroom with nondisabled students and there was no corrective action issued for Issue II.

Regarding Issue III, documentation submitted verified that the student's general education and ESE teachers were all qualified teachers. There was no corrective action issued.

Regarding Issue IV, documentation verified that four of the student's speech and language therapy sessions were provided in the general education classroom rather than the therapy room as specified on the student's IEP. During the first two weeks of school, it is a common practice for speech services to be provided in the general education classrooms to allow for the establishment of schedules and location of services. The next two speech and language therapy sessions were provided to the student in the classroom, because the therapist thought the parent preferred the inclusion model based on dialogue with the parent. No corrective action was issued for Issue IV; however, the Bureau recommended that any changes to the location of a student's speech and language services should be addressed by the student's IEP team.

* * *

Polk County School District

Bureau Resolution Determination: No. BEESS-2007-007-022

May 11, 2007

This formal complaint was filed by the parent on behalf of a student who had been evaluated and found to be eligible for the special programs for students who are autistic and language impaired. Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Polk County School District followed the Individuals with Disabilities Act (IDEA 2004) requirements in developing the student's individual educational plan (IEP) dated February 16, 2007, for the 2006-07 school year specifically regarding the following: the local educational agency (LEA) representative, the parent concerns, the student's exceptionality, the listing of persons responsible for implementation of the IEP, and the terminology for the student's extra assistance in the classroom.

ISSUE II: Whether the Polk County School District ensured that the provision of ser-

vices for the student was initiated as soon as possible following the development of the February 16, 2007 IEP.

ISSUE III: Whether the Polk County School District considered the parent's request for an inclusion facilitator to observe, make suggestions, and attend the student's IEP team meetings commencing on May 1, 2006.

Regarding Issue I, the district complied with IDEA 2004 when the exceptional student education (ESE) staffing specialist served as the LEA representative for the student's February 16, 2007, IEP meeting. In addition, the statement of parent concerns on the IEP met legal requirements although the parent wanted the information to be included verbatim rather than paraphrased. The student's exceptionality was correctly identified on the IEP; the parent objected to a reference to a different exceptionality within a description of evaluation results included in a Present Level of Educational Performance. The student's IEP also met legal requirements in the listing of persons responsible for the implementation of the IEP. The parent wanted the paraprofessional(s) listed on the IEP; however, the district identified the teachers and therapists as responsible for implementation, stating that the paraprofessionals may collect data, but do not document student performance. Finally, the terminology on the IEP for the student's extra assistance in the classroom was different from what the parent had requested. The district had denied the parent's request and provided a notice of refusal to the parent. No corrective actions were required for Issue I.

Regarding Issue II, the district acknowledged that the February 26, 2007, initiation date on the services page of the IEP had been an error. The services specified on the student's February 16, 2007 IEP were initiated on the next student day following the IEP meeting. There was no corrective action for this issue.

Regarding Issue III, there was a staff change within the district. Rather than the requested observation by the inclusion facilitator, the student was observed by the facilitator for students with emotional handicaps (EH) and the facilitator for students with autism. Then in February 2007 the IEP team added consultation with an inclusion facilitator as well as the request for support and/or consultation. The Polk County School District responded to the complainant's and staffing committee's May 1, 2006, request for an inclusion facilitator's involvement with observations by other facilitators. There was no corrective action for this issue.



Florida Department of Education
Jeanine Blomberg, Commissioner