

Agency Order Summaries

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



**July–December
2006**

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

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Introduction

The following are summaries of Florida Department of Education Early Resolutions, and Bureau Resolution Determinations, and Commissioner's Orders entered from July through December 2006. These resolutions and orders were issued after inquiries were made by the Bureau of Exceptional Education and Student Services (Bureau) in response to formal complaints filed with the Bureau, pursuant to Subsection 300.151 - 300.153 (formerly 300.660 – 300.662) 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

Nassau County School District

Early Resolution Agreement: Case No. 2006-002 ER

July 3, 2006

This formal complaint was filed by the parent of a student who was found eligible for special programs for students who are visually impaired. Specifically, the complainant's allegations involved the following issues:

- ISSUE I:** Whether the Nassau County School District ensured, during the 2005-06 school year, that the individual educational plan (IEP) team considered supplementary aids and services, modifications and supports that were necessary for the student to participate in the general education curriculum.
- ISSUE II:** Whether the Nassau County School District implemented the student's IEP, from the 2003-04 through the 2005-06 school years, specifically related to the provision of intensive reading.
- ISSUE III:** Whether the Nassau County School District followed the required procedures during the 2005-06 school year to ensure that the student was provided with an opportunity to remediate the skills that would be necessary to obtain a passing score on required statewide assessments.

Both parties agreed to resolve the complaint through the Bureau's Early Resolution process. The complainant and the district reached the following agreement:

1. The student's academic improvement plan (AIP), AIP conference summary, and 2005-06 academic progress summary will be provided to both parties and placed in the school file.
2. The student will wear glasses consistently.
3. The student will continue to take all medication, as prescribed.
4. A low vision evaluation will be conducted by a qualified party to consider the appropriateness of a closed circuit television (C.C.T.V.) and other assistive technology (A.T.) devices in the educational setting.
5. During the first two weeks of the 2006-07 school year, the IEP team will meet and review ESE service time, testing and classroom accommodations, reading goals and curriculum, and review and create a timeline for items not completed in the Early Resolution agreement.
6. Supplemental reading material will be provided for home use.
7. Home-school communications will be continued using the notebook and computer.
8. Duval County Public Schools services (via interagency agreement) will be investigated.
9. A conference will be scheduled with Florida Low Vision Initiative (FLVI) to discuss services.
10. A new assistive technology evaluation will be conducted.
11. On-site vision specialist will evaluate accommodations provided in the learning environment.
12. The parent will continue to apply to the Florida School for the Deaf and Blind (FSDB).
13. The student will receive front seat preferential seating, consistent use of white board with dark markers, and enlarged handouts for all written, board, and overhead materials.
14. Trial will be conducted concerning the use of books on tape.
15. An occupational therapy (OT) evaluation will be completed.

The Bureau received a copy of the agreement, which addressed the concerns stated in the formal complaint and will monitor the implementation of the terms of the agreement.

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**Sarasota County School District
Early Resolution Agreement: Case No. 2006-003-ER
November 21, 2006**

In the letter of formal complaint, the complainant alleged that the Sarasota County School District violated federal and state laws relating to the education of students with disabilities. Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the district implemented the student's individual educational plan (IEP) during the 2006-07 school year as required, specifically related to the provision of physical therapy.

ISSUE II: Whether the district followed the required procedures when the student's parent requested an independent educational evaluation (IEE), specifically for the provision of a physical therapy evaluation, during the 2006-07 school year.

The complainant and the district reached the following agreement:

1. The student shall receive all services currently indicated on the IEP, including direct physical therapy services. Services shall include compensatory sessions for any sessions missed at the beginning of the 2006-07 school year. Any changes in the current IEP placement or services may occur through the normal IEP revision process involving both the parent and school district representatives.
2. The district will contract with a private physical therapist (PT) to provide an independent physical therapy evaluation for the student. The private therapist will be asked to contact the parent to share information prior to conducting the evaluation. The independent evaluation will be completed no later than November 21, 2006, providing that both parties agree to the PT assigned/chosen.
3. Both the school district and parent shall receive a copy of the independent evaluation.
4. An IEP review, involving both school district staff and the student's parent, shall be convened to consider the results of the independent evaluation.

The Bureau received a copy of the agreement, which addressed the concerns stated in the formal complaint and will monitor the implementation of the terms of the agreement.

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Summaries of Bureau Resolution Determinations

Bay County School District

Bureau Resolution Determination: Case No. BEESS-2006-042-RES

October 27, 2006

This formal complaint was filed by the parents of a student who had been determined to be eligible for special programs for students identified with specific learning disabilities (SLD) and requiring occupational therapy (OT) as a related service. Specifically, the complainants' allegations involved the following issues:

ISSUE I: Whether the Bay County School District provided the student with the accommodations specified on the individual educational plans (IEPs) during the 2005-06 school year and the beginning of the 2006-07 school year.

ISSUE II: Whether the Bay County School District provided the student's parents with progress updates, as specified on the student's IEPs for the 2005-06 school year and the beginning of the 2006-07 school year.

Regarding Issue I, documentation received from the student's teachers verified that the student's accommodations were provided.

Regarding Issue II, documentation submitted verified that progress reports for the student were

provided to the student's parents eight times during the 2005-06 school year and on [specific date] for the beginning of the 2006-07 school year. The progress reports were sent home via the student as report cards are sent home.

There were no corrective actions issued for this complaint.

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**Brevard County School District
Bureau Resolution Determination: Case No. BEESS-2006-037-RES
September 11, 2006**

This formal complaint was filed by the parent of a student who was evaluated and found to be eligible for the special programs for students who are identified as other health impaired (OHI) due to attention deficit hyperactivity disorder (ADHD). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Brevard County School District fully addressed the student's needs related to the disability, specifically regarding classroom accommodations on the student's individual educational plans (IEPs) for the 2005-06 school year.

ISSUE II: Whether the Brevard County School District revised the student's IEP to address any lack of expected progress towards the academic goals during the 2005-06 school year.

ISSUE III: Whether the Brevard County School District followed appropriate reevaluation procedures when determining the student's dismissal from exceptional student education (ESE) services during the 2005-06 school year.

In regard to Issue I, the documentation reviewed indicated that the student's IEP only listed one accommodation; however, the student's teachers provided additional accommodations. After the student was dismissed from ESE services on [specific date], the Section 504 plan listed more accommodations than the IEP had listed. The district did not fully address the student's needs related to the disability, specifically regarding classroom accommodations on the student's [specific date] IEP for the 2005-06 school year.

Corrective action regarding Issue I required that the staffing committee convene by [specific date], with the appropriate participants after sufficient notice has been provided to afford the parent with an opportunity to attend that meeting, to reconsider the student's eligibility for ESE services. If the committee determines to reestablish the student's eligibility for ESE services, the team shall fully address the student's needs related to the disability, specifically regarding classroom accommodations on the IEP. Documentation shall be provided to the Bureau within ten days following the meeting.

In regard to Issue II, in spite of the student's unsatisfactory progress for half of the 2005-06 school year, the IEP was not revised. When the IEP team met on [specified date], it was determined that the student no longer needed ESE services. The district did not revise the student's IEP to address the lack of expected progress towards the goal that was affecting the student's academic progress during the 2005-06 school year.

Corrective action regarding Issue II is the same corrective action as in Issue I.

In regard to Issue III, the district followed the required reevaluation procedures, but did not follow the appropriate procedures specified in its Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students (SP&P) when determining the student's dismissal from ESE services during the 2005-06 school year.

Corrective action regarding Issue III is the same corrective action as in Issue I.

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Broward County School District
Bureau Resolution Determination: Case No. BEESS-2006-026-RES
July 24, 2006

This systemic formal complaint was filed by the parent of a student who was evaluated and found to be eligible for the special programs for students who are gifted. Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Broward County School District provided the second grade gifted students at [specific school] with the required differentiated curriculum based on their educational plans (EPs) during the 2005-06 school year.

In regard to the issue, the documentation reviewed by the Bureau did not verify that differentiated curriculum was provided to the six gifted second graders as required by their individual EPs.

For corrective action, the district is required to meet with the six gifted second graders' EP teams, to determine if there was sufficient specially designed instruction provided to the six gifted second graders during the 2005-06 school year. If the EP teams determine the need for compensatory services in order to make up any insufficiencies, the EP teams shall develop a plan and timeline for the provision of any necessary compensatory services. Documentation of the EP teams' determinations regarding compensatory services for the gifted second grade students, and any resulting plans/timelines, shall be provided to the Bureau. Verification of the provision of any compensatory services as specified on any such plans shall be provided to the Bureau.

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Broward County School District
Bureau Resolution Determination: Case No. BEESS-2006-046-RES
November 14, 2006

This formal complaint was filed by the parent of a student who had been determined to be eligible for special programs for students who are autistic and speech and language impaired (S/L). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Broward County School District responded appropriately to the complainant's request for prior written notice related to the student's retention.

The student's 2005-06 school year report card listed incomplete grades due to the student's attending only nineteen days of school. At the end of the 2005-06 school year, the district mailed the complainant an inaccurate report card showing the student was being promoted to the next grade level. In addition, at the end of the 2005-06 school year, a letter was sent by the school to the complainant explaining that the student would be retained in the sixth grade for lack of attendance for the majority of the school year. The complainant then requested prior written notice for the school's proposal to retain the student. Since promotion and retention are determined by the student's school/district, the student's retention does not appear to represent a change to the provision of a free appropriate public education (FAPE) for the student.

There was no corrective action issued for this complaint.

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Citrus County School District
Bureau Resolution Determination: Case No. BEESS-2006-027-RES
July 21, 2006

This formal complaint was filed by the parent of a student who was evaluated and found to be eligible for special programs for students identified with specific learning disabilities (SLD) and language impairments (LI). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Citrus County School District provided accommodations for the student during the 2005-06 school year, as specified on the individual educational plan (IEP).

The district was unable to verify that accommodations had been provided. Correction action for the district requires that the student's IEP team meet to review accommodations appropriate for the student's needs. Documentation of the IEP team's determination regarding appropriate accommodations shall be provided to the Bureau as well as verification of the provision of the student's accommodations.

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Citrus County School District
Bureau Resolution Determination: Case No. BEESS-2006-052-RES
December 13, 2006

This formal complaint was filed by the parents of a student who had been determined eligible for special programs for students with autism, speech and language impairments (S/L), physical impairments (PI), and who require physical therapy (PT). Specifically, the complainants' allegations involved the following issues:

ISSUE I: Whether the Citrus County School District followed the required procedures related to the assignment of transferring exceptional students, specifically for the student during the beginning of the 2006-07 school year.

ISSUE II: Whether the Citrus County School District provided the student with the appropriate supplementary aids and services in the least restrictive environment (LRE) during the beginning of the 2006-07 school year.

Regarding Issue I, the student's family had just recently moved to Florida. The complainants requested a full-time aide for the student at the IEP team meeting. In addition, the complainants requested a due process hearing. A resolution session was held with the complainants' participation and an agreement was reached, but voided by the complainants a short time later. The complainants withdrew the due process hearing request once their state complaint was filed. The complainants then withdrew the student and moved back to their home state. The district followed the required procedures related to the assignment of transferring exceptional students. No corrective action was issued.

Regarding Issue II, the district was found to have provided the student with the appropriate supplementary aids and services in the least restrictive environment (LRE) as specified on the IEP. Prior to the expiration of the IEP, the student's team met to revise the IEP to provide additional aide support, direct PT services, and math instruction in the ESE resource room. The parent participated in the meeting, and written informed notice with the required components was provided by the district. The district agreed to provide the same aide for the student instead of rotating aides throughout the school day, and to provide aide support during independent work in the general education classroom. The district followed the required procedures when changing the provision of supplementary aids and services in the LRE. No corrective action was issued.

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Clay County School District
Bureau Resolution Determination: Case No. BEESS-2006-036-RES
September 11, 2006

This formal complaint was filed by the parent of a student who had been determined to be eligible for special programs for students identified with specific learning disabilities (SLD) and language impairments (LI). Specifically, the complainant's allegation involved the following issue:

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

Until May of the 2005-06 school year, the student's progress appeared to be sufficient to achieve the student's annual goals by the duration of the IEP. The student's IEP team met and revised the student's IEP May 16, 2006. The district revised the student's IEP, to address any lack of expected progress toward the academic goals, during the 2005-06 school year.

No corrective action was issued.

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**Dixie County School District
Bureau Resolution Determination: Case No. BEESS-2006-045-RES
October 30, 2006**

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

ISSUE I: Whether the Dixie County School District provided the student's parent with an opportunity to participate in the [specific date] individual educational plan (IEP) meeting.

ISSUE II: Whether the Dixie County School District provided the student's parent with prior written notice before changing the student's placement for the 2006-07 school year.

ISSUE III: Whether the Dixie County School District implemented the student's behavior intervention plan (BIP) and/or IEP, specifically regarding the [specific date] incident referenced in the formal complaint.

Regarding Issue I, documentation submitted verified that the student's school did not receive a response to either invitation sent to the parent for the [specific date] IEP meeting. The district policy states, "After two (2) attempts, school may proceed," with the IEP meeting. The student's parent did not attend the meeting; however, the district made the required attempts to provide the student's parent with an opportunity to participate in the [specific date] IEP meeting.

There was no corrective action for Issue I.

Regarding Issue II, documentation submitted verified that the Notice of Change in Identification, Placement, or Provision of a Free Appropriate Public Education (FAPE) form was completed at the [specific date], IEP meeting. The student's parent did not attend this meeting nor was the

parent provided with prior written notice of the student's change of placement for the 2006-07 school year.

Corrective action required for Issue II states that during the 2006-07 school year, the district shall ensure that prior written notice is provided to the student's parent as legally specified. During the remainder of the 2006-07 school year, the district shall provide verification to the Bureau regarding the need for, and provision of, any such notices.

Regarding Issue III, although there is a history of aggressive behavior, the student's BIPs did not include a specific intervention plan for redirecting the student or dealing with physical and verbal attacks. In addition, the district did not implement the student's [specific date] BIP, specifically regarding the incident referenced in the formal complaint.

Corrective action for Issue III states that the district shall reconvene the student's IEP team to review the student's BIP to consider possible revision to include a plan for redirecting the student or dealing with physical and verbal attacks. Documentation of the IEP meeting and a copy of the revised BIP must be provided to the Bureau. In addition, the district shall ensure that the student's BIP is implemented. During the remainder of the 2006-07 school year, the district shall provide the Bureau with documentation to verify implementation of the student's BIP, specifically related to physical and verbal attacks. This documentation shall consist of a monthly sampling of implementation documentation, submitted quarterly to the Bureau.

During the investigation of the complaint an additional issue was discovered. The district acknowledged that copies of IEPs are not given to parents who do not attend the student's IEP meetings unless the parent requests a copy.

Corrective action required for the additional issue states that the district shall ensure that parents are provided with a copy of the student's IEP at no cost to the parent, regardless of the parent's attendance at the IEP meeting. For the next ten IEP meetings for which the parent is not in attendance, the district is to provide verification of the provision of the copy of the IEP to the parent.

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Duval County School District
Bureau Resolution Determination: Case No. BEESS-2006-028-RES
August 7, 2006

This formal complaint was filed by the parent of a student who was evaluated and found to be eligible for the special programs for students who are identified as other health impaired (OHI) due to attention deficient/hyperactivity disorder (ADHD). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Duval County School District took excessive time to evaluate the student in order to determine eligibility and initiate services, if appropriate.

ISSUE II: Whether the Duval County School District implemented the student's individual educational plan (IEP) for the 2005-06 school year.

In regard to Issue I, documentation showed that the district did take excessive time to evaluate the student's need for exceptional student education (ESE) services, in order to determine eligibility and initiate services.

Corrective action regarding Issue I required that the student's IEP team meet to determine the possible need for compensatory services due to the excessive time taken to evaluate the student's need for ESE services. Documentation of the IEP team's determination regarding compensatory services shall be provided to the Bureau as well as verification of the provision of any such services.

In regard to Issue II, the district did implement the student's individual educational plan IEP for the 2005-06 school year. There were no corrective actions issued for Issue II.

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**Duval County School District
Bureau Resolution Determination: Case No. BEESS-2006-030-RES
August 9, 2006**

This formal complaint was filed by the parent of a student who had been determined to be eligible for students who are other health impaired (OHI) as a result of attention deficit hyperactivity disorder (ADHD). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Duval County School District implemented the student's individual educational plan (IEP) with regard to the provision of math, writing, and reading instruction during the 2005-06 school year.

The student was given the opportunity to participate in the various remediation activities. Support facilitation was provided by the resource exceptional student education (ESE) teacher. The Duval County School District implemented the student's IEP with regard to the provision of math, writing, and reading instruction during the 2005-06 school year.

There was no corrective action for this complaint.

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**Escambia County School District
Bureau Resolution Determination: Case No. BEESS-2006-025-RES
July 21, 2006**

This formal complaint was filed by the parent of a student who was found to be eligible for the special programs for students with specific learning disabilities (SLD). Specifically, the com-

plainant's allegations involved the following issues:

- ISSUE I: Whether the Escambia County School District followed the required procedures in a timely manner following a parent request for an individual educational plan (IEP) team meeting during the 2005-06 school year.**
- ISSUE II: Whether the Escambia County School District ensured that the student's IEP team had considered evaluations and information provided by the parents when determining eligibility for ESE services, behavior interventions, and classroom accommodations during the 2005-06 school year.**
- ISSUE III: Whether the Escambia County School District failed to follow the student's behavior intervention plan (BIP), invoking inappropriate interventions for behaviors that may be a direct result of the student's disability or have been specifically allowed on the BIP during the 2005-06 school year.**

In regard to the Issue I, the documentation reviewed indicated that the district responded to each of the parent's requests for an IEP meeting during the 2005-06 school year by providing a meeting. There were no corrective actions issued for Issue I.

In regard to Issue II, the student's parent provided information to the school regarding Tourette's syndrome on more than one occasion, as referenced in the IEP and/or IEP notes. In addition, the 100% expectation specified in the student's behavior goals and short-term objectives was unrealistic considering the involuntary behaviors related to the student's disability, and the student's BIP was in contradiction with the accommodations listed on the IEP.

Corrective action for Issue II required that the student's IEP team convene to review the IEP and BIP, considering the information about Tourette's syndrome as compared to the performance expectations in the IEP goals, and revise as needed. Verification documentation of the IEP team meeting should be provided to the Bureau.

A recommendation was also added for Issue II requesting that the district consider providing assessment for the student related to the Tourette's syndrome and the behavioral or instructional implications.

In regard to Issue III, the student's targeted behaviors on the BIP for the 2005-06 school year were inconsistent with the designated accommodations (addressed in Issue II). The district did implement the student's BIP during the 2005-06 school year. There was no corrective action for this issue.

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Escambia County School District
Bureau Resolution Determination: Case No. BEESS-2006-031-RES
August 11, 2006

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 specific learning disabilities (SLD). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Escambia County School District provided the student with the accommodations specified on the individual educational plans (IEPs) during the 2005-06 school year.

Documentation submitted to the Bureau verified that the district provided all the accommodations for the student during the 2005-06 school year, as specified on the individual educational plans (IEPs).

There was no corrective action for this complaint.

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Hernando County School District
Bureau Resolution Determination: No. Case BEESS-2006-047-RES
November 15, 2006

This formal complaint was filed by the parent of a student who had been determined to be eligible for students who are identified as having a specific learning disability (SLD). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Hernando County School District implemented the student's individual educational plan (IEP) as required, specifically for instruction in general physical science.

ISSUE II: Whether the Hernando County School District considered providing any additional supports to the student to address any lack of progress for the subject area of general physical science.

Regarding Issue I, the student's IEP team reviewed the possible need for compensatory services and determined that six hours of compensatory services for physical science class would be provided by the student's current certified ESE teacher.

Corrective action regarding Issue I states that no later than December 31, 2006, the district shall provide the Bureau with verification of provision of the six hours of compensatory services that has been determined by the student's IEP team.

Regarding Issue II, the district considered providing additional supports to the student to address

lack of progress for the subject area of general physical science.

There was no corrective action found regarding this issue.

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**Hernando County School District
Bureau Resolution Determination: Case No. BEESS-2006-048-RES
November 28, 2006**

This formal complaint was filed by the parent of a student who had been determined to be eligible for students who are identified as having a specific learning disability (SLD). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Hernando County School District implemented the student's 2006-07 individual educational plan (IEP) as required, specifically for instruction in American History.

A substitute teacher provided the student with exceptional student education (ESE) services for American History during the time period when there was no certified ESE teacher in the classroom, except for four days. The student's IEP team considered the possible need for compensatory services in American History and agreed that there was not a need at that time. However, the IEP team also agreed to reconvene to reconsider compensatory services if a need arises before the end of the 2006-07 school year.

There was no corrective action issued.

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**Hillsborough County School District
Bureau Resolution Determination: Case No. BEESS-2006-038-RES
September 12, 2006**

This formal complaint was filed by an advocate on behalf the parent of a student who had been determined to be eligible for special programs for students identified with autism, speech and language impairments (S/L), and deaf or hard of hearing impairments (DHH). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Hillsborough County School District provided the related services, specifically "additional adult assistance/signer," to a student as described on the student's individual educational plan (IEP), for the beginning of the 2006-07 school year.

Although the district did not provide the one-to-one assistance referenced in the student's IEP, additional adult assistance was provided to the student for the beginning of the 2006-07 school year. In addition, the district began recruitment efforts for the one-to-one paraprofessional posi-

tion prior to the beginning of the 2006-07 school year. In spite of the diligent efforts to fill the position, a qualified applicant was not found until the beginning of September.

No corrective action was issued.

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**Hillsborough County School District
Bureau Resolution Determination: Case No. BEESS-2006-040-RES
September 18, 2006**

This formal complaint was filed by the parents of a student who had been determined to be eligible for the special programs for students who are autistic and speech/language (S/L) impaired. This student was eligible to receive occupational therapy (OT) as a related service. Specifically, the complainants' allegations involved the following issues:

ISSUE I: Whether the Hillsborough County School District revised the accommodations/modifications for the sensory integration activities using a spinning board on the student's [specific date] individualized educational plan (IEP) without input from other IEP team participants.

ISSUE II: Whether the Hillsborough County School District followed the required procedures in a timely manner following the complainants' [specific date] request for an individual educational plan (IEP) team meeting.

The Hillsborough County School District did not revise the accommodations / modifications for the sensory integration activities using a spinning board on the student's [specific date] IEP without input from other IEP team participants. The district followed the required procedures in a timely manner following the complainants' [specific date] request for an IEP team meeting. The district worked diligently to coordinate and schedule the IEP meeting to provide the parents an opportunity to participate.

There were no corrective actions for this complaint.

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**Hillsborough County School District
Bureau Resolution Determination: Case No. BEESS-2006-043-RES
October 31, 2006**

This formal complaint was filed by the parent of a student who had been determined to be eligible for students who are trainable mentally handicapped (TMH) and with an orthopedic impairment (OI). Specifically, the complainant's allegations involved the following issue:

ISSUE: Whether the Hillsborough County School District implemented and revised the student's 2005-06 individual educational plan (IEP) as required, specifically as related to the student's behavior.

The student's inappropriate behaviors during the 2005-06 school year were not extreme or reoccurring. The student's IEP was implemented and revised during the 2005-06 school year as required, specifically as the IEP related to behavior for the student, and a cumulative record review was completed by the school psychologist in response to the complainant's request for a functional behavior assessment (FBA) and behavior intervention plan (BIP).

There were no corrective actions for this complaint.

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**Hillsborough County School District
Bureau Resolution Determination: Case No. BEESS-2006-050-RES
November 29, 2006**

This formal complaint was filed by an attorney, on behalf of parents of a student who was determined eligible for the special programs for students who are speech and language impaired, other health impaired, and who require occupational therapy. Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Hillsborough County School District implemented the student's individual educational plan (IEP), specifically regarding the provision of accommodations and specially designed instruction in the general education classroom, during the 2006-07 school year, particularly on September 13, 20, 25, 26, 27, and October 3, 2006.

ISSUE II: Whether the Hillsborough County School District implemented the student's individual educational plan (IEP), specifically regarding the provision of testing accommodations for the "Sessum Writes" assessment, during the 2006-07 school year.

Regarding Issue I, it was determined that the Hillsborough County School District implemented the student's IEP, specifically regarding the provision of accommodations and specially designed instruction in the general education classroom, during the 2006-07 school year, particularly on September 13, 20, 25, 26, 27, and October 3, 2006. The letter of complaint specifically stated that the district did not hire a substitute exceptional student education (ESE) teacher for the student's co-taught general education class, on the dates that the ESE co-teacher was absent. The complainant alleged that this resulted in a failure to provide "appropriate educational coverage." Documentation verified that on the dates in question, the general education teacher provided all IEP accommodations and specially designed instruction listed on the student's IEP. No corrective action was issued.

Regarding Issue II, it was found that the student's IEP in effect at the time of the provision of "Sessums Writes," a practice test developed and administered by the school, only required testing accommodations for the FCAT, state and district tests. Therefore, it was determined that the district implemented the student's IEP, specifically regarding the provision of testing accommodations for the "Sessum Writes" assessment, during the 2006-07 school year. As a recommendation, the Bureau concurred with the district's recommendation that at the next IEP meeting, the student's IEP Team should discuss testing accommodations for classroom and school-based tests.

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Lee County School District

Bureau Resolution Determination: Case No. BEESS-2006-032-RES

August 11, 2006

This formal complaint was filed by the grandparent (also the legal guardian) of a student who was evaluated and found to be eligible for the special programs for students who are emotionally handicapped (EH). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Lee County School District reviewed and revised the student's individual educational plan (IEP) during the 2005-06 school year as appropriate to address any lack of expected progress toward the annual goals and in the general curriculum, the results of any reevaluation, information provided to, or by, the parents, and the student's anticipated needs.

ISSUE II: Whether the Lee County School District failed to follow the student's behavior intervention plan (BIP) and/or IEP, specifically related to incidents referenced in the complaint, invoking inappropriate interventions for behaviors that may be a direct result of the student's disability during the 2005-06 school year.

ISSUE III: Whether the Lee County School District followed required disciplinary procedures with the student regarding the incident and arrest referenced in the complaint letter, specifically related to ensuring that copies of the special education and disciplinary records of the child were transmitted to the appropriate authorities to whom the agency reported the crime.

Regarding Issue I, documentation reviewed by the Bureau indicated a lack of progress towards one of the student's annual goals. The district did not review or revise the student's IEP during the 2005-06 school year to address this lack of progress.

Corrective action regarding Issue I required that the student's IEP team shall reconvene by August 31, 2006, with the appropriate participants after sufficient notice has been provided to afford a guardian with an opportunity to attend the meeting, to review the student's IEP and BIP and revise as necessary to address the social/emotional/behavioral concerns. Verification of the IEP meeting and any revision of the IEP and BIP shall be provided to the Bureau no later than one week following the IEP meeting.

Regarding Issue II, the district acknowledged that the student's BIP had not been implemented because the school was waiting for the guardian to review the plan and provide feedback. However, the IEP was implemented regarding interventions for the student's behaviors. Although there were no corrective actions issued, there was a recommendation that the district consider reconvening the student's IEP team with sufficient advance notice to provide an opportunity for the guardian to participate, to review the BIP and revise as needed so that implementation may begin.

Regarding Issue III, copies of the student's IEP and complete disciplinary records were not provided to the arresting officers at the time of the student's arrest, during the fingerprinting, during transportation to the juvenile assessment center (JAC), or supplied to the State Attorney's office. Corrective action required the district to ensure that required procedures are followed, specifically related to the provision of special education and disciplinary records to law enforcement authorities in the event of the future arrest of a student with a disability. In addition, the Bureau recommended that the district consider the review of district policy and procedures related to the arrest of an ESE student to ensure strict adherence to the law. The district shall also consider distributing this information to principals and other school and district administrators on an annual basis.

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**Miami-Dade County School District
Bureau Resolution Determination: Case No. BEESS-2006-023-RES
July 11, 2006**

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

- ISSUE I: Whether the Miami-Dade County School District has revised the student's individual educational plan (IEP) to address any lack of expected progress towards the academic goals during the 2005-06 school year.**
- ISSUE II: Whether the Miami-Dade County School District has followed the required procedures to appropriately determine the student's eligibility for the appropriate exceptional student education (ESE) category(ies).**

Insufficient progress regarding the student was not noted until March 2006; at that time a re-evaluation was pending for the student. The Miami-Dade County School District and the parent agreed to revise the student's IEP to address lack of expected progress towards the academic goals during the summer of 2006. The Miami-Dade County School District followed the required procedures to appropriately determine the student's eligibility for the appropriate exceptional student education (ESE) category(ies).

There were no corrective actions for this complaint.

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**Miami-Dade County School District
Bureau Resolution Determination: Case No. BEESS-2006-044-RES
October 30, 2006**

This formal complaint was filed by the parents of a student who had been determined to be eligible for the 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 during the 2005-06 and the beginning of the 2006-07 school years, the Miami-Dade 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 individual educational plans (IEPs) with regard to the need for positive behavioral interventions, supports and other strategies to address behavior.

ISSUE II: Whether during the 2005-06 and the beginning of the 2006-07 school years, the Miami-Dade County School District ensured that the student's parents were afforded opportunities to participate in the special education of their child, specifically by providing materials in their native language.

Although the Miami-Dade County School District did consider the need for positive behavioral interventions during the development of the student's IEPs, in light of the student's documented behaviors, it was not clear whether all incidents were fully considered by the IEP team when making the determination that behavioral supports, a functional behavioral assessment (FBA), and a behavior intervention plan (BIP) were not required.

As a corrective action, the IEP team shall convene to specifically address the need for possible positive behavioral interventions and/or a FBA and a BIP to ensure that the student's behavior does not impede his learning or that of his peers. Verification documentation of the IEP team meeting shall be provided to the Bureau no later than December 4, 2006.

The Miami-Dade County School District ensured that the student's parents were afforded opportunities to participate in the special education of the student in their native language. Although one parent indicated that all communications should occur in English, the district ensured accommodations were provided to ensure the other parent's participation.

No corrective action was required for this issue.

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**Miami-Dade County School District
Bureau Resolution Determination: Case No. BEESS-2006-051-RES
December 21, 2006**

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 autism and speech and language impairments (S/L). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Miami-Dade County School District implemented the student's individual educational plan (IEP) during the 2005-06 school year, as required, specifically related to the provision of a one-on-one paraprofessional.

The parent alleged that in March 2006, during the student's physical education (PE) class, when the paraprofessional was not in attendance, the student followed the prompting of another student and subsequently "got in trouble."

ISSUE II: Whether during the 2005-06 school year, the Miami-Dade 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 III: Whether the Miami-Dade County School District followed the required procedures when it determined the student's placement in the least restrictive environment (LRE), for the 2005-06 school year.

Regarding Issue I, it was found that the student's paraprofessional and all teachers responsible for implementing his IEP were familiar with their responsibilities and received formal instruction regarding the implementation of his IEP. In addition, the student's paraprofessional was present during the March 2006 incident. Although the student was verbally reprimanded and the parent was contacted regarding this incident, the student was not disciplined through a formal referral process. Therefore, there was not a finding of noncompliance, and no corrective action was issued.

Regarding Issue II, it was found that during the 2005-06 school year, the Miami-Dade County School District considered the special factors specifically related to the student's behavior impeding [the student's] learning or that of peers, during the development of the IEP(s), with regard to the need for positive behavioral interventions, supports and other strategies to address behavior. However, the Bureau recommended that if the student reenrolls in the district, a functional behavioral assessment (FBA) be conducted to provide information regarding the precipitating behaviors related to the student's socialization skills.

Regarding Issue III, it was found that the IEP team initially recommended placement in the general education setting with various supports for the student and teachers. However, based on a review of the student's present levels of performance and other factors, including academic needs

(the student was retained at the end of that school year), the IEP team eventually determined that a change in placement to a more restrictive environment was appropriate and necessary in order to provide the student with a free appropriate public education. Therefore, the Bureau found that the student's IEP team followed the required procedures and considered academic, social, and communication needs when it determined the student's placement in the LRE for the 2005-06 school year. No corrective action was issued.

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**Okaloosa County School District
Bureau Resolution Determination: Case No. BEESS- 2006-049-RES
November 21, 2006**

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

- ISSUE I: Whether the Okaloosa County School District followed the required procedures related to the temporary assignment of transferring exceptional students, specifically for the student, during the 2006-07 school year.**
- ISSUE II: Whether the Okaloosa County School District appropriately developed the student's individual educational plans (IEPs) for the 2006-07 school year by including all of the required components.**
- ISSUE III: Whether during the 2006-07 school year, the Okaloosa County School District considered the special factors specifically related to the student's behavior impeding [the student's] learning or that of peers, during the development of the IEP(s) with regard to the need for positive behavioral interventions, supports and other strategies to address behavior.**

Regarding Issue I, it was determined that the Okaloosa County School District followed the required procedures related to the temporary assignment of transferring exceptional students for the student in question, during the 2006-07 school year. Although the required district registration procedures had not been completed by the parent, the district verified the student's previous program eligibility, confirmed the evaluation data necessary to determine that the student meets Florida's eligibility criteria, held an IEP meeting with the parent, and subsequently placed the student in the appropriate educational program(s), without temporary assignment. After the completion of the previously mentioned steps, the parent completed the registration and enrollment processes required for school attendance and the student began school. No corrective action was issued.

Regarding Issue II, it was found that the district did not appropriately develop the student's IEPs for the 2006-07 school year or revise the IEP following the student's enrollment, to include all of the required components. As corrective action, the district was ordered to reconvene the stu-

dent's IEP team if the student reenrolled in the district during the 2006-07 school year to revise the student's IEP to ensure that all the required components are included in the development of the IEP.

Regarding Issue III, it was determined that the district considered the special factors specifically related to the student's behavior impeding the student's learning or that of peers, during the development of the IEP(s) with regard to the need for positive behavioral interventions, supports and other strategies to address behavior. No corrective action was issued.

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**Orange County School District
Bureau Resolution Determination: Case No. BEESS-2006-022-RES
July 5, 2006**

This formal complaint was filed by the parents of a student who had not yet been evaluated for exceptional student education (ESE) and was enrolled in a private school at the time of the filing of the complaint. Specifically, the complainants' allegations involved the following issues:

- ISSUE I: Whether the Orange County School District took excessive time to evaluate the student's need for ESE services, in order to determine eligibility and initiate services.**
- ISSUE II: Whether the Orange County School District responded appropriately to the complainants' request to refer the student to an audiologist.**
- ISSUE III: Whether the Orange County School District assessed the student in all areas of suspected disability, specifically related to speech/language (S/L) and other health impaired (OHI).**

During the investigation the complainants informed the district and the Bureau that they had moved to the Seminole County School District.

In regard to Issue I, the Bureau found that the district took excessive time to evaluate the student's need for ESE services, in order to determine eligibility and initiate services.

Corrective action for Issue I requires that if the student re-enrolls in the district during the 2006-07 school year, the individual educational plan (IEP) team should convene to determine the possible need for compensatory services due to the excessive time taken to evaluate the student's need for ESE services. Verification of the provision of any such services is to be provided to the Bureau. In addition, the district shall provide the Bureau with verification of evaluation timelines for the non-public school students referred for exceptional education services during the first semester of the 2006-07 school year. Timeline verification must include the date the office was contacted by parents for a referral for an evaluation and the date the parents signed the consent form for evaluation.

In regards to Issue II, even though the district verbally refused the complainants' requests for an audiology assessment and provided a reason for the refusal, the district did not provide a written notice to the complainants.

Corrective action for Issue II requires that if the student re-enrolls in the district during the 2006-07 school year, the district is to ensure that written notice is provided to the student's parents upon refusal to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education. Such written notice shall be provided to the parents regarding the district's refusal to refer the student to an audiologist with a copy of this notice provided to the Bureau. In addition, copies of any other written notices of refusal required between the issue of this report and the end of the 2006-07 school year shall be provided to the Bureau. If the student does not re-enroll in the district during the 2006-07 school year, the district shall provide the Bureau a statement to that effect on a quarterly basis.

In regards to the Issue III, the district did not assess the student in all areas of suspected disability, specifically related to OHI.

Corrective action for Issue III requires that if the student re-enrolls in the district during the 2006-07 school year, the district should complete evaluations for the student related to OHI eligibility. Following such evaluations, the IEP team must reconvene with the appropriate participants after sufficient notice has been provided to afford the parents with an opportunity to attend that meeting, to consider the student's eligibility for OHI. Verification of the evaluation and the IEP meeting should be provided to the Bureau no later than one week following the IEP meeting. If the student does not re-enroll in the district during the 2006-07 school year, the district should provide the Bureau a statement to that effect on a quarterly basis.

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**Orange County School District
Bureau Resolution Determination: Case No. BEESS-2006-029-RES
August 7, 2006**

This formal complaint was filed by the parent of a student who was eligible for the 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 Orange County School District followed the district's written and approved guidelines for Gastrostomy feedings and provided the student with the supplementary aids and the services necessary to allow sufficient participation with the class for implementation of the goals on the student's individual educational plan (IEP) for the 2005-06 school year.

ISSUE II: Whether the Orange County School District provided the student with the related service of tube feeding during the school-directed off campus community based trip on [specific date].

ISSUE III: Whether the Orange County School District provided the necessary training for school personnel to provide the student's tube feedings during the 2005-06 school year.

ISSUE IV: Whether the Orange County School District provided the student's parent with prior written notice related to refusal to provide training to personnel or the student's tube feeding in a less restrictive environment as requested by the parent during the 2005-06 school year.

In regard to the Issue I, the documentation reviewed indicated that the district followed its written and approved guidelines for Gastrostomy feedings, and did provide the student with the supplementary aids and services necessary to allow sufficient participation with the class for implementation of the goals on the student's IEP for the 2005-06 school year. No corrective actions were issued for Issue I.

In regard to Issue II, documentation received indicated that the district had a plan in place to provide the student with tube feeding on [specific date] and was prepared to provide the related services needed. No corrective actions were issued for Issue II.

In regard to Issue III, the district provided the necessary training for school personnel to provide the student's tube feedings but not until after the 2005-06 school year ended. Therefore the district took an extremely long time in providing the training after it was initially requested by the complainant.

Corrective action regarding Issue III states that documentation of training for the additional appropriate school staff is to take place and verification of the provision of the training is to be forwarded to the Bureau immediately upon completion (no later than September 30, 2006).

In regard to Issue IV, documentation indicated that the district did not provide the student's parent with prior written notice of refusal to provide training to personnel or the student's tube feeding because there was never an attempt to deny the activity; however, specific information regarding the training of the student's school staff was not provided to the parent in a timely manner. In addition, the district has completed training for some of the school personnel as of the summer of 2006.

Corrective action regarding Issue IV requires that the district shall ensure that requests made by the complainant that are related to the identification, evaluation, or educational placement of the child or the provision of free appropriate public education (FAPE) to the child are responded to in a timely manner and specific to the complainant's request. During the first semester of the 2006-07 school year, the district shall provide the Bureau with copies of any such requests made by the complainant and the district's response to each request. Verification shall be provided to the Bureau immediately upon the complainant's request.

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Orange County School District
Bureau Resolution Determination: Case No. BEESS-2006-035-RES
August 23, 2006

This formal complaint was filed by an advocate from a state agency on behalf of a student who was found to be eligible for the special programs for students who are autistic, speech impaired (SI), and identified as trainable mentally handicapped (TMH). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the district followed the required placement procedures in a timely manner following an individual education plan (IEP) team decision to place the student in a residential care facility.

Due to a change in the student's health status, the parents requested an IEP meeting in [specific date], which the district did not provide until almost three months later. No written notice of refusal was provided to the parents following their request for an IEP meeting.

None of the documentation reviewed by the Bureau verified that an IEP team had determined that the student required a residential placement for educational services; however, State of Florida Agency for Persons with Disabilities (APD) recommended residential placement for the student and arranged the funding except for the educational portion. The district should have followed through by providing the educational funding.

Although APD had recommended residential placement for the student, a representative from the residential care facility was not invited to attend either of the IEP meetings, nor contacted by a telephone conference call during the IEP meetings.

Corrective action for the complaint required that the district ensure that written notice is provided to the student's parents in a timely manner upon refusal to initiate or change the identification, evaluation, educational placement of the student or the provision of a free appropriate public education (FAPE) to the student. Copies of the student's IEPs and any written notices of refusal that are required between the issue of this report and the end of the 2006-07 school year (student calendar) were to be provided to the Bureau no later than January 15, 2007, and June 15, 2007.

In addition to the required corrective action, there was a recommendation that when parents request a residential placement due to a student's extreme medical or behavioral issues, the district should invite a representative of the private school or facility to participate in the IEP team meeting regarding placement determination.

The Bureau also recommended that when parents have invited individuals who have knowledge or special expertise regarding the student to participate in the student's IEP meeting (personally or by conference call), the district must allow these persons to speak on behalf of the student's needs.

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**Orange County School District
Bureau Resolution Determination: Case No. BEESS-2006-039-RES
October 2, 2006**

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 severely emotionally disturbed (SED). Specifically, the complainant's allegations involved the following issues:

- ISSUE I: Whether the Orange County School District failed to follow the student's behavior intervention plan (BIP) and/or individual educational plan (IEP), specifically related to incidents referenced in the complaint, invoking inappropriate interventions for behaviors that may be a direct result of the student's disability, during the 2005-06 school year.**
- ISSUE II: Whether the Orange County School District reviewed and revised the student's IEP during the 2005-06 school year as appropriate to address any lack of expected progress toward the annual goals, the results of any reevaluation, information provided to, or by, the parents, and the student's anticipated needs.**

Regarding Issue I, documentation reviewed by the Bureau indicated that the student was on a shortened school day and only attended seventy-two percent of the time during the 2005-06 school year. In addition, the student rarely made it through all three periods each day. Documentation submitted showed that the student's BIPs and IEPs for the 2005-06 school year had been implemented during the limited times that the student attended school.

Regarding Issue II, documentation submitted verified that the student's 2005-06 IEPs were reviewed and revised in [specific month] 2006 and [specific month] 2006 to address the lack of expected progress toward goals.

No corrective actions were issued.

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**Orange County School District
Bureau Resolution Determination: Case No. BEESS-2006-041-RES
October 30, 2006**

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

ISSUE I: Whether the Orange County School District (OCSD) implemented the student's 2005-06 individual educational plan (IEP), specifically related to the OCSD Autism Department's involvement and input into the student's curriculum and educational plan for the 2006 IEP.

ISSUE II: Whether the OCSD followed the required procedures when the student's physical therapy (P.T.) services were changed to "consultative basis."

Regarding Issue I, on [specific date] 2005, the student's IEP team notes stated that the autism support teacher would be contacted for input. There was no evidence that the autism support teacher was contacted for input prior to [specific month] of 2006. The autism support teacher observed the student in [specific month] 2006, and is currently in the process of completing an observation and preparing a report for the student's IEP team. The district did not follow through in a timely manner with the student's IEP team recommendation to contact the autism support teacher for input.

Corrective action for Issue I requires that the district ensure a timely implementation of the student's IEP team recommendations. The autism support teacher's written report shall be shared with the student's IEP team; verification of this IEP meeting, including a copy of the observation report, shall be provided to the Bureau.

Regarding Issue II, documentation submitted verifies the student mastered the benchmarks for the Independent Functioning goal on the IEP; therefore, the student's IEP team recommended that the P.T. services be changed to "consultative basis." The district followed the required procedures when the student's P.T. services were changed.

There was no corrective action for Issue II.

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**Santa Rosa County School District
Bureau Resolution Determination: Case No. BEESS-2006-053-RES
December 15, 2006**

This formal complaint was filed by five sets of parents of students who had been identified as gifted. Specifically, the complainants' allegations involved the following issues:

- ISSUE I: Whether during the 2005-06 and 2006-07 school years the educational plans (EPs) developed for the students referenced in this complaint were individualized, specifically indicating:**
- A. The students' strengths and needs beyond the general curriculum**
 - B. Goals, benchmarks or short term objectives that are clear and measurable**
 - C. Statement of how each student's progress towards the goals will be measured and reported to the parents**

ISSUE II: Whether during the 2005-06 and 2006-07 school years the progress reports provided for the students referenced in the complaint were too general, with no concrete information on the students' progress.

The district responded to the complainants' allegations by developing an action plan to implement changes in the district's gifted program. This action plan was developed and revised by the district, with guidance from Bureau staff. The plan included baseline data, improvement strategies (with projected timelines), and evidence of change. The district was required to provide verification of the implementation of the action plan to the Bureau on the following dates: January 31, 2007; April 15, 2007; June 15, 2007; and December 15, 2007.

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**Sarasota County School District
Bureau Resolution Determination: Case No. BEESS-2006-024-RES
July 11, 2006**

This formal complaint was filed by the parent of a student who was found to be ineligible for the special programs for students with specific learning disabilities (SLD) and for the special programs for students who are speech and language impaired (S/L). Specifically, the complainant's allegations involved the following issues:

ISSUE I: Whether the Sarasota County School District followed appropriate evaluation / reevaluation procedures when determining a certain student's eligibility for exceptional student education (ESE) services during the 2005-06 school year.

ISSUE II: Whether the Sarasota County School District completed a certain student's evaluation / reevaluation for eligibility for ESE services within the timelines specified in the Individuals with Disabilities Education Act (IDEA 2004) during the 2005-06 school year.

ISSUE III: Whether the Sarasota County School District ensured that a certain student's individual education plan (IEP) team had considered evaluations and information provided by the parents when determining eligibility / ineligibility for ESE services during the 2005-06 school year.

Regarding Issue I, the district followed appropriate evaluation/reevaluation procedures when determining a certain student's eligibility for ESE services during the 2005-06 school year.

Regarding Issue II, the district completed the student's evaluation / reevaluation for eligibility for ESE services within the timelines specified in the Florida State Board of Education Rule, which is the legislation that prevails in this case.

In addition, for Issue III, the district ensured that the student's IEP team had considered evaluations and information provided by the parents when determining eligibility/ineligibility for ESE

services during the 2005-06 school year.

There were no corrective actions issued.

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Sarasota County School District
Bureau Resolution Determination: Case No. BEESS-2006-034-RES
August 23, 2006

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 specific learning disabilities (SLD). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Sarasota County School District provided the student with the supports in the general education setting, as specified on the student's individual educational plan (IEPs) for the 2005-06 school year.

Documentation from the student's teachers verified the provision of the accommodations specified on the IEPs in the student's specific classes during the 2005-06 school year. The district provided the student with the supports in the general education setting, as specified on the student's IEPs for the 2005-06 school year.

There was no corrective action for this complaint.

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Walton County School District
Bureau Resolution Determination: Case No. BEESS-2006-033-RES
August 14, 2006

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 specific learning disabilities (SLD). Specifically, the complainant's allegation involved the following issue:

ISSUE: Whether the Walton County School District has followed the required procedures related to the complainant's request for copies of the student's education records during the 2005-06 school year.

The complainant and all other participants had the same access to information that was going to be presented at the student's IEP meetings listed in the letter of formal complaint. The Walton County School District has followed the required procedures for the dates specified in the complainant's letter related to the complainant's requests for copies of the student's educational records.

There was no corrective action for this complaint.

