

**Report of Inquiry  
Bureau Resolution Determination  
Conducted by the Bureau of Exceptional Education and Student Services  
Involving the Broward County School District**

**BACKGROUND**

The bureau of Exceptional Education and Student Services (bureau) received a state complaint from [REDACTED] on March 12, 2014, alleging that the Broward County School District violated federal and state laws relating to the education of students with disabilities. Specifically, the allegations involved the following issue:

**ISSUE :**     **Whether the Broward County School District violated procedures regarding implementation of the student’s individual educational plan (IEP) during the 2013-14 school year, specifically related to:**

- **Speech therapy goals**
- **Use of assistive technology (AT) as specified on the IEP**

The 60-day timeline for the completion of the complaint inquiry began with receipt of the complaint with an anticipated completion date of May 11, 2014. The district and the complainant were asked to submit relevant documents and information to the bureau. Ms. Felicia Starke, Due Process Coordinator, Broward County School District, submitted documentation on behalf of the district. The complainant also submitted documentation.

As part of the inquiry process, relevant portions of the student’s educational records were reviewed. The records indicated that the student (date of birth: [REDACTED]) was in grade [REDACTED] and determined eligible for exceptional student education (ESE) services as a student with [REDACTED], a [REDACTED] and receiving [REDACTED] and [REDACTED] as related services.

The complainant alleged that the student’s speech language pathologist (SLP), without consent of the IEP team, put speech services on hold while training the student to work with an AT device that was not specified on the student’s IEP, nor was it recommended by the IEP team.

**LEGAL AUTHORITY FOR THE BUREAU’S FINAL DECISION**

Section 300.17, Code of Federal Regulation (34 CFR §300.17) states, “Free appropriate public education or *FAPÉ* means special education and related services that— (a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the SEA, including the requirements of this part; (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§ 300.320 through 300.324.

34 CFR §300.324 states, “(4) Agreement. (i) In making changes to a child’s IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child’s current IEP. (ii) If changes are made to the child’s IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child’s IEP Team is informed of those changes. (5) Consolidation of IEP Team meetings. To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child. (6) Amendments. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.”

The corresponding state requirements are found in State Board of Education Rule 6A-6.03028, Florida Administrative Code

## **DISCUSSION AND CONCLUSIONS**

1. The Broward County School District was in agreement related to the allegation that the district violated procedures regarding implementation of the student’s IEP regarding speech and language services.
2. As soon as the district became aware of the complaint, they investigated and found violations. The district then offered a resolution meeting with the complainant. The district proposed compensatory speech therapy services for the student with an alternate SLP, as well as training for the current SLP until the end of the 2013-14 school year. The current SLP would resume providing services for the 2014-15 school year.
3. Compensatory services were integrated into the student’s therapy schedule for the remainder of the 2013-2014 school year.
4. The complainant did not want the student to have contact with the current SLP because of the regression that had occurred with the SLP’s instruction. The complainant, therefore, would not agree to the final resolution agreement without the proposed changes.
5. The complainant wanted to provide speech and language services for the student privately, and not at school. The district would not agree, as discontinuing needed services would be a violation of FAPE.

## **FINDINGS OF NONCOMPLIANCE**

Based on the evidence provided, there is evidence that the Broward County School District violated procedures regarding implementation of the student’s IEP during the 2013-14 school year, specifically related to speech therapy goals and use of AT as specified on the IEP.

## CORRECTIVE ACTION

As a corrective action plan, the district would have been required to reconvene the student's IEP team, with the appropriate participants and sufficient advance notice to provide an opportunity for the parent to attend the IEP team meeting, for the purpose of determining if compensatory services were required to address the time period from November, 2013 to March 31, 2014, when the student's IEP was not implemented specifically regarding speech therapy and assistive technology. However, the district met with the complainant on March 31, 2014, and a *Resolution Agreement* was collaboratively developed. This *Resolution Agreement* thoroughly addresses the issues encompassed within the complaint and will be accepted by the bureau as the district's corrective action.

1. As stated in the district's proposed corrective action plan, the district is required to:
  - Provide one, 60-minute speech and language therapy session, four school days per school week by an alternate SLP not currently employed by [named school] **for the remainder of the 2013-14 school year**. The total number of hours provided will be 36 hours of therapy. The current IEP provides [the student] with 30 minutes, four school days per school week. The additional 30 minutes provided is to compensate [the student] for regression on [the student's] current goals since November of 2013. Verification of speech and language services shall be provided to the bureau on **October 31, 2014, and January 31, 2015**.
  - Beginning the week of May 12, 2014, the SLP employed by [named school] will observe the therapy provided by the alternate SLP to [the student] for two weeks. Verification of this observation shall be provided to the bureau **no later than June 16, 2014**.
  - Beginning the week of May 26, 2014, [named SLP] will provide the speech and language services required on the current IEP and will be observed by the alternate SLP. Verification of this observation shall be provided to the bureau **no later than June 16, 2014**.
  - Provide training to all support staff and instructional staff in AT and speech and language strategies for improved generalization of the skills taught in the therapy sessions. Verification of the training to include training materials, participant sign-in sheet and other related documents shall be provided to the bureau no later than **October 31, 2014**.
2. Reconvene a conference with school-based administration, the Due Process Coordinator and the Curriculum Supervisor for Speech and Language on Friday, May 30, 2014, to review the progress made in therapy with [the student] and determine any follow-up steps, if needed. Verification of the conference shall be provided to the bureau **no later than June 16, 2014**.