

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

The Bureau of Exceptional Education and Student Services (bureau) received a state complaint from [REDACTED] on April 25, 2014, alleging that the Okaloosa County School District violated federal and state laws relating to the education of students with disabilities. The complainant's allegations involved the following issue:

ISSUE: Whether the Okaloosa County School District violated the requirements related to the development of a student's Individual Educational Plan (IEP) with regard to a description of how the goals will be measured and the provision of the progress reports that reflect use of the stated measurements for the 2013-14 school year.

The 60-day timeline began with the receipt of the signed complaint, with an anticipated completion date of June 24, 2014. The district and the complainant were asked to submit relevant documents and information to the bureau. Ms. Melody Sommer, Program Director, Exceptional Student Education (ESE), provided documentation on behalf of the Okaloosa County School 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 to receive ESE services as a student with [REDACTED], a [REDACTED] and was receiving [REDACTED] as a related service.

The complainant alleged the district failed to demonstrate that progress has been made toward the student's IEP goals and benchmarks, and failed to provide evidence using the stated measurements in the IEP goals and benchmarks.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

Section 300.320 Title 34, Code of Federal Regulations (34 CFR §300.320) states, "(2)(i) A statement of measurable annual goals, including academic and functional goals designed to — (A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and (B) Meet each of the child's other educational needs that result from the child's disability; (ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives; (3) A description of — (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

The corresponding state requirement is found in State Board of Education Rule 6A-6.03028, Florida Administrative Code.

DISCUSSION AND CONCLUSIONS

1. The IEPs in effect through May 15, 2014, of the 2013-14 school year, written March 5, and September 5, 2013, contained the same annual goals for reading, writing, language, and social skills, with clear evaluation plans for reading, writing, and language. There was no evaluation plan for social skills on the March 5, 2013, IEP.
2. On September 5, 2013, CBAs were added to the evaluation plan for the reading annual goal. The general education teacher was removed from, and the occupational therapist was added to, people responsible for reporting progress on the social goal, and an evaluation plan for the social goal was added to indicate progress would be monitored through observation and informal assessment. Progress reporting was removed from the language goal in regard to pragmatic skills.
3. Language therapy treatment notes, including observations and informal assessment data and a rubric for progress that addressed the goal were provided, as stated under the evaluation plan section of the annual goal page.
4. The social worker's social behavior skills group meeting schedule and notes indicated that role playing occurred during a September 12, 2013, session.
5. The district provided the student's writing samples and scored rubrics dated October 10, November 3, November 13, December 12, 2013, and January 16, and February 21, 2014.
6. The teacher indicated through email correspondence that they had sent to the complainant much of what the complainant had requested, including completed tests. The teacher also indicated that the complainant was provided several quarterly "cold read writes" assignments with scored rubrics attached. These rubrics indicated strengths and weaknesses in the student's writing. The teacher did indicate that not everything that student had written in class was given to the complainant.
7. DEA score reports from the 2013-14 school year for reading indicated scale scores and achievement levels. In an email to the complainant, the teacher did interpret the scores and explain the areas of weakness in reading comprehension.
8. The teacher, in an email dated September 27, 2013, communicated specific areas of weakness in the student's reading based on assessment data and how they were being targeted for intervention.
9. Copies of the student's 2013-14 first three quarter grade reports for language arts and writing indicated specific assignment and grades. Assignments in language arts were labeled vocabulary, comprehension, and cold read. Writing grades were based on writing assessments.
10. The district provided copies of Daily School to Home Communication forms from September 6, 2013 through December 1, 2013, and May 2, 2014 through May 15, 2014, monitoring behaviors as stated on the student's IEP.
11. On October 10, 2013, at an IEP team meeting, the complainant asked the team to address reading comprehension and present levels of performance. Notes indicated that a meeting would be scheduled to discuss these particular topics and to update the IEP.
12. In a facilitated IEP meeting that convened on December 18, 2013, and continued on February 10, 2014, the complainant asked to address services for reading and to align the student's reading weaknesses with the appropriate goals. At the meetings on February 10, 20, and 21, 2014, the annual goals and reporting measures remained the same.
13. Nine-week progress reports were provided for each of the goals for the IEPs in effect through May 15, 2014, of the 2013-14 school year.
14. Evidence indicated that there was consistent reporting of the student's progress toward annual reading goals on the nine-week progress reports for the IEPs in effect through May 15, 2014, of the 2013-14 school year. Data collection included grades, CBAs, informal assessment and observation, as indicated in the evaluation plan of the IEP. Grade reports provided the percentage of mastery of independent reading comprehension assignments. In

addition, there is evidence that on several occasions, the complainant and teacher were in correspondence in regard to the student's grades and progress in reading, as well as the student's reading comprehension strengths and weaknesses. DEA information was shared with the complainant on one occasion. Evidence indicates that the complainant was engaged in more frequent communication with the teacher in regard to student progress and performance on reading assignments and tests throughout the school year, receiving many of the graded cold reads.

15. Evidence indicated that there was consistent reporting of the student's progress toward annual writing goals on the nine-week progress reports for the IEPs in effect through May 15, 2014, of the 2013-14 school year. Data collected included writing samples, informal assessment and observation, as indicated in the evaluation plan of the IEP. In addition, there is evidence that the complainant was engaged in more frequent communication with the teacher in regard to student progress and performance on writing assignments throughout the school year, receiving many of the graded writing assignments with scoring rubrics attached to indicate student strengths and weaknesses in writing. Documentation related to the section of the annual goal involving the number of prompts given to the student during writing assignments was reported on the daily behavior charts.
16. Evidence indicated that there was consistent reporting of the student's progress toward annual language goals on the nine-week progress reports for the IEPs in effect through May 15, 2014, of the 2013-14 school year. There was specific documentation related to the reporting measures provided in three out of four progress report periods in the teacher comment section. On the September 5, 2013, IEP, "ESE progress reports each nine weeks" was removed from the pragmatic skills goal. Data was collected through observation and informal assessment as indicated in the evaluation plan of the IEP in language therapy logs and notes. Student progress toward annual goals was collected during each session using a rubric of progress.
17. Evidence indicated that there was inconsistent reporting of the student's progress toward annual social behavior goal on the nine-week progress reports for the IEPs in effect through May 15, 2014, of the 2013-14 school year, as no progress was indicated on the 1/17/14 progress report. There were notes provided by the ESE social worker to indicate what the sessions' topics were, but there was no indication of how the student's progress was being tracked through observation or informal assessment as indicated in the evaluation plan of the IEP. No data was provided in the notes to indicate how student progress was measured in order to verify the reported progress on the nine-week progress reports.
18. Evidence indicated that there was consistent reporting of the student's progress toward annual behavior goals on the nine week progress reports for IEPs in effect through May 15, 2014, of the 2013-14 school year. Data included observation through daily communication forms and anecdotal notes, provided to the complainant. However, it is unclear from the daily communication forms and annual goal progress reports how data was calculated in order to demonstrate student progress toward the measurement criteria in the annual goal of demonstrating learned strategies in 8 out of 10 opportunities.

FINDINGS OF NONCOMPLIANCE

Based on the information provided, there is some evidence that the Okaloosa County School District violated the requirements related to periodic reporting of student progress toward IEP annual goals for IEPs in effect through May 15, 2014, of the 2013-14 school year, specifically related to measurement of progress toward mastery of the social behavior and the behavior annual goals, and provision of periodic reports related to the social behavior annual goal.

CORRECTIVE ACTIONS

1. The district is required to train district staff responsible for the reporting of student progress of annual goals for ESE students as follows:
 - **No later than September 15, 2014**, the district must provide training to the appropriate staff at the student's school on reporting progress toward annual goals as indicated by the reporting measures. The training should include how to collect, document, and calculate data to report progress according to measurement criteria of the annual goal. Training materials must be provided to the bureau **no later than two weeks before the scheduled training date** for review. Verification of the training shall be provided to the bureau **no later than September 30, 2014**, and is to include the names, signatures, and titles of training participants; copies of any content presented; the name and title of the presenter; and the date of the training.
2. The Okaloosa County School District shall submit the student's annual goal progress reports for all goals related to behavior and social behavior to the bureau, along with copies of collected and measured data (grades, rubrics, etc.), to verify student progress, **no later than five days after the end of each nine-week period for the 2014-15 school year**.

In accordance with **BEESS-2014-010 RES**, the Okaloosa County School District was required as part of their corrective action to provide copies of nine-week progress reports to the bureau on June 30, 2014, for the fourth nine-week grading period of the 2013-14 school year and no later than November 30, 2014, for the first nine-week grading period of the 2014-15 school year. Submission of one copy of the first nine-week progress report, due on November 30, 2014, will suffice as documentation of the corrective action for this complaint and **BEESS-2014-010 RES**.