

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

BACKGROUND

On October 20, 2008, the Bureau of Exceptional Education and Student Services received a signed complaint letter from the parent of a student who has been receiving exceptional student education (ESE) services. The complainant alleged that the Broward County School District had violated state laws relating to the education of students in gifted education. By letters dated October 21, 2008, the complainant and the district were informed of the Bureau's receipt of the formal complaint. Specifically, the complainant's allegations involved the following issues:

- ISSUE 1: Whether the Broward County School District fully implemented the student's educational plan(s) (EP(s)) during the beginning of the 2008-09 school year**
- ISSUE 2: Whether the Broward County School district followed the required procedures for scheduling and holding the EP meetings during the beginning of the 2008-09 school year**
- ISSUE 3: Whether the Broward County School District followed required procedures for parental involvement as it relates to the role of the parent in developing the EP(s) during the beginning of the 2008-09 school year**
- ISSUE 4: Whether the Broward County School District provided the teacher with the complete EP at the beginning of the 2008-09 school year**

The 90-day timeline for the completion of the inquiry began on October 20, 2008, with an anticipated completion date of January 16, 2009. As part of the inquiry process, the district and the complainant were asked to submit relevant documents and information to the Bureau. The district's documentation was submitted by Ms. Denise Rusnak, Director, Exceptional Student Education, Broward County School District, and staff.

The educational records that were provided indicated that at the time of the filing of the state complaint, the student (D.O.B. ■) was in the ■ grade and eligible for the special programs for gifted education.

- ISSUE 1: Whether the Broward County School District fully implemented the student's educational plan(s) (EPs) during the beginning of the 2008-09 school year**

FINDINGS OF FACT

1. During the 2008-09 school year the EP dated May 22, 2008, was in effect. The priority educational need stated that the student needs to be accelerated and enriched in the math, science, and language arts curricula.
2. Curriculum and learning environment, independent functioning, and social/emotional behavior were listed on the EP as domain areas. Only the curriculum and learning environment domain was addressed through goals and objectives or benchmarks on the May 22, 2008, EP.
3. The following services were included on the student's May 22, 2008, EP: acceleration, curriculum compacting, and enrichment. For each of these services the frequency was "daily" and the location was "gifted/high achievers full-time self-contained classroom."
4. Documentation of the student's course codes, classroom roster, and daily schedule provided by the district indicated that the student was enrolled in classes that included both gifted and high achieving students. The class was taught by a gifted endorsed teacher.
5. The student's EP goals in effect for the time period encompassed in this complaint are as follows:
 - By May 2009, the student will produce and present a science-related research project that will incorporate math application skills.
 - By May 2009, the student will incorporate the elements of writing such as tone, setting, characterization, plot, theme and irony into his own works as evidenced by a portfolio of a minimum of five original works of writing including fiction and nonfiction. Each piece will have an accompanying rubric with a score of at least 90%.
 - By May 2009, the student will increase his accuracy on assessed instructional level classroom math assignments including math computation skills by scoring 90% or above on 4 out of 5 classroom assignments.
6. Lesson plans and work samples submitted by the district for the period from August 2008 through January 2009 included evidence of instruction appropriate for these goals that incorporated acceleration, curriculum compacting, and enrichment.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

State Board of Education Rule 6A- 6.030191 of the Florida Administrative Code (F.A.C.) states: "Educational Plans (EPs) are developed for students identified solely as gifted... (7) EP Implementation. An EP must be in effect before specially designed instruction is provided to an eligible student and is implemented as soon as possible following the EP meeting..."

CONCLUSION

The Broward County School District fully implemented the student's educational plan(s) (EPs) during the beginning of the 2008-09 school year.

CORRECTIVE ACTION

None

ISSUE 2: Whether the Broward County School district followed the required procedures for scheduling and holding the EP meetings during the beginning of the 2008-09 school year

The complainant alleged that on September 11, 2008, the school principal contacted ■ by telephone and stated the meeting must start at 2:15 pm whether the complainant’s attendance was possible or not.

FINDINGS OF FACT

1. This complaint issue resulted from a previous state complaint in which the district was required to reconvene the EP team by May 16, 2008.
2. The district provided copies of parent participation forms documenting the following activities related to procedures followed for scheduling and holding EP meetings during the beginning of the 2008-09 school year:

Parent participation form generated	Parent participation form provided to parent	Parent’s response to proposed meeting time
September 4, 2008	Meeting date September 29, 2008 Sent by U.S. Mail September 4, 2008	“Can do 2:45pm by phone or 3:00 pm in person.”
October 1, 2008	Meeting date October 10, 2008 Sent by U.S. Mail October 1, 2008	No Response
October 14, 2008	Meeting date October 28, 2008 Sent by U.S. Mail October 14, 2008	No response

3. All parent participation forms referenced in finding of fact two included the required components and allowed for a reasonable notice prior to holding a meeting, unless otherwise agreed upon by the parent(s).
4. The district provided copies of additional emails and other correspondence that reflect attempts to schedule an EP meeting, including the district’s desire to conduct an EP meeting as soon as possible by requesting dates and times to convene the student’s EP meeting.
5. On the October 10, 2008, the EP committee convened, and the complainant did not attend. A telephone call was made in an attempt to contact the complainant and when this was not possible, the team decided to postpone the meeting and to secure another meeting date when the parent could attend.
6. In an email to the district dated November 3, 2008, the complainant stated “I am presently considering if I should wait until the DOE’s investigation is complete prior to attempting any further efforts to the hold another meeting...”
7. As of this date, an EP team meeting has not been held during the 2008-09 school year.

LEGAL AUTHORITY FOR THE BUREAU’S FINAL DECISION

State Board of Education Rule 6A-6.030191(2) F.A.C., states: “...Parent participation. Each school board shall establish procedures which shall provide for parents to participate in decisions concerning the EP. Such procedures shall include the following: (a) Each district shall take the

following steps to ensure that one (1) or both of the parents of a student who is gifted is present or is afforded the opportunity to participate in each EP meeting: 1. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and 2. Scheduling the meeting at a mutually agreed on time and place. (b) A written notice to the parents must indicate the purpose, time, location of the meeting, and who, by title and or position, will be attending. The notice must also include a statement informing the parents that they have the right to invite an individual with special knowledge or expertise about their child. (c) If neither parent can attend, the school district shall use other methods to ensure parent participation, including individual or conference telephone calls...”

State Board of Education Rule 6A-6.030191(6)(c), F.A.C., requires that:...Timeline. “Meetings shall be held to develop and revise the EP at least every three (3) years for students in grades K-8 and at least every four (4) years for students in grades 9-12. EPs may be reviewed more frequently as needed, such as when the student transitions from elementary to middle school and middle to high school or if the student’s parent or teacher requests a review...”

CONCLUSION

The Broward County School District followed the required procedures for scheduling and holding the EP meetings during the beginning of the 2008-09 school year.

CORRECTIVE ACTION

None

ISSUE 3: Whether the Broward County School District followed required procedures for parental involvement as it relates to the role of the parent in developing the EP(s) during the beginning of the 2008-09 school year

FINDINGS OF FACT

See Issue Two

CONCLUSION

The Broward County School District followed the required procedures for parental involvement in developing the EP during the beginning of the 2008-09 school year.

CORRECTIVE ACTION

None

ISSUE 4: Whether the Broward County School District provided the teacher with the complete EP at the beginning of the 2008-09 school year

The complainant alleged that during the 2008-09 school year the gifted teacher did not have access to the student’s EP.

FINDINGS OF FACT

1. The teacher assigned to the student's current gifted ■ grade class participated in the development of the student's EP. Documentation was provided by the district which included the teacher's signature as a committee member in attendance at the development of the student's EP.
2. All of the Broward County EPs are accessible online through EasyIEP® Web-based system. According to the access log from the Easy IEP® system, the teacher accessed the student's EP twice on October 7, 2008.
3. The district stated that, at the beginning of each school year, the ESE Specialist provides teachers of the gifted with the EPs for students in their respective classes. This was completed in early August 2008 for all teachers of the gifted at ■ Elementary, including the student's teacher. No documentation was provided by the district indicating the receipt was available.
4. There is no requirement in State Board of Education Rule that a teacher be provided a hard copy of a student's EP; however, the teacher must have access to the EP and must be informed of specific responsibilities related to implementing the EP.

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

State Board of Education Rule 6A-6.030191(7), F.A.C., requires that "...(a) The EP shall be accessible to each of the student's teachers who are responsible for the implementation. (b) Each teacher of the student shall be informed of specific responsibilities related to implementing the student's EP."

CONCLUSION

The Broward County School District provided the student's gifted teacher with access to the student's EP, and the teacher was informed of the specific responsibilities related to implementing the EP.

CORRECTIVE ACTION

None