

**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**

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.

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

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.

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