

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

BACKGROUND

The Bureau of Exceptional Education and Student Services received a state complaint on December 12, 2008, from ■ alleging that the Brevard County School District has violated federal and state laws relating to the education of students with disabilities. Specifically, the complaint allegation involved the following issue:

ISSUE: Whether the Brevard County School District has implemented the student's individual education plan (IEP) during the 2008-09 school year, specifically relating to goals and objectives, and accommodations

The 60-day timeline for completion of the inquiry process began on December 12, 2008, with an anticipated completion date of February 10, 2009. The district and the complainant were asked to submit relevant documents and information to the Bureau. Dr. Karen Palladino, Exceptional Student Education (ESE) Director, Brevard 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 educational records indicated that the student (date of birth: ■) was in the ■ grade and determined eligible for special programs for students identified with specific learning disabilities (SLD).

ISSUE: Whether the Brevard County School District has implemented the student's individual education plan (IEP) during the 2008-09 school year, specifically relating to goals and objectives, and accommodations

FINDINGS OF FACT

1. The IEP in effect for the student during the 2008-09 school year was developed on November 30, 2007. An IEP developed for the student on December 12, 2008, had not been implemented prior to filing the state complaint; therefore it is not referenced in this state complaint.
2. The following goals and objectives for the student were listed on the November 30, 2007, IEP:
 - Reading goal: "After given a passage, [the student] will correctly answer 80% of "wh" questions over 4 ½ consecutive weeks"
 - Writing goal: "When given a topic, [the student] will write mechanically correct 5 paragraph passage. Each passage must contain a topic sentence, 4 supporting details, and a closing statement, 7 out of 10 informal assessment"

- Math goal and short-term objectives: “[The student] will correctly answer and solve math problems with 70% accuracy over 4 ½ consecutive weeks
 - [the student] will use schedules, calendars, and elapsed time to solve real world problems
 - [the student] will learn multiplication facts up to 6 by skip counting, using manipulative, and flash cards
 - [the student] will learn to solve simple word problems. [The student] will learn math vocabulary and choose the correct operation to solve word problems”
3. The following accommodations were listed, on the November 30, 2007, IEP to be provided to the student daily in a regular class:
- extended time for class tests
 - extra response and processing time
 - preferential seating
 - extra time to complete assignments
 - reduced work load
 - class tests shortened
 - frequent feedback to student
4. The following special education services were listed on the November 30, 2007, IEP, to be provided to the student daily in a regular class:
- small group instruction in some academic areas
 - assistance with academics
 - support to maintain academic skills
5. The district provided lesson plans for the regular classroom teachers dated August 18, 2008, through December 19, 2008, and lesson plans for the ESE teacher dated September 1, 2008, through December 19, 2008. The lesson plans indicated that instruction included the areas addressed in the annual goals was provided through the special education services listed on the November 30, 2007, IEP, and the following accommodations were provided:
- extra time on class assignments
 - extra response and processing time
 - extra time on tests
 - reduced work load
 - class tests shortened
 - frequent feedback to student
 - preferential seating

The district also provided letters dated January 6 and 7, 2009, from the student’s two regular classroom teachers and a letter dated January 6, 2009, from the student’s ESE teacher describing how the accommodations listed on the November 30, 2007, IEP had been provided to the student daily.

6. The district provided the student's class schedule for the 2008-09 school year verifying that the student was enrolled in the following courses:

Code	Title	Minutes/week	Gen Ed/ESE
5010050X	Reading E	300	Gen Ed
7710020E	Reading: K-5	180	ESE
5015010X	Physical Ed E	230	Gen Ed
5020000X	Science E	175	Gen Ed
5012070X	Math Grade 5	105	Gen Ed
7712010E	Math K-5	90	ESE
7720010E	Science: K-5	90	ESE
5010040X	Language Arts E	120	Gen Ed
7710010E	Language Arts: K-5	80	ESE
5021000X	Social Studies E	120	Gen Ed
7721010E	Social Studies K-5	80	ESE
5010090X	Writing E	90	Gen Ed
7710050E	Writing: K-5	60	ESE
5001000X	Art E	40	Gen Ed
5013000X	Music General E	40	Gen Ed

The student was provided ESE services in an inclusive setting, as indicated by both general education and ESE course codes for each academic subject.

7. The district provided progress reports for the student dated November 2, 2008, and January 6, 2009, which indicated that the student's interim grades were as follows:

Subject	November 2, 2008	January 6, 2009
Read E	D	C
Language Arts E	B	C
Social Studies E	C	C
Science E	D	C
Math Grade █	F	D
█ Grade	No grade	No grade

8. The district provided the student's report card for the first marking period of the 2008-2009 school year which indicated that the student's grades were as follows:

Subject	Grade
Reading	C
Communication	C
Social Studies	C
Science	C
Mathematics	D

9. The district provided conference notes from the IEP team meeting on December 12, 2008, which indicated that the parent's concerns regarding implementation of the student's goals and objectives were addressed by school staff. The parent was asked if she was satisfied with the school's explanation that goals and objectives had been implemented and the parent responded "yes, but would like them followed through."

LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION

Section 300.320 of Title 34 of the Code of Federal Regulations (Title 34) requires that an IEP must include, "(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child--(i) To advance appropriately toward attaining the annual goals; (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;..."

Section 300.323 of Title 34 states, "... (c)(2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEPs..."

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

CONCLUSION

The Brevard County School District has implemented the student's individual education plan (IEP) during the 2008-09 school year, specifically relating to goals and objectives, and accommodations

CORRECTIVE ACTION

None