

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

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