

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

BACKGROUND

The Bureau of Exceptional Education and Student Services (Bureau) received a state complaint on January 9, 2009, from ■ alleging that the Martin County School District has violated federal and state laws relating to the education of students with disabilities. The student named in the complaint has reached the age of majority; therefore, the Bureau requested a signed release of information statement allowing ■ and the Bureau to communicate regarding the complaint issue. Upon receipt of the signed release of information statement on January 23, 2009, the 60-day timeline for this state complaint was initiated, with an anticipated completion date of March 24, 2009.

State complaints must allege a violation that occurred not more than one year prior to the date that the complaint is received. Although the allegation presented in the complaint is not within the one-year statute of limitations, a review of prior communication by the complainant revealed that the alleged violation was originally reported to the Department of Education during the required timeline. As a result, the decision was made to proceed with the complaint investigation.

Specifically, the complaint allegation involved the following issue:

ISSUE: Whether the Martin County School District implemented the student's individual education plan (IEP) as required during the 2006-07 school year, specifically relating to the provision of accommodations in science class

The district and the complainant were asked to submit relevant documents and information to the Bureau. Ms. Maryellen Quinn-Lunny, Exceptional Student Education (ESE) Director, Martin 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) and who are language impaired (LI).

The parent alleged that the physical science teacher graded the student on a scale of 50% rather than 100% when the student took extra time completing assignments (i.e., only allowing half credit).

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...to be provided to the child, or on behalf of the child...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...and (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section ... (6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments..."

Section 300.42 Title 34 states, "Supplementary aids and services. Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with 300.114 through 300.116."

The corresponding state requirement is contained in State Board of Education Rule 6A-6.03028 of the Florida Administrative Code (F.A.C.).

CONCLUSIONS

1. The student was provided with support facilitation and accommodations in the physical science class.
2. The student was provided with extra time and assistance from the support facilitator to complete missing assignments for the physical science class; however, at times the student failed to complete missing assignments in a timely manner.
3. Neither the complainant nor the district provided evidence that the student was graded on a 50% scale rather than a 100% scale when provided with extra time to complete assignments.
4. The Martin County School District implemented the student's IEP as required during the 2006-07 school year, specifically relating to the provision of accommodations in science class.

CORRECTIVE ACTION

None