

**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).

FINDINGS OF FACT

1. The district provided documentation indicating that all high schools in the Martin County School District operate on block scheduling. The school day schedule is divided into four academic blocks. Students complete the equivalent of a two-semester course in one semester.
2. The district provided a copy of the student's 2006-07 class schedule indicating that the student was enrolled in physical science in the second semester of the 2006-07 school year. The second semester began on January 8, 2007, and ended on May 25, 2007.
3. The district provided copies of the student's IEPs that were in effect during the second semester of the 2006-07 school year. The IEPs were developed on September 26, 2006, and May 2, 2007. Conference notes and attendance sheets indicate that the student and the parent attended and participated in both IEP team meetings.
4. The student's IEPs indicate that the student was served in the regular education classroom (more than 79% of the school day spent with students without disabilities), and received the ESE services of support facilitation daily in the general education classroom and language therapy for 45 minutes per week in an ESE therapy room.
5. Both IEPs included the following daily accommodations to be provided for the student in the general education and ESE classrooms:
 - Repeat, clarify, or summarize test directions
 - Allow student to demonstrate understanding of directions
 - Provide verbal encouragement
 - Allow additional time
 - Peer assistance (including note taking)
6. Both IEPs included the following daily accommodations to be provided for the student in the general education classroom:
 - Written notes, outlines, study guides
 - Preferential seating
7. Both IEPs included the following accommodation to be provided for the student in the general education classroom one to four times per week:
 - Maintain/review assignment notebook
8. The district provided documentation that the individual scheduled to be the support facilitator for the student's physical science class resigned from the Martin County School District on January 5, 2007. The district provided documentation that both the ESE monitoring teacher and the student's speech and language therapist provided support facilitation for the student in the physical science classroom between January 8, 2007, and February 1, 2007, before a new support facilitator was hired. The ESE monitoring teacher provided a copy of the student's accommodations to the physical science teacher and communicated with both the student and the student's parent. The student's speech and language therapist met with the student regarding the physical science class, assisted the student with class work, and provided support in the classroom.
9. The district provided documentation that the student's physical science teacher resigned from the Martin County School District after the 2006-07 school year; therefore, her lesson plans are unavailable. However, the district provided a letter dated February 27, 2009, from the student's ESE support facilitator for the physical science class indicating that the student

received “all of ■ accommodations along with supplemental supports that were not indicated on ■ IEP. In addition to notes from a note-taker, [the student] received copies of the overheads from class lectures. [The student] was absent frequently, and received copies of notes, overheads and assignments in a timely manner.”

10. The district provided copies of the *Consultation/Facilitation Logs* dated February 1, 2007, through May 15, 2007, which were completed by the student’s ESE support facilitator for the physical science class. The logs indicate the following:
 - The facilitator and the physical science teacher discussed the student’s accommodations several times
 - Accommodations provided to the student in the physical science class included:
 - Assistance in test taking and completing assignments
 - Allowing additional time
 - Peer assistance (including note taking)
 - Written notes
 - Preferential seating
 - Review of assignments and missing work
 - The student refused to accept accommodations at times
 - The student was provided the opportunity to take tests/exams in a small group setting where extra time was provided
 - The support facilitator sent make-up work home with the student to be done as homework, and also worked with the student in the classroom assisting with the completion of the assignments
 - The student’s schedule was changed on February 12, 2007, so that the student would not have to leave science class for language therapy
11. The district provided a copy of a *Parent/Teacher Input Survey* completed by the physical science teacher on April 23, 2007, which indicated that the student’s academic progress at the time was a grade of 74. The teacher noted that the student had eight missing assignments from the current chapter. The teacher wrote the following as her primary concern for the student: “We need to come up with a plan/timeline for [the student] to do make up work...We are actively working on Chapter 19 and the rest of the class is moving on to Chapter 22.” The *Consultation/Facilitation Logs* indicated that on May 15, 2007, the student’s work from Chapter 19 was still missing.
12. The district provided conference notes from the May 2, 2007, IEP meeting. The conference notes indicated:
 - The student’s parent expressed concerns about the student’s progress in geometry, but not physical science
 - The support facilitator for physical science indicated that the student still had missing work in physical science, and that the student “plays around” during class
 - The parent stated that the student needs transparencies from physical science class to be able to make up work; the notes were provided by a note taker.
 - The parent stated that note-taking was not happening on a regular basis.
13. The district provided a copy of the student’s report card for the 2006-07 school year. The following table indicates the student’s grades for the second half of the 2006-07 school year:

Course Title	Grading Period 3	Exam grade	Semester grade	Grading Period 4	Exam grade	Semester grade
Intensive Reading	78	87	80	84	60	79
Geometry	79	70	77	70	60	68
Physical Science	66	72	67	72	69	71
Business Systems & Technology	72	62	70	66	67	66

14. 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.
15. Grading scales were not referenced in any IEP or conference notes provided by either the complainant or the district.

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