

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

**BACKGROUND**

The Bureau of Exceptional Education and Student Services (Bureau) received a state complaint on March 10, 2009, from ■ alleging that the Citrus County School District has violated federal and state laws relating to the education of students with disabilities. Specifically, the complaint allegations involved the following issues:

- ISSUE 1: Whether the Citrus County School District followed the required procedures regarding discipline for the student during the 2008-09 school year, specifically related to the use of seclusion time-out**
- ISSUE 2: Whether the Citrus County School District provided special education and related services to the student by appropriately trained personnel during the 2008-09 school year**
- ISSUE 3: Whether the Citrus County School District implemented the student's behavior intervention plan (BIP) during the 2008-09 school year**
- ISSUE 4: Whether the Citrus County School District developed the student's individual educational plan (IEP) to include specialized instruction that addressed the student's unique needs that result from the student's disability during the 2008-09 school year**

The district and the complainant were asked to submit relevant documents and information to the Bureau. Ms. Jean Reed, Exceptional Student Education (ESE) Director, Citrus 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 grade ■ and determined eligible for special programs for students identified with autism spectrum disorder (ASD), with language impairments (LI), and receiving the related services of occupational therapy (OT) and physical therapy (PT).

- ISSUE 1: Whether the Citrus County School District followed the required procedures regarding discipline for the student during the 2008-09 school year, specifically related to the use of seclusion time-out**

## **LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION**

Section 300.324(a)(2) of Title 34 of the Code of Federal Regulations (Title 34) states that the student's IEP team must, "(i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;..."

Section 300.17 of Title 34 states, "*Free appropriate public education or FAPE* means special education and related services that-(a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the SEA, including the requirements of this part; (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of sections 300.320 through 300.324."

The corresponding state requirements are found in State Board of Education Rules 6A-6.03028 and 6A-6.03312 of the Florida Administrative Code (F.A.C.).

## **CONCLUSIONS**

1. The district did not have district policies and procedures related to the use of seclusion time-out.
2. School procedures were not followed when the student was placed in seclusion time-out on five occasions during the 2008-09 school year. The BTR log and misconduct forms were not completed on three of the five occasions, and the parents were not notified on four of the five occasions.
3. The Citrus County School District did not follow the required procedures regarding discipline for the student during the 2008-09 school year, specifically related to the use of seclusion time-out.

## **CORRECTIVE ACTIONS**

1. No later than May 30, 2009, the district shall convene the student's IEP team, with the appropriate participants and sufficient advance notice to provide an opportunity for the parents to attend that IEP team meeting, to determine if compensatory services are required to address the time period between August 18, 2008, and January 23, 2009, when the student was subject to seclusion time-out without parental permission or notification. Verification of the meeting and the team's determination regarding the need for compensatory services shall be provided to the Bureau within ten days following the meeting. If the team determines that compensatory services are needed, verification of the provision of those services shall be provided to the Bureau on the following dates: October 30, 2009; January 29, 2010; and April 15, 2010.
2. No later than June 30, 2009, the district shall develop district policies and procedures related to the use of seclusion time-out and shall provide copies of the policies and procedures and any related forms to the Bureau.
3. The district shall provide training to all district staff who have direct contact with students, including administrative staff, instructional staff, and paraprofessionals, regarding discipline

specifically related to BIPs, manual restraint, and seclusion time-out. Documentation of the contents of training, dates of training, and lists of participants with written signature, title, and school shall be provided to the Bureau no later than August 31, 2009.

4. The district shall notify the Bureau of its decision regarding the use of seclusion time-out rooms at the student's school by June 30, 2009. If seclusion time-out rooms are used at the school, for a period of one year the district shall provide the Bureau with documentation of such use, including BTR logs, misconduct forms, parent permission forms, parent notification forms, and verification of review of student BIPs for each incident.

**ISSUE 2: Whether the Citrus County School District provided special education and related services to the student by appropriately trained personnel during the 2008-09 school year**

**LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION**

Section 300.18(b) of Title 34 states, "*Requirements for special education teachers in general.*

(1) When used with respect to any public elementary school or secondary school special education teacher teaching in a State, highly qualified requires that – (i) The teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher..."

The corresponding state requirements are found in Section 1012.56 of the Florida Statutes (F.S.) and State Board of Education Rule 6A-1.0503 of the Florida Administrative Code (F.A.C.).

**CONCLUSIONS**

1. The district provided documentation to verify that all personnel providing special education and related services to the student have been appropriately certified by the state educational agency.
2. The Citrus County School District provided special education and related services to the student by appropriately trained personnel during the 2008-09 school year.

**CORRECTIVE ACTION**

None

**ISSUE 3: Whether the Citrus County School District implemented the student's behavior intervention plan (BIP) during the 2008-09 school year**

**LEGAL AUTHORITY FOR THE BUREAU'S FINAL DECISION**

Section 300.324(a)(2) of Title 34 states that the student's IEP team must, "(i) In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior;..."

Section 300.17 of Title 34 states, “Free appropriate public education or FAPE means special education and related services that-(a) Are provided at public expense, under public supervision and direction, and without charge; (b) Meet the standards of the SEA, including the requirements of this part; (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of sections 300.320 through 300.324.”

The corresponding state requirement is found in State Board of Education Rule 6A-6.03028, F.A.C.

## CONCLUSIONS

1. Both of the student’s behavior plans provide for specific interventions for targeted behaviors. The district provided a video recording of the student’s classroom dated January 23, 2009, which indicated that specific interventions were not followed in response to the student’s behavior.
2. The Citrus County School District did not implement the student’s BIP during the 2008-09 school year.

## CORRECTIVE ACTIONS

1. No later than May 30, 2009, the district shall convene the student’s IEP team, with the appropriate participants and sufficient advance notice to provide an opportunity for the parents to attend that IEP team meeting, to review the student’s BIP and revise as necessary. The team will also develop data collection instruments to track the student’s behavior and interventions utilized to address the behavior. Documentation of the IEP team meeting and development of data collection instruments must be provided to the parent and the Bureau within one week following the IEP meeting.
2. Documentation to verify the implementation of the student’s BIP specifically related to the student’s behavior and interventions utilized to track the behavior shall be provided to the Bureau on the following dates: June 16, 2009, October 30, 2009, and January 29, 2010.
3. Any revisions made to the student’s BIP during the 2009-2010 school year shall be provided to the Bureau on the following dates: October 30, 2009, and January 29, 2010.

**ISSUE 4: Whether the Citrus County School District developed the student’s individual educational plan (IEP) to include specialized instruction that addressed the student’s unique needs that result from the student’s disability during the 2008-09 school year**

## LEGAL AUTHORITY FOR THE BUREAU’S FINAL DECISION

Section 300.320 Title 34 states, “(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with sections 300.320 through 300.324, and that must include...(2)(i) A statement of measurable annual goals, including academic and functional goals designed to-(A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education

curriculum; and (B) Meet each of the child's other educational needs that result from the child's disability;...(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... (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;..."

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. Each of the IEPs in effect for the 2008-09 school year included specially designed instruction in developmental academics. However, three of the four IEPs did not include academic goals to identify the skills to be addressed.
2. The Citrus County School District did not develop the student's IEP to address the student's unique needs that result from the student's disability during the 2008-09 school year.

## **CORRECTIVE ACTIONS**

1. No later than May 30, 2009, the district shall convene the student's IEP team, with the appropriate participants and sufficient advance notice to provide an opportunity for the parents to attend that IEP team meeting, to determine if compensatory services are required to address the time period between August 18, 2008, and March 16, 2009, when academic goals were not included on the student's IEP. Verification of the meeting and the team's determination regarding the need for compensatory services shall be provided to the Bureau within ten days following the meeting. If the team determines that compensatory services are needed for the student, verification of the provision of those services shall be provided to the Bureau on the following dates: October 30, 2009; January 29, 2010; and April 15, 2010.
2. Copies of any IEPs developed or revised for the student for a period of one year from this report, including any IEP team meeting notes, shall be provided to the Bureau on the following dates: October 30, 2009; January 29, 2010; and May 1, 2010.