

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

**BACKGROUND**

The Bureau of Exceptional Education and Student Services (Bureau) received a state complaint from ■, attorney, on behalf of a student, on March 17, 2009, alleging that the Orange County School District has violated federal and state laws relating to the education of students with disabilities. Written authorization and consent for release of information for the attorney to communicate with Bureau staff was received on March 26, 2009. Specifically, the complaint allegation involved the following issue:

**ISSUE: Whether the Orange County School District implemented the student's individual educational plan (IEP) during the 2008-09 school year, specifically regarding the provision of transportation as a related service**

The district and the complainant were asked to submit relevant documents and information to the Bureau. Ms. Harriet Brown, Exceptional Student Education (ESE) Policy and Procedures Director, Orange 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 ■ and determined eligible for special programs for students identified with developmental delay (DD), speech impairment (SI), and another health impairment (OHI).

**ISSUE: Whether the Orange County School District implemented the student's individual educational plan (IEP) during the 2008-09 school year, specifically regarding the provision of transportation as a related services**

**FINDINGS OF FACT**

1. The individual educational plans (IEPs) in effect for the student during the 2008-09 school year were developed on September 2, 2008, and February 3, 2009. A revision to the September 2, 2008, IEP was made on November 4, 2008.
2. The IEP team met on September 2, 2008, and determined that, due to immaturity, the student required transportation with a lap restraint in order to access ESE services. The parent attended this IEP team meeting. Documentation provided by the district verified that transportation was provided for the student in accordance with the September 2, 2008, IEP. At this time the school bus did not enter the gated community; the student was picked up outside of the community gate.
3. The district provided a copy of a letter dated October 9, 2008, from the attorney representing the homeowners' association for the private, gated community where the student lives. The letter stated that the homeowners' association would not sign the Indemnification and Hold

Harmless Agreement that the district requires before allowing school buses onto private, residential, gated community property.

4. The IEP team reconvened on November 4, 2008. It was determined that, due to the student's impulsivity and desire to run, the student needed door-to-door transportation or the closest location that the school bus could properly access. Conference notes stated that the homeowners' association had not signed the required agreement with the district that would allow the school bus to enter the private community. The parent and a representative from the district transportation office attended the meeting.
5. Correspondence from the district to the complainant dated March 19, 2009, indicated that the parent had chosen to transport the student rather than use the closest location that the school bus can access as provided on the November 4, 2008, IEP.
6. The IEP team met on February 3, 2009. It was noted that the student needed transportation to access ESE services; however, there is no reference to door-to-door transportation or the closest location that the school bus can properly access. The IEP stated that the student requires transportation with a lap restraint due to immaturity. The parent participated in the meeting by telephone conference.
7. The letter dated March 19, 2009, from the ESE Policy and Procedures Director to the complainant stated that if the homeowners' association in the gated community complied with the district's policy for bus access to the property, door-to-door transportation could be arranged.

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

Section 300.323 of Title 34 of the Code of Federal Regulations 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 IEP..."

34 CFR § 300.34... ( c ) (16) states, "Transportation includes--(i) Travel to and from school and between schools; (ii) Travel in and around school buildings; and (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

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

## **CONCLUSION**

The Orange County School District implemented the student's IEP during the 2008-09 school year, specifically regarding the provision of transportation as a related service.

## **CORRECTIVE ACTION**

None