

individual complainants named herein. §§ 34 C.F.R. 300.151(a)(1) and 300.153(a) (state complaints may be filed by an organization). One of the principal objectives of the Florida State Conference of the NAACP is to ensure educational equality for minority students and to eliminate barriers that lead to inequity. The continued punitive discipline of students with disabilities, rather than the provision of positive behavioral services and other related services, appears to occur more frequently with students of color and contributes to the statistically significant racial disparity in the Hillsborough County Public Schools for out-of-

School:

As a result of inappropriate behaviors while attending preschool in the Early Educational Learning Program (EELP), Complainant J.M. was placed in a developmental Educable Mentally Handicapped (EMH) special class in 1998. During her kindergarten year she received special education services outside of a regular class for more than 60%

work or psychological services), nor did it ever consider providing Complainant with PBIS. HCPS failure to provide M.S. with appropriate levels and types of related servi

instruction in December of 2007 through April of

behaviors or restricted placements. As a result, HCPS has repeatedly failed to either provide any related services or to increase the amount of counseling or other therapy during the above noted relevant periods of time for each Complainant. This pervasive and systemic pattern of inadequate delivery of related services has resulted in the denial of FAPE for the complainants and for all those similarly situated. 20 U.S.C. § 1401 (26)(a), § 1412 (D); 34 C.F.R. § 300.34, § 300.101, § 300.320-328.

IV. HCPS Has F

inappropriat

V. HCPS

suspended or expelled in Hillsborough County was 2.5%.²⁵ These rates reflect the fact that HCPS' systemic solution for addressing the behavioral and emotional needs of students with disabilities is to subject them to out of school suspensions or expulsions rather than providing them with appropriate levels or types of related services, fbi

services. Complainant has been eligible for services under the EMH program since May 11, 1998. He has accessed these services in a separate class for more than 60% of the time while accessing the general education setting for ancillary subjects, such as Physical Education. At no point has HCPS provided any justification or reasoning for its determination that complainant can function in an ancillary subject but not in any core academic subjects. In reviewing J.C.'s school records there were only two school psychological evaluations which were dated December 9, 1997 and June 25, 2007. According to the 2007 HCPS Psycho-Educational Evaluation some of complainant's deficits could be "attributable to skill deficits and his involvement in the EMH program."²⁶ The psychologist also indicated "that with specific interventions substantial improvements would be evident within a short amount of time as he continued to receive and learn different methods of learning."²⁷ Despite the recommendations issued by the School Psychologist HCPS has failed to implement any changes to complainant's placement. Complainant continues to receive services within the EMH program and HCPS has not attempted to provide counseling nor have they considered a "social emotional class" for complainant.²⁸ Complainant is clearly several years behind in his chronological grade level and peers and he has not received an education that has conferred meaningful educational benefit as required under IDEA. HCPS' failure to re-evaluate complainant during a ten year period, coupled with placement in an inappropriate ESE program, has clearly jeopardized the provision of FAPE to J.M..

VII. HCPS Has Failed to Provide Necessary and Appropriate Transition Services

HCPS has denied K.H. and all other similarly

1. Compel HCPS to hi

mandating strict compli

settings in HCPS and also ensure decisions involving such related services are

