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- **to comply with IDEA's discipline requirements**

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students who ultimately receive a high school diploma.⁹ This reality reflects an obvious and systemic practice of providing inappropriate special education and related services to students with emotional or behavioral disabilities.

By its own account, verified by the FDOE, the PBCS systematically and pervasively violates IDEA by failing to provide the necessary transition services that will prepare these students for postsecondary education, vocational education, employment, independent living and community participation.¹⁰ Specifically, PBCS violates the transition services requirement of IDEA wholesale: it routinely fails to give the required notices to parents that the purpose of the IEP meeting is to discuss postsecondary goals and transition services; it also routinely fails to follow-up with outside agencies who may pay for some transition services; the IEPs also fail to have the requires measurable annual goals for education, training, employment, independent living and community participation.¹¹ The high drop-out rate for EBD students Tm (i) Tj 50 050 575 0 Tm (

This Complaint is being filed by the following individual students on behalf of themselves and all other similarly situated students with disabilities:

Student A: P.R., DOB 1/15/96, 7th grade for 2008-09 SY at Crestwood Middle School¹⁴

P.R. is a twelve-year old African-American male. He is eligible for ESE services in the area of Gifted and E/BD.

As set forth in this complaint, PBCS has violated his IDEA rights by failing to provide him with any special education or related services whatsoever during the majority of the 2007-08 school year. The IEP that was written on November 2, 2007 at Jeaga Middle School lists only monthly consultation in all of his academic classes as the sum total of his special education and related services. *See* Attachment A-1 (hereinafter “Att. A-1”). He had a social/emotional goal on his IEP, but no means to achieve the goal, as he had no special education services, no program accommodations or modifications and no related services.

Jeaga Middle School did not implement the IEP from the sending elementary school dated May 17, 2007 – May 16, 2008. The May 17th IEP included program modifications and accommodations of crisis intervention support, de-escalation techniques, a behavior monitoring system and the related service of group counseling. *See* Att. A-2. The November 2, 2007 IEP developed at Jeaga Middle School was written to remove all special education and related services from the IEP. The meeting notes on the November 2nd IEP state “they [the sending elementary school] put crisis intervention support and group counseling, which Jeaga does not have.” So, instead of providing the needed related services, or considering a placement at a school that had the needed services, school personnel merely removed those services from P.R.’s IEP. From the beginning of t45 0 Tm() Tj 50 5 re W n /745 0 Tm() Tj 50 5 re W n /745 0 Tm() Tj 50 5 re W

was subjected to last year, and which resulted in an unlawful denial of a free appropriate public education to him, still exist this year. On information and beli

along with peers and adults. He had no related services to address his behavioral difficulties. *See Att. B-1.*

N.S. continued to have difficulty completing his work and managing his behavior. He was placed at a different elementary school for fifth grade, but no related services were added to his IEP to help him with his behavioral problems. After less than a full school year at Palm Beach Gardens Elementary, he was sent to an elementary school alternative education class for those same behavioral problems. The alternative education program is a more restrictive program where N.S.'s access to the general curriculum is far more limited. This particular elementary alternative education "program" was actually one or two classrooms of students segregated from the rest of the elementary school.

Prior to being placed in the more restrictive alternative education program, he was dismissed from the language impaired program and his language therapy was discontinued. The language therapy was disc

At Excel, N.S. was subjected to continuous discipline referrals and suspensions without any positive behavioral interventions. In fact, after he was transferred from one alternative education site (Excel West) to another (Excel Central)¹⁷ in early December 2007, he was suspended for four days on his first

was 4.7. N.S. had basically not learned any measurable skills while in alternative education. He was evaluated again in January 2008. He was administered the Wechsler Indi

from that year indicates that he was supposed to have a daily behavior plan, but there is no plan attached to the IEP, or even one in his file. Indeed, there is not an FBA, or even parental consent for an FBA, until the middle of this past school year, during his 6th grade year. There is definitely not an individualized behavior improvement plan. He has the related service of group counseling, but no duration other than “weekly” is noted. He received language therapy for one hour per week, which represents a reduction of 30 minutes per week from his previous IEP. *See* Att. C-1 at 3-4 and Att. C-2 at 3. No improvement in skills was noted to support this reduction in services.

During school year 2006-07, B.J. was consigned to a self-contained emotionally handicapped (EH) class¹⁸ at North Palm Beach Elementary School. At no time during the school year 2006-07 was B.J. ever placed in a general education classroom. Ning Tj 3010.0606187017

teacher. B.J. was arrested for this incident and taken to the Palm Beach County Juvenile Detention Center. He was at the Detention Center for three school days. He did not, however, return to North Palm Beach Elementary School for the rest of the school year. There is a total absence of documentation in his file regarding suspension, recommendation for expulsion, or a manifestation hearing following this incident. His mother states that she was told to keep him home. Without following any discipline requirements in IDEA, the North Palm Beach
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K.R. is a 13-year-old white male who has been diagnosed with bipolar disorder, ADHD and Oppositional Defiant Disorder. He is eligible for special education and related services through the E/BD program. He was determined to be eligible for the EH program in early 2002, when he was in the first grade. K.R. has a signific

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highly structured behavior management plan, but that plan was never developed. He was also receiving academic work at least three years below his measured ability level. He was suspended for five days out-of-school. He had numerous

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Jodi Siegel, Executive Director
Southern Legal Counsel
1229 NW 12th Avenue
Gainesville, FL 32601-4113
(352)271-8890 (phone)
(352)271-8347 (fax)
Florida Bar No. 511617

Ronald K. Lospennato, Director
School-to-Prison Reform Project
Southern Poverty Law Center
4431 Canal Street
New Orleans, LA 70119
(504)486-8982 (phone)
(504)486-8947 (fax)
Admitted to practice law in New Hampshire;
Louisiana Bar Membership pending