

COLLIER COUNTY PARENTS SEEKING REFORM

NAPLES FL 34114

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July 5, 2007

Ms. Sheila Friedman
Office of Special Education Programs
US Department of Education
550 12th St SW – Room 4169
Washington DC 20202

Re: Florida's Annual Performance Report; OCR Class Discrimination Complaint, Docket No:
07-1264 Collier County School Board, Collier County, FL

Dear Ms. Friedman:

In our telephone conference today, I expressed my concerns that the data the State of Florida has been providing OSEP may not be valid or reliable as it relates to the State's adjudication of Due Process hearings within the 45 day time frame.

Specifically, as outlined in the above-captioned OCR Class Discrimination Complaint (copy enclosed for reference), a comparative analysis of the two most recent IDEA Due Process proceedings in Collier County, FL is offered, to substantiate an alleged "pattern of widespread discrimination". We believe these actions on behalf of CCSB represent a conspiracy to deprive Due Process and equal protection under the law to the disabled, in addition to the denial of FAPE.

As with OCR, in reviewing this Complaint, we ask simply that a "Standard of Reasonableness" be employed, in evaluating the exhaustive delays and denials of Due Process rights in these two cases. This "Standard of Reasonableness" must encompass the 45 day time frame envisioned by Congress under IDEA, and reflected in your own Compliance Indicator. As you will note, following numerous delays in the hearings themselves (months; not days), the ALJ rulings were withheld well in excess of 45 days, following conclusion of the hearings.

Based on the data provided by the State of Florida in its' June 1, 2007 Progress Report, they indicated that 100% of the fully adjudicated Due Process hearings were resolved within the 45 days, or a timeline properly extended by the hearing officer. We would question how these two cases were reported to OSEP, in calculating the Compliance Indicator. The State's FFY 2005 reported data for this indicator was a mere 50%, however, representing progress from the FFY 2004 data of only 32%. Has the State of Florida truly improved on this Compliance Indicator or simply altered its' reporting of valid and reliable data, as the two cited cases would indicate?

Respectfully Submitted,

William Hughes, Representative
OCR Class Discrimination Complaint

CC: Roger Mills, Attorney