

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2049.04  
COMPLAINT INVESTIGATOR: Jennifer Campbell  
DATE OF COMPLAINT: August 5, 2003  
DATE OF REPORT: September 4, 2003  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: October 31, 2003

**COMPLAINT ISSUES:**

Whether the Marion Community Schools and the Grant County Special Education Cooperative violated:

511 IAC 7-27-5(c) by failing to mail the parent a copy of the written report of the case conference committee (CCC) no later than ten business days after the date of the CCC meeting.

511 IAC 7-29-1(l) by failing to follow the procedures required by IC 20-8.1-5.1-12 when suspending a student, including a student with a disability.

**FINDINGS OF FACT:**

1. The Student is ten years old and attended the local elementary school (the "School") during the 2002-2003 school year. The Student presently attends a different elementary school for the 2003-2004 school year. The Student is eligible for special education and related services as a student with a mild mental disability and communication disorder.
2. The case conference committee reconvened on May 12, 2003. The School acknowledges that they did not send a copy of the revised IEP to the Parents within ten business days. The Parents have now received a copy of the revised IEP.
3. The Complainant alleges that the School sent the Student home on numerous occasions due to behavioral concerns, and that no documentation exists to indicate how many times the Student was sent home. The Complainant did not list specific dates of when the Student was sent home from the School. The Principal contends that he and the Parent had an agreed upon behavior plan that was not part of the Student's IEP. Part of the plan indicates that the Student's parent is to be called to come to the School to calm down the Student when behavior escalates and school personnel cannot control the Student. If that does not work, then the Parent may take the Student home for the day. The Parent asserts that she was called to pick up the Student on April 18, 2003, because the Student was physically aggressive toward the teacher's aide. The School could not provide any record of who authorized the Student to be sent home with the Parent on April 18, 2003. According to the Principal, the Student was placed in the Parent's custody one time on May 12, 2003, for hitting an educational assistant while the Parent was in the School attending the Student's CCC meeting. The Student was not suspended. During the May 12 CCC meeting, the behavior plan used by the School was incorporated into the Student's IEP.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates that school personnel failed to send a copy of the case conference committee meeting report within ten business days to the Parent, therefore, a violation of 511 IAC 7-27-5 (c) is found. The Director maintains in the letter of response that at the Parent's request, school personnel did not send a copy of the CCC report to the Parent, and presents a corrective action plan whereby school personnel will adhere strictly to mailing a copy of the written CCC reports to parents within the mandatory ten days.
2. Finding of Fact #3 indicates that the School did not suspend the Student during the 2002-2003 school year. However, the Student was sent home at least once and the school failed to keep documentation. Therefore, although no violation of 511 IAC 7-29-1(l) is found, a corrective action is required to assure this type of practice does not recur.

**The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Marion Community Schools and the Grant County Special Education Cooperative shall:

1. Send a written memorandum to all appropriate special education personnel in regard to the requirements of 511 IAC 7-27-5 (c) in which the public agency shall provide the parent with a copy of the written CCC meeting report no later than ten business days after the date of the CCC meeting. Submit a copy of the list of names of people who the memorandum was sent to along with a copy of the names of those who have received the memorandum no later than October 3, 2003.
2. Distribute a memorandum to the two Principals of the Student (current Principal and 2002-2003 Principal) reminding them of the requirements of 511 IAC 7-29-1, with special emphasis on 7-29-1(b), (c), and (l). An assurance statement shall be signed by the Director and the Superintendent, which affirms that both administrators have read and understand the requirements of 511 IAC 7-29-1. A copy of the memorandum and the signed assurance statement shall be forwarded to the Division no later than October 3, 2003.