

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2287.06
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: October 21, 2005
DATE OF REPORT: November 18, 2005
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: January 6, 2006

COMPLAINT ISSUES:

Whether the Monroe County Community School Corporation violated:

511 IAC 7-25-4 by failing to follow the procedures for an initial educational evaluation, upon receiving a parent's verbal request for an evaluation.

FINDINGS OF FACT:

1. The Student, at the time this complaint was filed, is a 13 year old general education student attending the seventh grade at the local middle school.
2. The Complainants (parents) and the Assistant Principal of the Student's local elementary school from the 2004-2005 school year acknowledge that a meeting took place some time in March 2005. The Complainants allege that a verbal request was made to have the Student evaluated for special education and related services. The Assistant Principal states that the Complainants talked about a possible referral for a special education evaluation and the Student's academic difficulties related to ADHD, and that the Complainants also talked about taking the Student to a doctor to discuss the Student's behavior and possibly medication. The Assistant Principal indicates that the understanding at the time was that a referral would not be pursued, but would be revisited after a doctor's input. The Complainant's state that they had already been to the Student's pediatrician and specifically requested that the Student be tested.
3. No documentation exists to indicate specifically what transpired at the March 2005 meeting, including whether the public agency's internal procedures for processing referrals was discussed with the Complainants.
4. The Complainants and the Assistant Principal also acknowledge that the Complainants contacted the elementary school some time in late May 2005 to find out how the Student's evaluation was proceeding. Upon learning that no educational evaluation had been initiated, the Complainants then met with the Assistant Principal to discuss a referral for an educational evaluation. They also talked about the Student transitioning into middle school since the evaluation would not be completed until the 2005-2006 school year. The Referral for Initial Educational Evaluation and Permission for Educational Evaluation forms were filled out and signed by the Complainants on June 3, 2005, with three days of school remaining for the 2004-2005 school year. All requisite forms were sent to the local special education office according to the Initial Referral Procedures.
5. The Student's initial educational evaluation was completed on October 20, 2005. The 60 instructional day timeline elapsed on November 15, 2005. However, had the verbal request been acted on,

pursuant to the special education procedures, the 60 instructional day timeline would have elapsed on or about the very beginning of the 2005-2006 school year, August 24, 2005. The Complainants agreed to convene the Student's Case Conference Committee on November 1, 2005. The case conference committee determined that the Student is eligible for special education and related services as a student identified as other health impaired and developed an individualized education program (IEP).

CONCLUSION:

Findings of Fact #2 through #5 indicate that the Monroe County Community School Corporation failed to initiate an educational evaluation upon receiving a verbal request from the parents. As a result, the Student's initial educational evaluation was substantially delayed. A parent's lack of knowledge of the public agency's internal procedures for processing referrals or the requirement of obtaining written parental consent in accordance with 511 IAC 7-25-4(b) may not be used to delay the process. Therefore, a violation of 511 IAC 7-25-4 is found.

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

CORRECTIVE ACTION:

The Monroe County Community School Corporation shall inform all principals, assistant principals, and all relevant school personnel of the required procedures for receiving a verbal request for a referral for an educational evaluation of a student from a parent. This information may be provided by memorandum or during an inservice training session. Documentation of compliance shall be submitted to the Division no later than December 23, 2005.

The Monroe County Community School Corporation shall also convene the Student's case conference committee to determine to what extent the Student will be provided compensatory services and how those services will be implemented, by whom, and with what resources. A copy of the Case Conference Report/IEP shall be submitted to the Division no later than December 23, 2005.