

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2291.06
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: November 18, 2005
DATE OF REPORT: December 15, 2005
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: January 24, 2006

COMPLAINT ISSUES:

Whether the Indiana School for the Deaf violated:

511 IAC 7-25-7(b) by failing to convene the student's case conference committee within 60 instructional days of the date written parental consent is received by certified personnel in accordance with the requirements of 511 IAC 7-25-4(b).

FINDINGS OF FACT:

1. The Student, 11 years old, is a student with a hearing impairment and has been determined eligible for special education and related services.
2. A request for an additional evaluation regarding a reading curricular assessment was made in writing at the Student's case conference committee (CCC) meeting convened on August 8, 2005. The 60 instructional day timeline elapsed on November 9, 2005.
3. All parties acknowledge that the additional evaluation was completed on October 10, 2005. The School further acknowledges that no further action was taken with regard to the results of the additional evaluation until this complaint was filed.
4. The Curriculum Director met with the Complainant on November 29, 2005 to discuss and review the assessment results. The School and the Complainant are in the process of determining a mutually agreed upon date and time to convene the Student's CCC.

CONCLUSION:

Findings of Fact #2 through #4 indicate that the School failed to convene the Student's CCC within 60 instructional days of the date written parental consent for an additional educational evaluation was received by the School pursuant to 511 IAC 7-25-4(b). Therefore, a violation of 511 IAC 7-25-7(b) 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 Indiana School for the Deaf shall:

1. Send a written memorandum to all school administrators and relevant personnel stating the requirements of 511 IAC 7-25-7(b) and 511 IAC 7-25-4(b) and how the School can achieve compliance with these requirements. A copy of the memorandum and a list of all who receive it shall be submitted to the Division no later than January 20, 2006.
2. Develop or review and revise policies and procedures with respect to ensuring that an initial or additional educational evaluation is completed, the evaluation report made available and the CCC convened within 60 instructional days. A copy of the policies and procedures and a list of all personnel who receive them shall be submitted to the Division no later than January 20, 2006.
3. Convene the Student's CCC to review the results of the additional educational evaluation and determine whether the Student's reading goal needs to be revised. A copy of the CCC Report and IEP shall be submitted to the Division no later than January 20, 2006.