

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2314.06
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: March 1, 2006
DATE OF REPORT: March 29, 2006
REQUEST FOR RECONSIDERATION: yes/revised - April 28, 2006
DATE OF CLOSURE: May 26, 2006

COMPLAINT ISSUES:

Whether the Merrillville Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-27-5(c) by failing to provide the parent with a copy of the written report of the case conference committee meeting by mail no later than 10 business days after the case conference committee meeting.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide the required 15 hours of compensatory homebound instruction and not completing the four classes from the fall semester for course credit.

511 IAC 7-27-7(b) by failing to ensure that the assigned Teacher of Record informed the Student's general education teacher in the alternative high school program of the specific responsibilities related to implementing the Student's IEP.

511 IAC 7-27-3(a)(4) by failing to have the student's general education teacher attend the student's case conference committee meetings.

FINDINGS OF FACT:

1. The Student, 15 years old, is identified as a student with a learning disability and an emotional disability, and has been determined eligible for special education and related services.
2. The Student's case conference committee was held on January 12, 2006. The School acknowledges that the Complainant did not receive a copy of the written report until February 15, 2006.
3. The Student's IEP dated January 12, 2006, indicates that the Student was to receive 15 hours of compensatory homebound services from January 16, to February 16, 2006, for five hours a week. The IEP also states that the Student will be given credit for the four classes (Algebra II, Biology, U.S. History, and English 10) that were not completed during the fall semester due to the Student's hospitalization in December 2005, upon completion of the homebound instruction.
4. The Student received 27 hours and 54 minutes of homebound instruction provided primarily during after school hours on school grounds involving three subjects, Algebra II, Biology, and U.S. History, and by three different teachers (the Student's teachers in each respective subject). The Student received a passing grade in each course and obtained course credit. The Student was allowed to take the English 10 final exam and that was sufficient to complete that course and obtain credit.

5. The Student's IEP dated January 12, 2006 indicates that the Student is placed in an alternative high school program that is a self-paced, general education program that students attend during after-school hours. The Student began attending this program on or about January 43-30, 2006. The Student's general education teacher in the alternative high school program was not informed of the Student's IEP until February 15, 2006, via an e-mail from the Student's Teacher of Record.
6. The Student is enrolled in a Reserve Officer Training Corp (ROTC) class. The Student's teacher in that class also served as the general education teacher for the Student at the case conference committee meetings convened on November 4, 2005, and January 12, 2006.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School failed to ensure that the Complainant received a copy of the written case conference report within 10 business days of the date the case conference committee was convened. Therefore, a violation of 511 IAC 7-27-5(c) is found. However, the Complainant did receive a copy of the report on February 15, 2006, therefore no corrective action is necessary.
2. Findings of Fact #3 and #4 indicate that the Student received more than 15 hours of homebound instruction and obtained four credits for the four courses that were not completed during the first semester of the 2005-2006 school year while the Student was hospitalized in December 2005. Therefore, a violation of 511 IAC 7-27-7(a) is not found.
3. Finding of Fact #5 indicates that the Student's general education teacher in the alternative high school program was not informed about the Student's IEP until February 15, 2006, about one month after the Student was placed in the program in accordance with the January 2006, IEP. Therefore, a violation of 511 IAC 7-27-7(b) is found with respect to the delay in informing the Student's general education teacher of the alternative high school program about the Student's IEP.
4. Finding of Fact #6 indicates that the Student's ROTC teacher attended the November 4, 2005, and January 12, 2006 case conference committee meetings as the Student's general education teacher. Therefore, a violation of 511 IAC 7-27-3(a)(4) is not 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 Merrillville Community School Corporation and the Northwest Indiana Special Education Cooperative shall:

Send a written memorandum to all relevant school personnel regarding how to comply with the requirements of 511 IAC 7-27-7(b). A copy of the memorandum and a list of all personnel who receive it shall be submitted to the Division no later than May 5, 2006.