

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2319.06
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: April 4, 2006
DATE OF REPORT: May 4, 2006
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: July 6, 2006

COMPLAINT ISSUES:

Whether Logansport Community School Corporation and Logansport Area Joint Special Services Cooperative violated:

511 IAC 7-27-5(c) by failing to provide the parent a copy of the written report of the case conference committee (CCC) meeting within ten (10) business days of the date of the meeting;

511 IAC 7-29-1(c) by failing to count the suspension of the student for part of a day as a day of suspension;¹

511 IAC 7-23-1(o) by failing to ensure that copies of the education and disciplinary record of the student are transmitted, to the extent the transmission is permitted by the Family Educational Rights and Privacy Act, for consideration by the appropriate authorities when the public agency reports a crime committed by the student; and

511 IAC 7-27-5(a) by failing to include in the written report of the CCC meeting of February 27, 2006, the following: (1) list of parent concerns, and (2) letter from parent to the school requesting to be notified when there are behavior or other problems with the student.

FINDINGS OF FACT:

1. The Student, 12 years old, has been identified as having autism spectrum disorder and a communication disorder, and has been determined eligible for special education and related services.
2. On January 23, 2006, the Student's computer class was required to complete an online test to measure keyboarding progress. When the teacher saw that the Student was on the wrong Web site, she directed his mouse to the correct software. The Student then threw a flowerpot from the teacher's desk across the room at the teacher, hitting her right shoulder.
3. The Computer Teacher requested that the Principal contact the police department to file a report for the purpose of documentation. (The teacher's contract stipulates that, in the case of assault and battery on a teacher, the police shall be notified immediately so that an official report will be filed unless waived by the teacher.) The School provided the following information on the Student to a police officer: the Student's name, address, date of birth, home phone number, gender, race, and social security number. The officer's narrative mentions events leading up to the incident, and includes the fact that the Student is a special education student. The Principal reported that the School provided all the information to the police that was requested. The officer spoke with the

Principal and the Computer Teacher, and noted in the report that the teacher did not have any pain or injuries to her shoulder and did not wish to press charges.

4. A CCC meeting was held for the Student on February 27, 2006, for the purpose of reviewing the IEP. The School acknowledged that it sent a written report of the meeting to the parents on March 16, 2006, or 13 business days after the meeting.
5. The Complainant's copy of the CCC report from February 27, 2006, was sent to her without two documents the Complainant passed out at the CCC meeting: an undated letter to the School about improving communication, and an agenda of 10 items the Complainant wanted to have addressed at the meeting. The School acknowledged that the documents were left out of the report that was mailed to the Complainant. To cut down on mailing costs, the School does not include documents that parents have submitted to a CCC when mailing the report to parents. However, the documents are maintained in the student's file. In the Complainant's case, the documents were summarized in the CCC report the Complainant received, and the Complainant's concerns were reflected in the report as well. The School provided a copy of the IEP with the documents for the investigation.
6. In the CCC report, the School included another document written by the Complainant called "Parent's Written Opinion Regarding the Case Conference" (addressing teacher training and documentation, the need for a peer buddy, direct communication from people with firsthand knowledge of problems, and a behavioral intervention plan, or BIP). This was sent to the Complainant as part of the CCC report, as well as to the Division.
7. On March 16, 2006, the Student engaged in inappropriate sexual conduct in front of the Learning Facilitator and other students in his language arts class. The Assistant Principal called the Complainant to have her pick up the Student, then met with the Complainant and the Student with the Home/School Relations Counselor. The Student was sent home with the Complainant at 2:00 p.m., one hour before the end of school. The counselor and the Assistant Principal confirmed that the Student was suspended for one day, March 17, 2006.

CONCLUSIONS:

1. Finding of Fact #4 indicates that the School failed to provide a written report of the CCC meeting to the parent within ten (10) days of the meeting. Therefore, a violation of 511 IAC 7-27-5(c) is found.
2. Finding of Fact #7 indicates that the School requested that the Complainant pick up the Student on May 16, 2006. This was not counted as a day of suspension. Therefore, a violation of 511 IAC 7-29-1(c) is found.
3. Finding of Fact #3 indicates that the School provided the information to the police department that was requested. Additional records were not necessary, as the Student was not charged with a crime. Therefore, a violation of 511 IAC 7-23-1(o) is not found.
4. Findings of Fact #5 and #6 indicate that the Complainant's written opinion was included in the CCC report, as required by Article 7. Finding of Fact #5 also indicates that the report included a summary of items in the letter and the agenda given to the School by the Complainant. Therefore, a violation of 511 IAC 7-27-5(a) is not found.

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

CORRECTIVE ACTION:

Provide an assurance statement to the Division that addresses the following: (1) that the School will consider the suspension of a student for part of a day as a day of suspension; and (2) that the School will provide parents with a copy of the CCC report within ten (10) business days of the date of a CCC meeting. Provide the assurance statement to the Division by June 16, 2006.