

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2326.06  
COMPLAINT INVESTIGATOR: Brian Simkins  
DATE OF COMPLAINT: April 17, 2006  
DATE OF REPORT: May 15, 2006  
REQUEST FOR RECONSIDERATION: n/a  
DATE OF CLOSURE: June 30, 2006

**COMPLAINT ISSUES:**

Whether the North Newton School Corporation and the Cooperative School Services violated:

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 counseling services.

**FINDINGS OF FACT:**

1. The Student, eight years old, is identified as a student with autism spectrum disorder and a communication disorder, and has been determined eligible for special education and related services.
2. The Student's IEP dated June 2, 2005, indicates that the Student is to receive counseling one time a week for 30 minutes. The Student's case conference committee convened for its annual meeting on January 13, 2006, and decided that the counseling services were to continue.
3. From the first day of the 2005-2006 school year on August 23, 2005, to the date this complaint was filed on April 17, 2006, 32 weeks of school have elapsed. The Student should have received 32 counseling sessions. Documentation indicates that the Student received nine 30 minute counseling sessions and three 60 minute sessions (a total of 15 30-minute counseling sessions). Counseling services were not provided the weeks of: August 29; September 19, and 26; October 10, 17, and 24; November 14, 21, and 28; December 12, and 19, 2005, and January 2, 16, 23, and 30; February 6; March 6; and April 3, and 10, 2006.

**CONCLUSION:**

Findings of Fact #2 and #3 indicate that the School failed to provide the Student the required counseling services in accordance with the Student's IEP. Finding of Fact #3 indicates that the Student missed at least 17 counseling sessions. Therefore, a violation of 511 IAC 7-27-7(a) 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 North Newton School Corporation and the Cooperative School Services shall:

Convene the Student's case conference committee meeting to determine to what extent the Student will receive compensatory counseling services. A copy of the Student's Case Conference Report and revised IEP including compensatory services shall be submitted to the Division no later than June 23, 2006.