

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2338.06
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: May 25, 2006
DATE OF REPORT: June 23, 2006
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: July 21, 2006

COMPLAINT ISSUES:

Whether the Fort Wayne Community Schools violated:

511 IAC 7-23-2(c) by failing to notify the parent of a decision with regard to a parent's request to have the information in a student's educational record amended.

FINDINGS OF FACT:

1. The Student, 15 years old, is identified as a student with autism spectrum disorder, and has been determined eligible for special education and related services.
2. In a letter dated February 26, 2006, and sent to the School Special Education Specialist (who chaired the Student's case conference committee meetings since the 2004-2005 school year), the Complainants requested that the Student's IEP dated May 26, 2005, be amended because the Complainants disagreed with how information describing the Student's present levels of academic performance in math and reading were written. The parties already had a case conference committee meeting scheduled for February 28, 2006. At that meeting the Complainants hand-delivered another copy of their request and the case conference discussed the concerns of the Complainants with respect to the information in the IEP.
3. In a letter dated May 17, 2006, and sent to the Director of Special Education, the Complainants questioned why the School did not notify them within 10 business days with regard to whether the School agrees to amend the Student's educational record per their request made in February 2006.
4. In a letter dated May 25, 2006, the Director of Special Education responded to the Complainants. The letter explained that the case conference process provides parents with the opportunity to provide input about a student's needs, and an opportunity to submit a written opinion that can be added to the Student's file. The letter also explained to the Complainants their right to request a due process hearing in order to challenge the information and opinions reflected in the Student's IEP. The School did not amend the Student's IEP.

CONCLUSION:

Finding of Fact #2 indicates that the Complainants requested the School amend the Student's IEP. Finding of Fact #4 indicates that three months after the School received the request to amend, the School wrote a letter to the Complainants indicating the proper methods to use to settle a dispute regarding the content of the IEP. An IEP is an educational record subject to the protections and protocols offered and required by the Family

Educational Rights and Privacy Act (FERPA). Therefore, because the School did not answer the Complainants' request to amend in writing within 10 business days, a violation of 511 IAC 7-23-2(c) is found. However, the School has remedied its mistake by sending the Complainants a letter that describes the proper methods for settling a dispute regarding the content of the IEP; therefore, no further corrective action is necessary.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.