

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2334.06  
COMPLAINT INVESTIGATOR: Brian Simkins  
DATE OF COMPLAINT: May 12, 2006  
DATE OF REPORT: 06/08/06  
REQUEST FOR RECONSIDERATION: n/a  
DATE OF CLOSURE: September 20, 2006

**COMPLAINT ISSUES:**

Whether the Northwestern School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-4(a)(3) by failing to convene a case conference committee meeting at the request of a parent.

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 homebound services.

**FINDINGS OF FACT:**

1. The Student, 13 years old, is identified as other health impaired (OHI), and has been determined eligible for special education and related services.
2. The Complainant contacted the School on or about March 29, 2006, to schedule a case conference committee meeting. The Student's case conference was scheduled for, and convened on April 20, 2006. School was closed for spring break during the week of April 3, 2006.
3. The Student's IEP dated April 20, 2006, indicates that, due to attendance problems because of illness, the Student is to receive five hours of homebound instruction per week to supplement the Student's full schedule of classes during the regular school day. The case conference notes indicate that the Student's case conference committee will convene in August 2006 before next school year to determine whether and to what extent the Student shall continue to receive homebound instruction. The case conference notes also indicate that homebound instruction would begin once the Complainant returned the requisite Referral for Medical Homebound Teaching form.
4. The Complainant returned the Referral for Medical Homebound Teaching form to the School on April 25, 2006. Homebound instruction was provided the week of May 1, 2006. The Homebound Teacher's log indicates that only 4.5 hours of homebound instruction were provided the week of May 1, 2006.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates that the School did not fail to convene the Student's case conference committee at the request of the Complainant. Therefore, a violation of 511 IAC 7-27-4(a)(3) is not found.

2. Finding of Fact #3 and #4 indicate that the Student did not receive the full five hours of homebound instruction during the week of May 1, 2006. 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 Northwestern School Corporation and the Kokomo Area Special Education Cooperative shall:

Convene the Student's case conference committee in August 2006 to determine how to compensate the Student for an additional 30 minutes of homebound instruction. If the case conference committee determines that the Student no longer needs homebound, then the case conference committee shall determine some other way of making up the 30 minutes of instructional time. The School shall submit to the Division a copy of the revised Case Conference Report and IEP in addition to documentation of the 30 minutes of compensatory time being provided no later than September 8, 2006.