

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-114-2007/2345.07
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: July 21, 2006
DATE OF REPORT: August 18, 2006
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: October 1, 2007

COMPLAINT ISSUES:

Whether Duneland School Corporation and Porter County Education Services violated:

511 IAC 7-27-5(c) by failing to provide the parents with a copy of the written report of the case conference committee (CCC) meeting, either at the conclusion of the CCC meeting or mailed at a later date so that it could be received by the parents within ten (10) business days after the date of the CCC meeting.

In the course of the investigation, the following issues were added:

511 AC 7-27-5(a) by failing to include a written report of the case conference committee (CCC) meeting that includes all of the required components, including the student's full individualized education program (IEP) and behavioral intervention plan (BIP); and

511 IAC 7-27-7(a) by failing to implement the student's IEP as written, specifically homebound instruction.

FINDINGS OF FACT:

1. The Student, 15 years old, has been identified as having a learning disability and determined eligible for special education and related services.
2. On April 18, 2006, the Student's CCC convened for the purposes of reviewing the Student's IEP and determining whether his behavior (showing disrespect to staff, refusing to follow class rules and to complete work) was a manifestation of his disability. The CCC determined that the behavior was not a manifestation of his disability, and decided that, "prior to the start of the 2006-2007 school year," the Student would receive '24 hours of homebound instruction to allow him to continue to progress in the general education curriculum and on his goals and benchmarks." Instruction would focus on math and reading. The CCC reviewed the Student's present levels of educational performance and developed goals and objectives for the coming year. The CCC then decided to reconvene prior to the start of the 2006-2007 school year to develop the Student's transition plan, BIP, and services.
3. On April 29, 2006, the School sent the Complainant a report of the April 18 CCC meeting. The report included the following: a statement of the Student's present levels of educational performance; a statement on measurable annual goals; a statement regarding the Student's participation in statewide or local assessments; projected dates for initiation of services; a statement on how the Student's progress will be measured and how the Student's parents will be regularly informed of progress; a statement on the Student's need for extended school year services; and identification of the Student's placement in the least restrictive environment (LRE). Although the CCC chose the resource room as

the LRE, the report does not provide reasons for the placement or the Student's length of time in the placement.

4. The School has no documentation to indicate that the CCC report from the April 18, 2006, CCC meeting was received by the Complainant within ten (10) business days.
5. On June 5, 2006, the CCC convened a second time to complete the IEP and to discuss the Student's schedule for the 2006-2007 school year.
6. On June 7, 2006, the School sent the Complainant a report of the CCC meeting from two days earlier. The report included the same components sent on April 29, 2006, including the following additional components: information on special education and related services and supplementary aids and services to be provided to the Student; an explanation of the extent to which the Student will not participate with non-disabled students; a statement of the Student's transition service needs; and a statement listing additional services identified by the CCC in order for the Student to receive a free and appropriate public education.
7. As of August 18, 2006, the School had provided the Student with 14 hours of homebound instruction. The 2006-2007 school year begins on August 23, 2006.

CONCLUSIONS:

1. Finding of Fact #4 indicates that the School did not provide the parents with a written report of the CCC meeting of April 18, 2006, within ten (10) business days. Therefore, a violation of 511 IAC 7-27-5(c) is found.
2. Finding of Fact #3 indicates that the CCC report for the April 18, 2006, CCC meeting was missing information on supplementary aids and services, the extent of the Student's participation with non-disabled students, transition service needs, and additional services determined necessary by the CCC for a free and appropriate public education. Findings of Fact #2, #3, and #6 indicate that both reports (for the April 18 and June 5, 2006, CCC meetings) do not include the anticipated length, frequency, location, and duration of services and modifications. Each report of a CCC meeting is required to include all of the components of 511 IAC 7-27-5(a), including the components on an IEP pursuant to 511 (AC 7-27-6. Therefore, a violation of 511 IAC 7-27-5(a) is found.
3. Finding of Fact #7 indicates that the School has provided slightly over half of the required amount of homebound instruction as of August 11, 2006, but that school starts on August 23, 2006. Therefore, no violation of 511 IAC 7-27-7(a) is found. However, because school starts in three business days and it seems unlikely that the School will be able to provide the required homebound services, the Division is requiring additional corrective action.

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

Duneland School Corporation and Porter County Education Services shall:

1. Provide a written letter of assurance that the School will provide a copy of the report of each CCC meeting to the parents, either at the conclusion of the meeting or mailed so the report can be received by the parents within ten (10) business days of the meeting. Provide the letter of assurance to the Division by September 23, 2006.

2. Provide inservice training to special education staff on the required components of a written CCC report pursuant to 511 IAC 7-27-5(a) and 7-27-6. Develop a protocol for ensuring that parents are provided with the full written report. Provide a signed list of participants, an agenda, and a copy of training materials to the Division by September 23, 2006.
3. Complete the homebound instruction that was required to be provided. Provide documentation of its completion to the Division by September 23, 2006.

DATE REPORT COMPLETED: August 18, 2006