

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-162-2007
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: December 21, 2006
DATE OF REPORT: January 18, 2007
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: March 5, 2007

COMPLAINT ISSUES:

Whether the Union County/College Corner Joint School District and the East Central Indiana Special Services violated:

511 IAC 7-25-4(b) by failing to complete the student's initial educational evaluation and convene the case conference committee within 60 instructional days of the date written parental consent is received by the school.

FINDINGS OF FACT:

1. The Student, 6 years old, is identified as a student with a communication disorder, and has been determined eligible for special education and related services.
2. The Complainant (the parent) signed the Permission for Education Evaluation form on the Student's first day of kindergarten, August 26, 2005. The 60 instructional day timeline elapsed on November 22, 2005.
3. As part of the Referral for Educational Evaluation packet, the Complainant completed and submitted a Parent Information Questionnaire. It indicates that the Student has received medical occupational and physical therapy since she was three months old. The questionnaire further indicates that the Student has difficulty with fine and gross motor skills; that the Student did not walk until the age of two; and that the Student has poor balance and low muscle tone. Otherwise, the referral packet does not indicate what assessments will be used or descriptions of what is going to be tested by the School.
4. The Student was tested by the Speech/Language Pathologist and the case conference committee determined the Student eligible for special education and related services as a student with a communication disorder on September 23, 2005. The School had not conducted a psychological evaluation. The case conference notes indicate that the Complainant made a referral for an occupational therapy (OT) and physical therapy (PT) evaluations.
5. The School completed an OT/PT evaluation of the Student on October 16, 2005. A learning disability evaluation was completed on January 12, 2006. The case conference committee convened on January 13, 2006, and determined that the Student needed OT services. The IEP dated January 13, 2006, indicates that the Student receives direct OT services two times per month for 30 minutes.

CONCLUSION:

Findings of Fact #2 through #5 indicate that the School failed to conduct a complete evaluation of the Student, convene the case conference committee, and develop an individualized education program (IEP) within 60 instructional days of the date written parental consent was received by the School. Therefore, a violation of 511 IAC 7-25-4(b) 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 Union County/College Corner Joint School District and the East Central Indiana Special Services shall:

Convene the Student's case conference committee to determine compensatory services to make up the gap in time equivalent to the number of instructional days from November 22, 2005, to January 13, 2006. A copy of the Case Conference Report and IEP shall be submitted to the Division no later than February 23, 2007.