

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-182-2007
COMPLAINT INVESTIGATOR: Kylee Bassett
DATE OF COMPLAINT: March 1, 2007
DATE OF REPORT: March 30, 2007
REQUEST FOR RECONSIDERATION: na
DATE OF CLOSURE: April 25, 2007

COMPLAINT ISSUES:¹

Whether the New Prairie United School Corporation and South LaPorte County Special Education Cooperative violated:

511 IAC 7-27-7(c)(3) by failing to provide services identified in the agreed-upon individualized education program (IEP) immediately upon enrollment from another district within the state.

FINDINGS OF FACT:

1. The Student is a freshman in high school and is eligible for special education and related services as a Student with an emotional disability.
2. On October 12, 2006 the Student withdrew from New Prairie High School and transferred to South Bend Community Schools, specifically Riley High School. According to complaint 165-2007, the Student was suspended from Riley High School on December 4, 2007. The Student withdrew from Riley High School and enrolled into another South Bend Community School, Washington High School on January 19, 2007.²
3. An initial CCC meeting was convened on Monday, February 12, 2007 at Washington High School, which is listed on the IEP as the Student's current school. According to the February 12, 2007 agreed-upon IEP, the Student was fully included in the general education setting for the entire instructional day. The Student's special education services included once a month consultation.
4. On Monday, February 19, 2007, the Student and his father attempted to re-enroll the Student in New Prairie High School. Because of the Principal's absence, the Secretary called the Principal to inform her of the situation, and the Complainant was informed that the Principal would like to meet with them, upon her return, to re-enroll the Student on Wednesday, February 21, 2007.
5. The Principal contacted the Complainant on Wednesday, February 21, 2007 to re-enroll the Student. In a letter from the Principal, the Principal stated that the Complainant was unable to enroll the Student that day. In addition, the Principal stated her concern of the Student's transfers during his freshman

¹ A previous complaint was filed by the Complainant against the South Bend Community Schools on December 27, 2006 and the Division issued a complaint investigation report (CP 165-2007) on January 26, 2007.

² The previous complaint (CP 165-2007) addressed issues related to South Bend Community School's failure to conduct an initial educational evaluation and convene a CCC meeting within 60 instructional days. This information is to clarify for purposes of this complaint why the Student was not in school from December 4, 2007 to January 19, 2007.

year. According to a statement from the Principal, the Student arrived on Thursday, February 22, 2007 and handed an envelope to the Secretary, which included his IEP.

6. According to the complaint, the Complainant alleged that the Student missed three instructional days (Monday, February 19, 2007, Tuesday, February 20, 2007, and Wednesday, February 21, 2007). According to documentation received from the School, there was no school on Wednesday, February 21, 2007 because of fog. Because February 21, 2007 is a weather-related closure, it will be made up at the end of the year.

CONCLUSION:

1. Finding of Fact #3 indicates that the Student had an agreed-upon IEP from South Bend Community Schools after the initial CCC meeting on Monday, February 12, 2007. Finding of Fact #4 indicates Complainant attempted to re-enroll the Student at New Prairie High School on Monday, February 19, 2007. According to Finding of Fact #6, the Student missed only two days of school (Wednesday, February 21, 2007 will be made up at the end of the year due to the weather-related school closure). Finding of Fact #3 indicates that the Student's IEP stated that the Student is fully included in the general education setting and has special education services, which consists of once a month consultation. Findings of Fact #2 and #4 address the Student's enrollment in four different high schools within a five month period. Finding of Fact #5 indicates that the Student was re-enrolled in New Prairie High School on Thursday, February 22, 2007. Because the Student's IEP only required once a month consultation and the complaint was filed before the Student had been enrolled for a month at New Prairie High School, the Student was not denied special education services as required by the IEP due to the Student's inability to enroll until February 22, 2007. However, the IEP called for general education classes, and enrollment was delayed for two days. Therefore, a technical violation of 511 IAC 7-27-7(c)(3) is found, but no corrective action is necessary

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

CORRECTIVE ACTION:

No corrective action is necessary for New Prairie United School Corporation and the South LaPorte County Special Education Cooperative.