

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-192-2007
COMPLAINT INVESTIGATOR:	Kylee Bassett
DATE OF COMPLAINT:	March 15, 2007
DATE OF REPORT:	April 25, 2007
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	May 30, 2007

COMPLAINT ISSUES:

Whether the M S D Warren Township violated:

511 IAC 7-27-4(c) by failing to utilize the case conference committee (CCC) to develop, review, or revise the Student's individualized education program (IEP), specifically by changing the Student's schedule without a CCC meeting.

511 IAC 7-18-2(a) by failing to provide the Student a free and appropriate public education, specifically by failing to notify the parent of Student's truancy.¹

*Due to administrative error, the originally assigned complaint investigation number, CP 191-2007, has been changed to CP 192-2007.

An extension of time was granted until April 26, 2007, due to the School's spring break and need for additional documentation.

FINDINGS OF FACT:

1. The Student, 18 years old, is a senior in high school and is eligible for special education and related services as a Student with a learning disability.
2. According to the Student's IEP dated February 22, 2006, the Student's placement is in a general education classroom with special education services for less than 21% of the instructional day.
3. Due to the Student's excessive unexcused class absences, the Complainant alleged that a week before a scheduled CCC meeting the assistant principal told the Student to stop attending Government class. In a letter of response from the assistant principal dated April 13, 2007, he stated that he met with the Student on March 6, 2007 to discuss his 42 unexcused class absences, and was concerned that the Student had missed the majority of Government class. The assistant principal stated that the Student was allowed to stay in the class. There is no documentation of a formal withdrawal or class schedule change.
4. The Complainant alleged that she was not notified of the Student's absences from class. The School's policy and procedures manual regarding truancy states that a parent contact is required during the Student's "first cut" and "second cut" from class. There is no documentation that the Complainant was notified of the Student's truanancies.
5. According to the CCC report dated March 20, 2007, a CCC was convened by school personnel

¹ During the course of investigation, an additional issue was added to better reflect allegations made in the Complainant's original letter of complaint.

for the purpose of case review on March 14, 2007 and a continuation conference took place on March 20, 2007. According to the Student's functional behavioral assessment (FBA) dated March 20, 2007, the Student has 117 class cuts for the 2006-2007 school year.

6. At the March 20, 2007 CCC meeting the Student's attendance issues and class schedule were discussed. The Student's attendance issues were addressed in the Student's behavioral intervention plan (BIP) dated March 20, 2007. The BIP stated that the Complainant will be notified when the Student is absent, and his attendance will be monitored by the Student's teacher of record and the Student on a weekly basis. The Student's IEP stated that the Student will attend the after school alternative education program Monday thru Thursday from 3:45 -5:45 for government.

CONCLUSIONS:

1. Finding of Fact # 5 indicates that the Student had a total of 117 class cuts for the 2006-2007 school year. Finding of Fact #3 indicates that the assistant principal and the Student met to discuss the Student's class absences. There is no evidence that the Student's schedule was formally changed. Findings of Fact #5 and #6 indicate that at the Student's CCC meeting, a week after the assistant principal met with the Student, the Student's placement in Government class was discussed. Finding of Fact #6 indicates that the Student will attend the after school alternative education program for Government class. Therefore, no violation of 511 IAC 7-27-4(c) is found.
2. Finding of Fact #4 indicates that the School's policy of notifying parents when students are truant to class. Finding of Fact #4 indicates that there is no documentation that the Complainant was notified of the Student's absences from class. Finding of Fact #6 indicates the School's voluntary corrective action at the March 20, 2007 CCC meeting. Finding of Fact #6 indicates that the Student's attendance issues are addressed in the BIP, and the IEP states that the Complainant will be notified when the Student is absent. Therefore, a violation of 511 IAC 7-18-2(a) is found, but no corrective action is required.

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