

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-197-2007
COMPLAINT INVESTIGATOR: Bobbie Ritz
DATE OF COMPLAINT: April 3, 2007
DATE OF REPORT: April 16, 2007
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: May 5, 2007

COMPLAINT ISSUES:

Whether the Evansville-Vanderburgh School Corporation and the Evansville-Vanderburgh-Posey County Special Education Cooperative violated:

511 IAC-7-25-6 by failing to conduct a reevaluation of a student receiving special education and related services within 36 months.

FINDINGS OF FACT:

1. The student, who is in second grade, has been determined ineligible for special education and related services.
2. On April 2, 2003, the student was evaluated for special education and related services. At the August 29, 2003, initial case conference committee (CCC) meeting, the student was determined ineligible for special education as defined under the Individuals with Disabilities Education Act (IDEA) and Article 7, and was referred to the building's Section 504 coordinator.
3. On August 29, 2003, the student was found to qualify for services under Section 504 and presently has an alternative learning plan.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the student is not eligible for special education and related services under IDEA/Article 7. Finding of Fact #3 indicates that the student qualified for services under Section 504. Because the student does not qualify for special education and related services, the school is not obligated to conduct a reevaluation every 36 calendar months. Therefore, no violation of 511 IAC 7-25-6 is found.

DISCUSSION:

Section 504 does not require an annual or a reevaluation every 3 years. However, under Section 504 a student's needs must be met and an evaluation must be done prior to any significant change of placement. The Indiana Department of Education, Division of Exceptional Learners, does not monitor or enforce compliance with Section 504. The U.S. Department of Education's Office for Civil Rights is responsible for enforcing compliance with Section 504 by entities receiving federal education funding.

The Department of Education, Division of Exceptional Learners requires no corrective action based on

the Findings of Fact and Conclusions listed above.