

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-204-2007
COMPLAINT INVESTIGATOR: Kylee Bassett
DATE OF COMPLAINT: April 23, 2007
DATE OF REPORT: May 21, 2007
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: August 10, 2007

COMPLAINT ISSUES:

Whether the Gary Community School Corporation violated:

511 IAC 7-27-5(c) by failing to provide the parent with a copy of the written report of the case conference committee (CCC) meeting no later than 10 business days after the CCC meeting on November 7, 2006.

511 IAC 7-27-3(e)(4) by failing to invite a representative of an agency likely to be responsible for providing and paying for transition services, and if not in attendance, by failing to take other steps to obtain the invited agency's participation.

511 IAC 7-18-2(a) by failing to provide a free and appropriate public education, specifically with regard to textbook rentals in accordance with 511 IAC 7-17-7.

511 IAC 7-27-4(a) by failing to convene a CCC meeting within twelve (12) months of the Student's preceding CCC meeting, specifically the CCC meeting held on October 26, 2005.¹

FINDINGS OF FACT:

1. The Student, 18 years old, is eligible for special education and related services as a Student with Moderate Mental Disability.
2. The Student's annual case review (ACR) for the 2005-2006 school year was held on November 18, 2005. The Notification of Conference/Case Review Meeting dated October 16, 2006 indicated that the Student's ACR for the 2006-2007 school year was to be held on November 7, 2006. The Principal acknowledged that the November 7, 2006 ACR did not occur because the Student's teacher of record (TOR) was ill for 2 months. The Student's ACR for the 2006-2007 school year was held on May 2, 2007.
3. The Student's IEP dated May 2, 2007 includes the Vocational Rehabilitation Counselor as a CCC member, with a signature verifying her attendance at the CCC meeting.
4. Because the Student was eligible for special education, the Complainant alleged that textbook rental fees did not apply to the Student. The School stated that the Student owed \$63.00 for textbook rental fees.

¹ Upon investigation, this issue was added to better reflect the facts.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the CCC did not meet on November 7, 2006. Therefore, no violation of 511 IAC 7-27-5(c) is found.
2. Finding of Fact #3 indicates that a representative from an agency likely responsible for providing and paying for transition services was in attendance at the May 2, 2007 CCC meeting. Therefore, no violation of 511 IAC 7-27-3(e)(4) is found.
3. Finding of Fact # 4 indicates that the School charged the Student \$63.00 as a textbook rental fee. According to 511 IAC 7-17-7, "at no cost" does not preclude incidental fees that are normally charged to nondisabled students as part of the general education program, including textbook rental fees. Therefore, no violation of 511 IAC 7-18-2(a) is found.
4. Finding of Fact #2 indicates that the School did not convene a CCC meeting within 12 months of the preceding CCC meeting on November 18, 2005. The Student's ACR for the 2006-2007 school year was held on May 2, 2007. Therefore, a violation of 511 IAC 7-27-4(a) 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:

Send a written memorandum to all relevant school administrators and special education personnel regarding compliance with 511 IAC 7-27-4(a), in order to ensure that a CCC meeting is convened within 12 months of the preceding CCC meeting for a student previously determined eligible for special education to determine whether the annual goals for the student are being achieved. The memorandum should include a description of school procedures to address what the school will do in the event a TOR, a required member of the CCC, is absent for an extended period in that such an absence will not preclude a CCC meeting from occurring. In addition, include in the memorandum school procedures for fulfilling the TOR's responsibilities pursuant 511 IAC 7-17-72 when a TOR is absent for an extended period of time. A copy of the memorandum and a list of all who receive it shall be submitted to the Division **no later than June 12, 2007**.