

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-207-2007
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	April 26, 2007
DATE OF REPORT:	May 25, 2007
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	June 16, 2007

COMPLAINT ISSUES:

Whether the New Albany-Floyd County Consolidated School Corporation violated:

511 IAC 7-25-4(b) by failing to conduct an educational evaluation and convene the case conference committee within 60 instructional days of the date written parental consent is received by certified personnel.

FINDINGS OF FACT:

1. The Student, 7 years old, is in the process of being evaluated for speech services, and has not been determined eligible for special education and related services.
2. The Complainant attended a parent-teacher conference on March 15, 2007. The Student's teacher expressed concerns about the Student's reading level and spelling progress. The Complainant requested to meet with the Speech Therapist in order to discuss evaluating the Student. A meeting was mutually scheduled for April 19, 2007.
3. On April 19, 2007, the Complainant met with the Speech Therapist and the Principal. The Complainant completed and signed the necessary referral and permission to evaluate forms in order to conduct an individual educational evaluation in the area of speech. The 60 instructional day timeline elapses on October 5, 2007.
4. The Complainant alleges that she had repeatedly requested a speech therapy evaluation since the beginning of the 2006-2007 school year. The School acknowledges that the Complainant verbally requested that the Student be tested but does not state when. Documentation indicates that the Complainant attempted to reach the Speech Therapist by telephone in early January 2007, and that the Speech Therapist failed to return the Complainant's telephone call on January 17, 2007. In response to the Complainant the School provided tutoring in the area of literacy. A report on the Student's progress in tutoring dated February 20, 2007 was submitted to the School and Complainant. The report indicates the Student's reading strengths and weaknesses. At no time did the School explain the procedures to the Complainant for initiating an individual educational evaluation.

CONCLUSION:

Finding of Fact #3 indicates that the 60 instructional day timeline to conduct the Student's speech evaluation has not elapsed. However, Finding of Fact #4 indicates that the School knew or should have known that the Complainant wanted to have the Student evaluated for special education. The tutoring program cannot be a prerequisite to an educational evaluation. In addition, a parent's lack of knowledge of the School's internal procedures for processing referrals may not be used to delay the

process. The School should have explained the requirements of Article 7 511 IAC 7-25-4(b). Therefore, a violation of 511 IAC 7-25-4(b) is found with respect to the delay in obtaining written permission from the Complainant to evaluate the Student.

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 New Albany-Floyd County Consolidated School Corporation shall:

Expedite the Student's individual educational evaluation and convene the case conference to review the results and determine eligibility for special education. If the Student is found eligible, the case conference committee shall determine whether and to what extent the Student shall receive compensatory speech services. A copy of the case conference report and, if the Student is eligible, the individualized education program (IEP) shall be submitted to the Division no later than **June 29, 2007**.

Send a written memorandum to all teachers and special education personnel explaining the requirements of 511 IAC 7-25-4(b). The memorandum shall emphasize the School's responsibility to ensure that parents understand the procedures for starting the evaluation process when they verbally request that their student be tested. A copy of the memorandum and a list of all personnel who receive it shall be sent to the Division no later than **June 29, 2007**.