

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-222-2007
COMPLAINT INVESTIGATOR: Brian, Simkins
DATE OF COMPLAINT: May 23, 2007
DATE OF REPORT: June 22, 2007
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: August 2, 2007

COMPLAINT ISSUES:

Whether the Gary Community School Corporation violated:

511 IAC 7-27-4(c)(1) and (3) by failing to utilize the case conference committee to review, revise, and develop the student's individualized education program (IEP), specifically by failing to take into consideration the concerns of the parent and positive behavioral intervention strategies and supports.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide the parent with progress reports.

FINDINGS OF FACT:

1. The Student, 13 years old, is identified as a student with an emotional disability, and has been determined eligible for special education and related services.
2. The Complainant alleges that at the case conference committee meeting on May 3, 2007, participants from the School did not take into consideration the Complainant's concerns about behavioral intervention strategies. The Complainant asserts that the Case Conference Report does not reflect her concerns, particularly in the case conference notes. The case conference notes dated May 3, 2007 indicate that the case conference committee disagrees with the Complainant's request for a one-on-one paraprofessional to be assigned at all times to the Student. There are no other notes indicating any further discussions about the Student's behavior or about the Complainant's concerns about the Student's special education and related services.
3. The Student's case conference committee convened on December 7, 2006. It was determined that progress reports would be provided on February 10, April 10, June 10, and December 10, 2007. However, the School cannot document whether the Complainant received any progress reports.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the case conference report dated May 3, 2007 contains a few notes about a disagreement regarding the provision of a one-on-one paraprofessional to accompany the Student at all times. There are no other notes indicating any of the Complainant's concerns or of discussions about behavioral intervention strategies and supports. Although the IEP dated May 3, 2007 contains all the components required by Article 7, a technical violation of 511 IAC 7-27-4(c) is found due to the fact that the case conference notes do not sufficiently describe the nature of the Complainant's concerns and of the areas of disagreement involving the Student's behavior. However,

the disagreement over the provision of a one-on-one paraprofessional, and other disagreements about what constitutes a free appropriate public education for the Student, must be resolved by the case conference committee or through the due process procedures at 511 IAC 7-30-1 (mediation) or 511 IAC 7-30-3 (due process hearing).

2. Finding of Fact #3 indicates that the School cannot document whether and to what extent progress reports were completed and provided to the Complainant. Therefore, a violation of 511 IAC 7-27-7(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:

The Gary Community School Corporation shall:

Develop a progress report that sufficiently explains the extent of progress achieved by the Student at the end of the 2006-2007 school year. The progress report shall include a written narrative explaining the Student's strengths and weaknesses. A copy of the progress report, the narrative, and documentation showing that the Complainant received it shall be submitted to the Division no later than **July 27, 2007**.

Submit an assurance statement, signed by the Director of Special Education, stating that the School will comply with 511 IAC 7-27-4(c), specifically by ensuring that case conference report will contain sufficient notes better describing the nature of the proceedings. It must also include an assurance that the School will provide parents/guardians the opportunity to submit written opinions that can be attached to the case conference report per 511 IAC 7-27-5(a)(7). A copy of the assurance statement shall be submitted to the Division no later than **July 27, 2007**.