

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-233-2007
COMPLAINT INVESTIGATOR: Tara Rinehart
DATE OF COMPLAINT: June 18, 2007
DATE OF REPORT: July 17, 2007
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: August 16, 2007

COMPLAINT ISSUES:

Whether the Southern Hancock County Community School Corporation and the Hancock-South Madison Joint Services violated:

511 IAC 7-27-7(a) by failing to implement the Student’s Individualized Education Program (IEP), specifically regarding the Student’s summer physical education (P.E.) class.¹

FINDINGS OF FACT:

1. The Student is fifteen years old, has a learning disability and has been determined eligible for special education and related services.
2. The Student’s most recent IEP was developed on March 8, 2007. The recommendations of the committee included: the Student would attend the Alternative School for 3 hours per day for 3 days per week, the Student would work on both English and Algebra courses via Plato; and additional homebound instruction would be provided to supplement services at the Alternative School. These would include support for Health, Spanish and Biology. As part of this section, it was discussed as to how the Student would maintain appropriate progress towards graduation. The committee developed a list of classes to use as a planning tool, but did not include these in the IEP under the “Subjects/areas in which student’s needs cannot be met in general education” section. This was a list of classes that are offered for freshmen. The IEP is silent with respect to providing services for P.E. during the summer. However, it was noted in the March 8, 2007 CCC notes, that the complainant, on her own initiative, completed the summer school registration form for summer P.E.
3. The Complainant enrolled the Student in summer school P.E. by submitting a form to the School and paying \$32.00 in the form of check #1834. On this form it states the dates and times of summer school as well as a statement about allowable absences: “All classes limited to only two days of absences.” Documentation from the School indicates that the Student was absent June 4, 5, and 6, 2007 which exceeded the two-day absence allowance. The Student was withdrawn from the class.
4. The School indicated that the fees fund the field trips with respect to the PE programs, such as a canoe trip, park trip (hiking and horseback riding), and a bowling trip.
5. The student’s legal settlement is currently in dispute. A decision by the Indiana State Board of Education is pending.

¹ During the course of investigation, this issue was changed to better reflect the facts as presented.

6. Documentation indicates that the Student enrolled in summer P.E. at Eastern Hancock High School by submitting a form to the Eastern Hancock High School and paying \$75.00 in the form of check #4957. The Student was enrolled to attend the second session for summer P.E., which began July 2, 2007.

CONCLUSIONS:

Finding of Fact #2 indicates that the IEP is silent with respect to the summer physical education class as part of the Student's special education services. Finding of Fact #3 indicates that the Complainant, on her own initiative, enrolled the student in the summer school physical education class. Finding of Fact #3 indicates that the Student failed to attend and exceeded the maximum of the two days allowed by the School, and was consequently withdrawn from the class. Due to the fact that this was not a CCC decision to enroll the Student in summer school P.E. and the Student did not follow the attendance policy, no violation was found with respect to 511 IAC 7-27-7(a).

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