

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-126-2007/2357.07
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: September 12, 2006
DATE OF REPORT: October 12, 2006
REQUEST FOR RECONSIDERATION: yes/not revised November 10, 2006
DATE OF CLOSURE: December 27, 2006

COMPLAINT ISSUES:

Whether the Crawfordsville Community Schools and the West Central Indiana Special Education Cooperative violated:

511 IAC 7-18-2(a) by failing to provide a free appropriate public education (FAPE) to the student, specifically by being unresponsive to the complainants' request to help a student struggling academically.¹

FINDINGS OF FACT:

1. The Student, 12 years old, is identified as a student with a communication disorder, and has been determined eligible for special education and related services. The Student enrolled at the local elementary school (the "School") from another out-of-state district on February 10, 2005. The Student's case conference committee convened on March 15, 2005, to develop a revised IEP based on information the School obtained from the Student's records and IEP from the school he attended in another state.
2. The Complainants (the parents) allege that at the beginning of the 2005-2006 school year, the Student continued to struggle academically and was failing to progress in the general education environment. The Complainants state that they informed school personnel working with the Student and the school administration about their concerns early in the first semester in addition to concerns voiced during the end of the 2004-2005 school year. The Complainants allege that the Student should have received more help and should have been tested for special education.
3. A parent conference was convened on September 29, 2005. Documentation indicates that the Student was receiving poor grades. The Complainants, the Principal, and the Student's teacher signed a Remediation/Intervention Checklist form. The Complainants agreed to give the Educational Consultant/Psychologist permission to review the Student's records, talk to school personnel, and perform any needed diagnostic measures to help determine appropriate classroom programming for the Student.
4. The Student was screened by the School Psychologist on October 13, 2005, with the Weschler Individual Achievement Test in order to obtain additional information about the Student's needs.

¹ The issue has been changed to better reflect the allegation and the facts herein.

5. The School acknowledges that between October 2005 and January 2006 the School did not meet with the Complainants to revise the IEP based on the screenings and additional assessments conducted beginning in October 2005.
6. By early January 2006, the results from the October 2005 screening had not been made available. On January 10, 2006, the Complainants confronted the Student's Special Education Teacher at the School about this and also signed permission for a full educational evaluation. The Referral for Educational Evaluation form indicates that the Parent made the referral for academic concerns. In addition, the Complainants agreed to have the Special Education Teacher to further observe the Student during the general education reading block beginning January 11, 2006. The case conference committee convened on April 11, 2006, to discuss the results and to review and revise the Student's IEP for the transition into 6th grade at the middle school for the 2006-2007 school year. The Complainants agreed to the services identified in this IEP.

CONCLUSION:

Finding of Fact #3 indicates that the School obtained permission from the parents to allow the Educational Consultant/Psychologist to conduct various interventions to better determine appropriate classroom programming for the Student. Finding of Fact #4 indicates that the Student was screened in order to obtain additional information about the Student's needs. Finding of Fact #5 indicates that a gap in time from the October 2005 screenings until January 2006 exists in which the School did not meet with the Complainants to discuss the results of the screenings and additional interventions. Finding of Fact #6 indicates that an additional educational evaluation was conducted and a revised IEP agreed upon in April 2006, and that the Complainants agreed to have further special education observations conducted during the Student's reading block. Therefore, although the School did take some steps to respond to the Complainants' concerns, a violation of 511 IAC 7-18-2(a) is found with respect to the allegation that the School failed to be responsive to the Student's needs despite the expressed verbal concerns of the Complainants, particularly during the period from October 2005 until January 10, 2006.

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 Crawfordsville Community Schools and the West Central Indiana Special Education Cooperative shall:

Convene the Student's case conference committee to determine the compensatory services that shall be provided to the Student for the length of time equivalent to the period from October 2005 to January 2006. A copy of the Case Conference Report and IEP shall be submitted to the Division no later than November 16, 2006.