

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-149-2007
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: November 29, 2006
DATE OF REPORT: December 20, 2006
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: January 19, 2007

COMPLAINT ISSUES:

Whether the 21st Century Charter School at Fountain Square and the Virtual Special Education Cooperative violated:

511 IAC 7-29-1(l) by failing to follow the procedures required by IC 20-33-8-18 when suspending a student with a disability.

FINDINGS OF FACT:

1. The Student, 13 years old, is identified as other health impaired, and has been determined eligible for special education and related services.
2. On November 8, 2006, the Student made a remark with sexual undertones to another student on the school bus. The other student then hit the Student.
3. The Dean of Students removed the Student from the bus and spoke with him about what happened. The Student explained what happened and admitted to what he said.
4. The School decided to suspend the Student for three days for rude and discourteous behavior involving sexually harassing remarks. According to the School's Student Handbook, a student may be suspended for up to three days for a first occurrence of sexual harassment.
5. On November 10, 2006, the Principal e-mailed the Complainant at work notifying her about the incident and the action taken by the School. Both the School and the Complainant acknowledge that e-mail is the primary means of communication; however, the Complainant did not receive the e-mail from November 10, 2006, because her place of employment was closed for a national holiday.
6. On November 13, 2006, the Complainant sent the Student to school. Upon seeing the Student at school the Principal called the Complainant, and found out that the Complainant had not received the November 10, e-mail. The Principal explained the contents of the e-mail and agreed to begin the Student's suspension on November 14, 2006. The Principal also sent a hard copy of the e-mail home with the Student.
7. A parent conference with the Principal was convened on November 15, 2006. At that meeting, the Complainant was provided with a copy of the disciplinary referral from November 8, 2006.

CONCLUSION:

Findings of Fact #2 through #6 indicate that the School did follow the procedures set forth in IC 20-33-8-18. Therefore, a violation of 511 IAC 7-29-1(l) is not found.

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