

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-122-2007/2353.07
COMPLAINT INVESTIGATOR: Alexandra Curlin
DATE OF COMPLAINT: September 5, 2006
DATE OF REPORT: October 4, 2006
REQUEST FOR RECONSIDERATION: Yes/November 2, 2006(Revisions are underscored)
DATE OF CLOSURE: November 28, 2006

COMPLAINT ISSUES:

Whether the Tri-County School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-25-5(e) by not considering the results of independent evaluations in determining eligibility of the student.

FINDINGS OF FACT:

1. The Student, ten years old, was evaluated and determined to be ineligible for special education and related services.
2. The Student has been struggling in school and was evaluated for special education in April 2005. When the case conference committee (CCC) convened in May 2005, the committee determined that the student was not eligible for services.
3. The Student continued to struggle and the Parent sought ~~three~~ two private evaluations to determine the source of the struggle. One was conducted in June, 2005, and another in August 2006 September 2005, and another in ~~June 2006~~. The School acknowledges that the Parent brought the evaluations to the School and that the School sent the evaluations to the Special Education Cooperative when the evaluations were brought in.
4. In November 2005, the School used the private evaluations to develop a 504 plan for the Student that was revised (May 8, 2006 and August 16, 2006) as the Parent and School found items not working. Currently, the Student is in a School that has a literacy based curriculum and in a classroom where she has the benefit of classroom assistants.
5. No case conference committee meetings were convened to discuss the results of the private evaluations and whether they affected the Student's eligibility for special education and related services.
6. The Parent and School acknowledge that on September 22, 2006, a case conference was convened wherein the School agreed to conduct another achievement test and to accept the results of the private evaluations. Another case conference committee meeting is scheduled in November to discuss the achievement evaluation, the private evaluations, and determine whether the child might meet eligibility under other health impairment.

CONCLUSIONS:

Finding of Fact #5 indicates that no case conference committee meetings were convened to discuss the results of the private evaluations. Therefore a violation of 511 IAC 7-25-5(e) 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:

Convene the case conference in November as planned to discuss the results of the private evaluations and determine whether they affect the Student's eligibility for special education and related services. Send a copy of the case conference report to the Division no later than November 15, 2006.

Send a written memorandum to all school administration and case conference coordinators delineating the requirement in 511 IAC 7-25-5(e) that when a parent obtains an independent evaluation at the parent's expense, the results of the evaluation shall be considered in *any* decisions made with respect to the provision of a free appropriate public education to the student. This requirement includes convening another case conference if necessary to discuss the evaluation results. Send a copy of the memorandum and a list of all receiving it to the Division no later than November 15, 2006.