

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-130-2007/2361.07
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: September 15, 2006
DATE OF REPORT: October 13, 2006
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: November 13, 2006

COMPLAINT ISSUES:

Whether the Cloverdale Community Schools and the Old National Trail Special Education Cooperative violated:

511 IAC 7-25-6(a) by failing to conduct the 36 month reevaluation for a student receiving special education and related services.

FINDINGS OF FACT:

1. The Student, 17 years old, is identified as a student with a learning disability, and has been determined eligible for special education and related services.
2. The Student's IEP dated October 19, 2005, indicates that the Student's Three-Year Reevaluation due date is March 20, 2006. The IEP includes a Parent Notice of Request and Permission for Evaluation form indicating that permission is granted to conduct the Student's reevaluation by March 20, 2006. Also included are a 3 Year Reevaluation Summary form and a Reevaluation Parent Questionnaire/Interview form completed, signed, and dated by the Parent on October 19, 2005.
3. The Student's case conference committee convened on September 14, 2006. The Complainant discovered that the Student's reevaluation had not been conducted. The IEP indicates that the reevaluation was due March 20, 2006, and that it had been requested but not completed.

CONCLUSION:

Findings of Fact #2 and #3 indicate that the School has failed to conduct the Student's reevaluation by the agreed-upon date of March 20, 2006. Therefore, a violation of 511 IAC 7-25-6(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:

Cloverdale Community Schools and Old National Trail Special Education Cooperative shall:

Conduct the Student's reevaluation and then convene the case conference committee to discuss the results and to determine compensatory services. A copy of the reevaluation, the Case Conference Report and revised IEP shall be submitted to the Division no later than November 17, 2006.