

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-242-2008
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: July 24, 2007
DATE OF REPORT: August 23, 2007
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: October 24, 2007

COMPLAINT ISSUES:

Whether the Southwest Dubois County School Corporation and the Dubois-Spencer-Perry Exceptional Children's Cooperative violated:

511 IAC 7-27-11 by failing to provide homebound instruction to a student who has a chronic illness that precludes his full-time attendance at school.

*Note: Due to an administrative error, the assigned complaint number CP-240-2008 has been changed to CP-242-2008.

FINDINGS OF FACT:

1. The Student, 18 years old, has not been determined eligible for special education and related services.
2. Although the School has not provided the Student's attendance record, both the School and the Complainant acknowledge that the Student missed many days of school, particularly during the second semester of the 2006-2007 school year. Both parties acknowledge that the Student missed over 20 instructional days in the second semester alone, including the last month. According to the Complainant, the Student has a physical medical condition involving the digestive system, and an emotional condition involving depression and anxiety. The School received many written notices from the Student's physician asking that the Student be excused for his absences throughout the school year. However, at no time did the School receive a written statement from the physician stating that the Student's medical condition will require the Student's absence from school for a minimum of 20 consecutive instructional days of an aggregate of 20 instructional days over the period of the school year.
3. The School did not provide information about homebound instruction or otherwise explain the policies and procedures to the Complainant. The Principal states that homebound instruction was not offered because the Student was able to make up the work he missed and gain credit by completing course requirements. However, no documentation is provided to indicate whether and to what extent the Student was able to complete courses and meet promotion requirements.
4. The Director of Special Education states that the School did not understand the "cooperative involvement" in homebound instruction for students without disabilities. The Director of Special Education did not know about the Student's education situation until this complaint was filed.

CONCLUSION:

Findings of Fact #2 through #4 indicate that the School failed to provide homebound instruction to a student with a temporary or chronic illness precluding attendance at school. The School has a duty to provide homebound instruction in order to enable a student to complete course requirements and meet promotion requirements. Here, the School should have addressed with the Complainant the application process for homebound instruction and offered a plan to for the provision of homebound instruction. Therefore, a violation of 511 IAC 7-27-11 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:

The Southwest Dubois County School Corporation and the Dubois-Spencer-Perry Exceptional Children's Cooperative shall:

Review and revise the policies and procedures for the provision of homebound instruction for eligible students under 511 IAC 7-27-11. The policies and procedures shall be distributed to all principals and superintendents. Attach a written memorandum to all principals and superintendents addressing compliance with 511 IAC 7-27-11. A copy of the revised policies and procedures, the memorandum, and a list of all who receive them shall be submitted to the Division no later than **September 28, 2007**.

Convene a meeting with the Parent's input to determine whether and to what extent homebound instruction shall be provided the Student. If so, the School shall explain to the Parent what is required to start homebound instruction, and then a plan shall be developed to address who will be providing instruction and how course requirements will be completed. A simple to use documentation system must also be agreed upon to document the provision of homebound instruction. The meeting shall also discuss the proper protocol and documentation system for ensuring that similarly situated students at the high school level will be able to meet promotion requirements even if unable to attend school due to health or injury. The meeting shall address procedures addressing how class work will be coordinated and made available as soon as possible for students or parents to pick up. The protocol must address the policies and procedures for homebound instruction and how that information will be explained and provided to parents. The meeting shall include the Director of Special Education, the Principal, the Parent, and any other necessary personnel the School needs to include. A copy of the meeting notes, an attendance sheet, and a copy of the protocol shall be submitted to the Division no later than **September 28, 2007**.

*(NOTE: If the Parent does not want homebound instruction, or the School and Parent have agreed to some other arrangement to ensure the Student meets promotion requirements, then documentation indicating such with the Parent's signature shall be submitted to the Division.)