Indiana Department of Education Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-243-2008
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	August 7, 2007
DATE OF REPORT:	September 6, 2007
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 24, 2007

COMPLAINT ISSUES:

Whether the Christel House Academy and the Virtual Special Education Cooperative violated:

> 511 IAC 7-27-7(c)(3) by failing to provide the services identified in the agreed-upon individualized education program (IEP) immediately upon the student's enrollment from another district within the state.

FINDINGS OF FACT:

1. The Student, 13 years old, is identified as a student with a hearing impairment and a communication disorder, and has been determined eligible for special education and related services.

2. On April 21, 2004, the Student's case conference committee agreed that the Student was no longer eligible for special education and related services. This was in part based on an evaluation report dated March 26, 2004, by the speech-language pathologist recommending that the Student be dismissed from special education.

3. The Student enrolled at a local charter school (the "School") in late July 2006. The Student's records transferred from the Student's previous school corporation indicating the Student was no longer eligible for special education. On August 14, 2006, the School, based on the Student's medical needs, began to implement general education interventions to support the Student.

4. On September 28, 2006, the School requested permission to evaluate the Student and the Complainant granted permission. On November 27, 2006, the case conference committee convened and determined that the Student was eligible for special education and related services. The Complainant participated in the conference and signed the individualized education program (IEP).

5. Further evaluations were conducted in December 2006 by the School. The case conference committee convened on January 10, 2007, to discuss the results and to review and revise the IEP. The Student continues to receive services at present.

CONCLUSION:

Findings of Fact #2 through #5 indicate that the School did not fail to implement the Student's IEP immediately upon enrollment from another district within the state. Therefore, a violation of 511 IAC 7-27-7(c)(3) 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.