

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: CP-245-2008  
COMPLAINT INVESTIGATOR: Brian Simkins  
DATE OF COMPLAINT: August 16, 2007  
DATE OF REPORT: September 14, 2007  
REQUEST FOR RECONSIDERATION: No  
DATE OF CLOSURE: January 23, 2008

**COMPLAINT ISSUES:**

Whether the MSD Washington Township violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide 30 hours of extended school year services.

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

**FINDINGS OF FACT:**

1. The Student, 14 years old, is identified as a student with a mild mental disability, communication disorder, and as other health impaired, and has been determined eligible for special education and related services.
2. On May 18, 2007, the case conference committee agreed that the Student shall receive 30 hours of extended school year services (ESY). The ESY was to be provided in July 2007. The School acknowledges that the ESY was not provided. A meeting involving the Student and the Complainant (the parent) was held on August 24, 2007 to discuss how the 30 hours of ESY would be made up. The Complainant is still weighing the options discussed.
3. The Student was assigned to a local alternative school for April 24, and 25, 2007, in lieu of an out-of-school suspension for a behavior incident that occurred on April 19, 2007. The Principal did not send copies of the Notification of Student Assignment to the Complainant at that time. During the course of this investigation a copy was mailed to the Complainant.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates that the School acknowledges that the required 30 hours of ESY services were not provided. Therefore, a violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 indicates that the School failed to provide a copy of the Notification of Student Assignment to the Complainant on or about the time the Student violated school rules and was subject to disciplinary action. Therefore, a violation of 511 IAC 7-29-1(l) is found with respect to not following the required procedures when suspending a student.

**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 MSD of Washington Township shall:

Submit documentation indicating that the 30 hours of extended school year services have been provided to the Student. The documentation shall be sent to the Division no later than **November 2, 2007**.

Submit an assurance statement signed by the Principal stating that the School will comply with 511 IAC 7-29-1(l) and the requisite procedures stated in IC 20-33-8-18 with regard to notifying parents. A copy of the assurance statement shall be submitted to the Division no later than **November 2, 2007**.