

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-254-2008
COMPLAINT INVESTIGATOR: Bobbie Ritz
DATE OF COMPLAINT: September 5, 2007
DATE OF REPORT: October 4, 2007
REQUEST FOR RECONSIDERATION: No
DATE OF CLOSURE: April 9, 2008

COMPLAINT ISSUES:

Whether the Mt. Vernon Community School Corporation and the Hancock-South Madison Joint Services violated:

511 IAC 7-30-3(x) by failing to implement the Independent Hearing Officer's (IHO) orders in Hearing No. 145-2007, specifically Order No. 3.¹

FINDINGS OF FACT:

1. The Student, fifteen years old, is eligible for special education and related services as a student with an other health impairment and a learning disability.
2. On July 9, 2007, an independent hearing officer (IHO) issued a written decision in a due process hearing involving the Student. Order No. 3 states, "Prior to the case conference, the local educational agency's (LEA) assistive technology coordinator shall do a new assistive technology assessment of the student to consider the student's present needs, specifically, the NEO word processor or a lap top computer, and various software or programs available to meet the student's organizational needs. The assistive technology coordinator should also attend the case conference for his sophomore year." Neither party appealed the decision of the IHO; therefore, the decision became effective 30 days after the IHO's decision. The Complainant asserts that the School has failed to comply with the IHO's orders requiring the LEA's assistive technology coordinator to do a new assistive technology assessment of the Student to consider the Student's present needs, specifically, the NEO word processor or a lap top computer, and various software or programs available to meet the student's organizational needs, prior to convening an immediate case conference.
3. A letter dated July 31, 2007, from the Director of Special Education to the Complainants, attempted to schedule a case conference during the week of August 13, 2007. August 14, 2007 was the first day of the 2007-2008 school year.
4. A case conference committee (CCC) meeting convened on September 5, 2007. The Complainant asserts the assistive technology evaluation was not completed prior to the CCC.
5. In a letter dated September 5, 2007, from the Director of Special Education to the Complainants, the Director of Special Education acknowledges the assistive technology evaluation was not completed prior to the CCC.

¹ During the course of the investigation, the issue was changed to be more specific.

6. In a letter dated September 17, 2007, from the Hancock-South Madison Joint Services Speech-Language Pathologist to the Complainants, the results of the Assistive Technology Re-Evaluation report were included.
7. During the course of the investigation, the Director of Special Education advised a CCC meeting is scheduled for October 11, 2007.

CONCLUSIONS:

1. Findings of Fact #2, #3, #4, and #5 indicate the School did not implement the IHO's Orders as ordered. Therefore, a violation of 511 IAC 7-30-3(x) 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 Mt. Vernon Community School Corporation and the Hancock-South Madison Joint Services shall:

1. Convene a case conference committee meeting no later than October 11, 2007, to consider the assistive technology assessment results to determine the Student's present needs, and develop goals and objectives with any accommodations/modifications deemed appropriate for the Student. The School shall submit a copy of the CCC report and agreed-upon IEP to the Division **no later than October 19, 2007.**