

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-257-2008
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	September 11, 2007
DATE OF REPORT:	October 11, 2007
REQUEST FOR RECONSIDERATION:	NO
DATE OF CLOSURE:	December 14, 2007

**COMPLAINT ISSUES:**

Whether the Blackford County Schools and the Delaware-Blackford Special Education Cooperative violated:

511 IAC 7-25-4(a) by failing to hold a personal meeting with the parent to inform the parent of the school's intent to pursue an initial evaluation.

511 IAC 7-25-4(b) by failing to conduct an initial educational evaluation and convene the case conference committee meeting within 60 instructional days of the date the written parental consent is received by certified personnel.

511 IAC 7-25-4(l) by failing to have the results of the evaluation report explained, and a copy of the report provided to the parent as requested prior to the scheduled case conference committee meeting.

511 IAC 7-27-5(c) by failing to provide the parent with a copy of the written case conference committee report by mail no later than 10 business days.

**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. On February 26, 2007, the Complainant (parent) sent an e-mail to the School's Counseling Intern (the Intern) requesting a change with respect to the type of diploma the Student will receive. Attached to the e-mail was a letter addressed to the Principal requesting an initial educational evaluation. The attachment was not sent to the Principal.
3. On April 25, 2007, the Intern forwarded the e-mail to the Special Education Secretary. However, the attachment was not opened, and nothing further was done by the School.
4. In late April 2007, the Complainant contacted the Intern by telephone to inquire about the progress of the evaluation. The Complainant's e-mail dated February 26, 2007, was once again forwarded to the Special Education Secretary and also the Director of Special Education with a description of the attachment.
5. An e-mail dated May 7, 2007, from the local Director of Special Education to the Principal indicates that the initial educational evaluation process had begun. It further indicates that the school secretary would mail the health and developmental history forms to the Complainant, and that the Principal would conduct a personal interview with the Complainant to discuss the evaluation process and complete the referral packet and sign the "Permission to Evaluate"

form. A personal interview was not conducted. Instead, all the forms were sent to the Complainant by mail. The Complainant completed the forms and signed the "Permission to Evaluate" form on May 9, 2007. The School did not document that it attempted to schedule a meeting with the Complainant.

6. The 60 instructional day timeline was set at October 16, 2007, but the Student was evaluated on May 16, 2007. According to the school calendar, 60 instructional days from February 26, 2007, elapsed on May 30, 2007.
7. The "Permission to Evaluate" forms indicate that the Complainant wished to have the results of the evaluation explained prior to the case conference committee meeting. On May 30, 2007, a school psychology intern from the local university called the Complainant and reviewed the evaluation results. A copy of the evaluation report was not provided to the Complainant, but the local special education office faxed a copy to the Complainant upon request on May 30, 2007, after the telephone contact with the school psychology intern. The case conference committee convened on May 31, 2007, (last day of school), and the Student was determined eligible for special education and related services.
8. The Complainant states that a copy of the written case conference committee report dated May 31, 2007, was not received until a copy arrived in the mail on June 28, 2007. The School acknowledges that the Complainant did not receive a copy at the conclusion of the case conference. The School cannot document whether the Complainant was provided a copy of the written case conference within 10 business days of the date the case conference committee convened.

## **CONCLUSIONS:**

1. Finding of Fact #5 indicates that a personal meeting to discuss the evaluation was not held and that all of the requisite forms to initiate the evaluation were sent to the Complainant via mail. The School cannot document whether it attempted to schedule a meeting with the Complainant or whether the Complainant was unwilling or unable to attend, or whether, due to the circumstances, a decision was made by both parties to have the information sent by mail. Therefore, a violation of 511 IAC 7-25-4(a) is found.
2. Findings of Fact #6 and #7 indicate that the School conducted the initial educational evaluation within the 60 instructional day timeline but convened the case conference committee one day after the timeline elapsed based on the date the School received the written request from the Complainant on February 26, 2007. Therefore, a violation of 511 IAC 7-25-4(b) is found.
3. Finding of Fact #7 indicates that the School did not arrange to have a meeting with the Complainant to discuss the evaluation report with an individual who can explain the results nor was a copy of the report provided prior to or at the time the results were reviewed by telephone just prior to the scheduled case conference committee meeting. The Complainant was able to obtain a copy of the report upon request prior to the case conference. Therefore, a violation of 511 IAC 7-25-4(l) is found.
4. Finding of Fact #8 indicates that the Complainant alleges that a copy of the written case conference report dated May 31, 2007, was received by mail on June 28, 2007, more than 10 business days after the case conference. The School acknowledges that the Complainant had not received a hardcopy at the conclusion of the case conference committee meeting on May 31. The School cannot provide documentation indicating whether the report was mailed within 10 business days. Therefore, a violation of 511 IAC 7-27-5(c) 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:**

Blackford County Schools and the Delaware-Blackford Special Education Cooperative shall:

Send a written memorandum to all school administrators and special education personnel explaining how to comply with the requirements of 511 IAC 7-25-4(a), 511 IAC 7-25-4(b), and 511 IAC 7-25-4(l). A copy of the memorandum and a list of all personnel who receive it shall be submitted to the Division no later than **November 16, 2007**.

Develop a procedure for documenting whether copies of written case conference committee reports have been mailed to parents in compliance with the requirements of 511 IAC 7-27-5(c). A description of the procedure and copy of the documentation forms (for example, a log sheet, spreadsheet, e-mail system) shall be submitted to the Division no later than **November 16, 2007**.