Indiana Department of Education **Division of Exceptional Learners**

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	**CP-270-2008**
COMPLAINT INVESTIGATOR:	**Nicole Confer**
DATE OF COMPLAINT:	**September 28, 2007**
DATE OF REPORT:	**October 25, 2007**
REQUEST FOR RECONSIDERATION:	**N/A**
DATE OF CLOSURE:	**January 16, 2008**

COMPLAINT ISSUES:
Whether the Lebanon Community Schools and the Boone-Clinton-North West Hendricks Joint Services violated:

> 511 IAC 7-27-2(c) by failing to provide the parents adequate notice of the case conference committee (CCC) meeting early enough to ensure that one or both parents have an opportunity to attend, specifically August 9, 2007 and August 24, 2007.
>
> 511 IAC 7-27-4(c) by failing to utilize the CCC to review, revise, or develop the Student's individualized education program (IEP).

In the course of the investigation, the following issues were added to the investigation:

> 511 IAC 7-27-5(c) by failing to provide the parent a copy of the written CCC report within ten (10) business days after the date of the CCC meeting.

FINDINGS OF FACT:

1. The Student, 14 years old, is identified as a student with Other Health Impairments, and has been determined eligible for special education and related services.

2. In March 2007, as part of the Student's Annual Case Review (ACR), the Complainant and Special Education Personnel from the School developed a detailed outline of specific accommodations appropriate for the Student. This Accommodations sheet was attached to the packet of Case Conference and IEP forms that created the Student's education program.

3. Prior to the 2007-2008 school year, and prior to the Student entering high school, it became necessary to "transpose" the Accommodations sheet, as typed in the March ACR, into the IEP format maintained by the School for purposes of uniformity and consistency among all the special education students served in the high school.

4. The necessary "transpositions" were made on August 9, 2007 by the Student's Teacher of Record. That same day, the Teacher of Record sent an email to the Complainant informing her of the "transpositions" made and the necessity for doing so. Confusion arose, however, because documentation sent home for review contained statements about a "case conference" meeting. In fact, a CCC meeting did not occur nor was it required to make the relevant "transpositions" because outside of the forms being used, no changes to the IEP were made.

5. Due to the ongoing confusion regarding the occurrences of August 9, 2007, the Teacher of Record and the Complainant coordinated schedules and planned a CCC meeting, via email, for August 24, 2007. The School provided documentation of a written notice for the August 24, 2007 meeting that was dated August 16, 2007.

6. A CCC meeting was held on August 24, 2007, when the “transposing” of the accommodations was again discussed. The Complainant alleges that following the August 24, 2007 case conference meeting, she was not provided a copy of the case conference report until September 21, 2007. The School cannot provide documentation to the contrary. The Complainant takes issue with the drafted IEP for two reasons. Firstly, the drafted IEP referred to the happenings of August 9, 2007 still as a “case conference”, although it was in fact just a “transposition” of forms. Secondly, there were discrepancies between the Accommodation sheet that the Complainant had in her records and the Accommodation sheet that the School had in its records.

7. On October 5, 2007, the Director of Special Education held a meeting with relevant school personnel, including special education staff and high school administrative staff in order to provide clarity and training on issues such as the referral process, the procedure for making changes to forms, and procedures for case conference notices and reports.

CONCLUSION:

1. Finding of Fact #4 demonstrates that the “transposing” of the Accommodations sheet between forms on August 9, 2007 did not constitute the need for a CCC meeting. Finding of Fact #5 demonstrates that adequate notice was provided for the August 24, 2007 meeting. Therefore, no violation of 511 IAC 7-27-2(c) is found.

2. Finding of Facts #3 and #4 demonstrate that the “transposing” of the Accommodations sheet to the IEP format did not equate to changes to the IEP that would constitute the need for a CCC meeting. However, language used in documentation to the Complainant, particularly use of the term “case conference” created confusion about what actually occurred. Finding of Fact #8 demonstrates that the Director of Special Education, being aware of this situation, has informed School personnel about the proper procedure for making “transpositions” to IEP forms and communicating with parents. Finding of Fact #7 demonstrates that a case conference committee was held in an attempt to clarify confusion and encourage the completion of the Student’s IEP. Therefore, no violation of 511 IAC 7-27-4(c) is found.

3. Finding of Fact #6 demonstrates that the School did fail to provide a copy of the written CCC Report to the Complainant with ten (10) business days after the case conference meeting. Therefore, a violation of 511 IAC 7-27-5(c) is found. However, Finding of Fact #7 demonstrates that the School has provided documentation of satisfactory self-correction.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

Although no violation of 511 IAC 7-27-2(c) was found, the confusion regarding the Accommodations sheet transposing remains, and the Student does not yet have an updated IEP. Therefore, Lebanon Community Schools and the Boone-Clinton-North West Hendricks Joint Services shall reconvene the Case Conference Committee **no later than November 21, 2007** with the purpose of developing and documenting the appropriate accommodations for the Student. This case conference meeting shall be scheduled with sufficient time for total completion of the IEP development with the goal that the Student will have in place an agreed upon IEP as soon as is possible. Upon completion and agreement of the new IEP, the School shall notify the Division and shall include the IEP as documentation.