

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-277-2008
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	October 12, 2007
DATE OF REPORT:	November 9, 2007
REQUEST FOR RECONSIDERATION:	No
DATE OF CLOSURE:	December 14, 2007

**COMPLAINT ISSUES:**

Whether the Linton-Stockton Community Schools and the Green-Sullivan Special Education Cooperative violated:

511 IAC 7-23-1(p) by disclosing personally identifiable information about a student to another parent not authorized to receive such information.

**FINDINGS OF FACT:**

1. The Student, 14 years old, is identified as a student with multiple disabilities, and has been determined eligible for special education and related services.
2. The Complainant (guardian) specifically alleges that personally identifiable information about the Student was divulged by the Director of Special Education (Director) during a case conference committee meeting held on September 7, 2007, for another student with multiple disabilities who attends school in another district within the special education cooperative. The Complainant alleges that the Director described the Student's recent outside evaluation to the parent of the other student and, although the Director did not mention the Student by name, divulged enough information such that the other parent knew who the Director was talking about. The Complainant was not in attendance at this case conference committee meeting.
3. During the course of the case conference committee meeting held on September 7, 2007, the Director offered the parent of the other student an opportunity to have a comprehensive outside evaluation conducted to gather more data. In making the offer, the Director presented names of agencies she recommended, one of which was the same agency that evaluated the Student, and mentioned that other similarly situated students within the special education cooperative have had outside evaluations. The Director denies having stated the Student's name or mentioning anything about the Student's outside evaluation.
4. According to the Complainant, the parent of the other student spoke with the Complainant shortly before and after the case conference committee meeting on September 7, 2007. The parent of the other student made the connection between the Director's description of the agency that evaluated the Student and the Student's specific evaluation conducted by that agency. However, there is no documentation indicating whether and to what extent personally identifiable information about the Student was divulged.

**CONCLUSION:**

Findings of Fact #2 through #4 address whether personally identifiable information about the Student

was divulged to a parent of another student. Finding of Fact #2 indicates that the Complainant was not in attendance at the case conference committee meeting held on September 7, 2007. Findings of Fact #2 and #3 indicate that the Student's name was not mentioned. Findings of Fact #3 and #4 indicate that the Director of Special Education only provided names of agencies that had conducted evaluations of students. The parent of the other student made a communication based upon information provided by the Complainant, not the Director. The findings do not indicate that any personally identifiable information was released. Therefore, a violation of 511 IAC 7-23-1(p) 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.**