

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-281-2008
COMPLAINT INVESTIGATOR:	Susan Reimplinger
DATE OF COMPLAINT:	October 16, 2007
DATE OF REPORT:	December 5, 2007
REQUEST FOR RECONSIDERATION:	No
DATE OF CLOSURE:	March 12, 2008

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation and the Anderson Area Special Education Cooperative violated:

511 IAC 7-21-2(a) by failing to ensure that personnel employed or contracted by a public agency to provide or supervise the provision of special education or related services are appropriately licensed or certified, specifically with respect to teachers at Anderson Center-Saint John's Health System.

511 IAC 7-27-4 by failing to convene a case conference committee to make decisions with respect to the special education and related services to be provided to the Student enrolled at Anderson Center-Saint John's Health System.¹

An extension of time was granted until November 30, 2007, due to needing more information about the student's individualized education program.

FINDINGS OF FACT:

1. The student (Student) is a high school aged student. The available IEP for the Student was for the 2006-2007 school year (a specific date was not indicated), and was incomplete, missing in particular the Student's eligibility category. Anderson Community Schools (the School) received the Student's incomplete IEP from New Castle Community School Corporation, the Student's school corporation of legal settlement. At the time of the complaint, the Student resided at a private residential facility by court order. As of November 13, 2007, the Student no longer resides at the facility; she is currently placed at a facility not located in the School's geographic jurisdiction.
2. The private residential facility is located within the geographic jurisdiction of the School. The private residential facility does not provide educational services.
3. The Complainant alleges that at a court hearing on September 10, 2007, it was discovered that no educational services had been provided to the Student by either the private facility or the School since the start of school in August 2007. The Director reported that there is no formal written agreement for such provision and that the non-formalized arrangement of a teacher from the School on grounds last spring was not continued this fall due to School's budget cuts. While documentation indicates that the School has recently assigned a teacher of service (TOS) to the private facility, the start date of this assignment was not provided. The

¹ During the course of the investigation, the issue was modified to better reflect the facts.

Complainant reports meeting with the TOS at the facility on October 11, 2007, and that the TOS indicated being approached by ACS on October 9, 2007, to teach for two to three weeks. The TOS's license is "general elementary 1-6 7/8 non-departmental" and expires October 1, 2009. While the School provides documentation that there is a teacher of record (TOR) assigned to the facility, the Complainant does not refer to meeting, talking with, or knowing about such a teacher. The TOR's license is "secondary mentally retarded and emotionally disturbed K-12" and is a life license. The Director reports that the TOR has "consulted with the TOS," but omitted any specific dates on which this consultation occurred.

4. The Director acknowledges that procurement of the Student's educational records was quite delayed. Currently, the School possesses only a partial IEP, four goal pages, with no identification of the school or special education cooperative which authored them. The School acknowledged that a "move-in" case conference committee (CCC) meeting had not been convened. However, during the complaint investigation a CCC meeting was scheduled to occur on November 14, 2007.

CONCLUSIONS:

1. Finding of Fact #3 indicates that the TOS is not licensed beyond the 8th grade level in general education and has no license for special education. Finding of Fact #3 indicates that the TOR has a life license in "secondary mentally retarded and emotionally disturbed K-12." Finding of Fact #1 indicates that the Student's eligibility category for special education was unable to be determined. In order to determine whether the person designated as the Student's TOR is appropriately licensed the Student's disability is needed to make such a determination pursuant to 511 IAC 7-21-2. The School failed to provide an appropriately licensed TOS, and failed to verify that an appropriately licensed TOR was in place for the Student. Therefore, a violation of 511 IAC 7-21-2(a) is found.
2. Findings of Fact #3 and #4 indicate that a CCC meeting was never convened for the Student to develop an IEP. According to 511 IAC 7-27-4(a)(5), a CCC shall convene within ten (10) instructional days of the enrollment date of a student who has been receiving special education in another district within the state. Therefore, a violation of 511 IAC 7-27-4 is found.

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

CORRECTIVE ACTION:

1. Ensure that personnel who provide and/or supervise provision of educational services for the facility residents are appropriately licensed or certified. Also, ensure that a system is in place to track the provision and supervision, by date. Documentation of licensure and of the system shall be sent to the Division **no later than January 31, 2008.**
2. Ensure that the School has a system in place for child find - identifying known or potential special education students by developing a formal organizational method to track the arrival of residents and to determine their educational status and need for a case conference committee meeting. Commit the system to formal written procedures. Train facility and School staff about the system and procedures. Documentation of the tracking method and procedures shall be submitted to the Division **by February 29, 2008.** Documentation of training method and list of participants shall be submitted to the Division **no later than March 28, 2008.**