

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | CP-283-2008 |
| COMPLAINT INVESTIGATOR: | Bobbie Ritz |
| DATE OF COMPLAINT: | October 22, 2007 |
| DATE OF REPORT: | November 20, 2007 |
| REQUEST FOR RECONSIDERATION: | N/A |
| DATE OF CLOSURE: | February 7, 2008 |

COMPLAINT ISSUES:

Whether the Vigo County School Corporation and the Covered Bridge Special Education District violated:

511 IAC 7-25-4(b) by failing to obtain parental written consent to conduct an evaluation on November 27, 2006.

FINDINGS OF FACT:

1. The Student, 13 years old, has not been identified as a student eligible for special education and related services.
2. On November 27, 2006, the Student was administered the Kaufman Brief Intelligence Test, Second Edition (KBIT2) by the School's Speech/Language Pathologist (SLP).
3. The SLP is a regular member of the School's General Education Intervention (GEI) Team. The SLP thought the Student had been referred to the GEI Team, and assumed parent permission had been obtained.
4. The School acknowledges the KBIT2 was administered to the Student without prior parental consent. The School's Assistant Principal interviewed several members of the staff and was unable to determine why the SLP was under the impression that the Student had been referred to for the KBIT2 administration. While the sixth grade team had shared concerns during team meetings that the Student was not working to his potential due to an apparent lack of effort, the team had not referred him to the GEI team for intervention planning.
5. The Special Education Director met with the School's Principal and Assistant Principal and reviewed the referral process for the GEI Team as well as the referral process for a psycho-educational evaluation. Currently, the School maintains a Student referral form for the KTEA/KBIT, as well as a Parent Permission for Evaluation form. However, these forms were not completed for the Student. As a result of this incident, the School's staff met and developed a written checklist for the administration of the KBIT2. The school counselor was designated as the lead person in completing the form and ensuring the specific steps in the process are documented.

CONCLUSIONS:

1. Finding of Fact #1 indicates the Student has not been identified as a student eligible for special education and related services under Article 7. Findings of Fact # 2 and #4 indicate the School administered an intelligence test without prior parental consent. Findings of Fact #3 and #4 indicate confusion among School personnel with respect to whether the Student was referred to the School's GEI team due to the Student's classroom performance. However, an evaluation was

conducted for purposes pursuant to 511 IAC 7-25-3(b), and informed parental consent should have been obtained prior to conducting an educational evaluation. Therefore, a violation of 511 IAC 7-25-4(b) is found. During the course of investigation, the School has taken action to ensure compliance.

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 Vigo County School Corporation and the Covered Bridge Special Education District must:

1. In addition to the efforts made by the School to improve the School's GEI program, including the referral process, the School shall provide a written memorandum to all relevant special education personnel regarding ways to ensure compliance with 511 IAC 7-25-4(b). In addition, the School must submit to the Division a copy of its GEI procedures, implemented at the building level, for students whose classroom performance is adversely affecting educational outcomes. A copy of the memorandum and a list of all personnel who receive it, including signature and title, as well as the GEI procedures must be submitted to the Division no later than **December 21, 2007**.