

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-291-2008
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: October 30, 2007
DATE OF REPORT: November 29, 2007
REQUEST FOR RECONSIDERATION: No
DATE OF CLOSURE: January 29, 2008

COMPLAINT ISSUES:

Whether the Logansport Community School Corporation and the Logansport Area Joint Special Services violated:

511 IAC 7-25-4(b) by failing to inform the parent about the procedures related to the evaluation process, and thereby unnecessarily delaying the student's initial educational evaluation.

FINDINGS OF FACT:

1. The Student, 12 years old, has not been determined eligible for special education and related services.
2. In March of 2007, the Complainant (parent) agreed with the Student's classroom teacher that the Student should participate in the school's general education intervention ("GEI") program. On April 6, 2007, the Assistant Director of Special Education received a telephone message from the Complainant inquiring about the process for conducting an initial educational evaluation. In an e-mail to the elementary school principal dated April 9, 2007, the Assistant Director of Special Education recommended the start of GEI for the Student to address academic concerns. On April 10, 2007, the Assistant Director of Special Education and the Complainant agreed via telephone contact to start the GEI program. The Complainant signed permission to conduct a GEI screening in the area of "learning/academic." The 2006-2007 school year ended shortly thereafter.
3. The Student started the 2007-2008 school year at the local middle school. On August 14, 2007, the middle school principal (the "Principal") made telephone contact with the Complainant, and the Complainant informed the Principal that "testing" was started late last school year but that she was unaware of the status of that testing. On August 15, 2007, the Principal contacted the School Psychologist to inquire about whether and to what extent an educational evaluation was being conducted. A Referral for Educational Evaluation form was e-mailed to the Principal from the School Psychologist on August 21, 2007. The School Psychologist also informed the Principal that the Student was in the "pre-referral" GEI process, but had not been referred for an initial educational evaluation.
4. The School's "Procedures for Initial Psychoeducational Evaluations" indicates that the first preliminary step is GEI. Step two indicates that this is done in order to determine that a full psychoeducational evaluation is needed.
5. On October 15, 2007, a diagnostician from the special education planning district met with the Complainant to explain the evaluation process and complete the referral forms. The

Complainant signed permission to conduct the initial educational evaluation. The 60 instructional day timeline is set for on or about January 28, 2008. The School states that the Student's evaluation report was submitted for appropriate processing on November 13, 2007, and mailed to the Complainant on November 19, 2007. A case conference committee meeting has been scheduled for November 30, 2007, to discuss the results and determine eligibility.

CONCLUSION:

Finding of Fact #2 indicates that the Complainant inquired about the initial educational evaluation process to the Assistant Director of Special Education on April 6, 2007. Finding of Fact #2 also indicates that a GEI program was brought to the Complainant's attention in March of 2007. However, the evaluation process was not explained to the Complainant, and the GEI screening was not conducted until late May of 2007 when the school year was all but over. Finding of Fact #3 indicates that the middle school principal realized that the Complainant thought that the Student was in the GEI program while the initial educational evaluation was being conducted at the beginning of the 2007-2008 school year. Finding of Fact #3 also indicates that the School referred to the GEI program as "pre-referral" GEI process. Finding of Fact #4 indicates that the School's policies and procedures for conducting initial educational evaluations contains a first preliminary step of GEI before determining that a full psychoeducational evaluation is needed. Finding of Fact #5 indicates that the School did not explain the evaluation process and obtain the Complainant's written consent until October 15, 2007. Therefore, a violation of 511 IAC 7-25-4(b) is found with respect to unnecessarily delaying the evaluation process. Had the Complainant been advised of the appropriate procedures for initiating an evaluation, the process would have been completed earlier. Schools may not use the GEI process to delay evaluating a student for special education, but GEI can be used while an evaluation is pending. An educational evaluation cannot be conditioned on the Student first participating in a GEI program.

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:

Logansport Community School Corporation and the Logansport Area Joint Special Services shall:

Send a written memorandum to all school administrators, school psychologists, and all other relevant special education personnel explaining how the School shall comply with 511 IAC 7-25-4(b), specifically by not using the GEI process to delay the initial educational evaluation process, or by conditioning the evaluation on the Student participating in the GEI process. A copy of the memorandum and a list of all who receive it shall be submitted to the Division no later than **January 11, 2008**.

Complete the Student's initial educational evaluation and conduct the case conference committee meeting to determine whether the Student is eligible for special education and related services. If so, the case conference committee shall determine compensatory services for the Student. A copy of the case conference report and, if applicable, the individualized education program (IEP) shall be submitted to the Division no later than **January 11, 2008**.

Conduct a meeting to review and revise the policies and procedures for conducting initial educational evaluations for special education. The procedures must specify that GEI cannot be used to delay or condition the evaluation process. A copy of the meeting attendance sheet and a copy of the revised procedures shall be submitted to the Division no later than **January 11, 2008**.