

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-294-2008
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	November 8, 2007
DATE OF REPORT:	December 7, 2007
REQUEST FOR RECONSIDERATION:	YES – REVISED January 18, 2008
DATE OF CLOSURE:	April 14, 2008

COMPLAINT ISSUES:

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

511 IAC 7-27-4(a)(3) by failing to convene the case conference committee meeting at the request of a parent.

511 IAC 7-27-7(e) by failing to have an individualized education program (IEP) in effect at the beginning of the 2007-2008 school year.

FINDINGS OF FACT:

1. The Student, 20 years old, is identified as a student with multiple disabilities, and has been determined eligible for special education and related services.
2. The Student's case conference committee meeting convened on May 29, 2007 to review and revise the IEP as a result of a due process hearing order. The hearing decision dated January 5, 2007, concluded that the School had developed an appropriate and comprehensive IEP to meet the Student's educational, medical, psychological, and behavioral needs with an education placement at the local high school. An IEP was developed for the 2007-2008 school year, with an initiation date of August 15, 2007.
3. On July 26, 2007, the School received a letter from the Student's physician recommending that the Student continue his education in a homebound placement due to anxiety that may exacerbate his behavior and other medical symptoms. The letter did not contain the requisite information according to Article 7, 511 IAC 7-27-11(b), specifically by not stating whether the Student would be absent at least 20 consecutive instructional days or at least 20 days of absence in the aggregate. On August 15, 2007, the Special Education District Supervisor responded in writing to the Student's physician and attached a student referral form for homebound instruction for medical reasons. The letter stated that if the form was completed and returned a case conference committee would convene to review the Student's IEP.
4. On August 13, 2007, the Parent left a voicemail message asking that the Director of Special Education (the "Director") return her call. On August 17, 2007, the Director returned the Parent's telephone call. The Director asked about the Student and whether the Parent she was requesting homebound instruction, but the Parent told the Director to contact the Complainant (the Student's advocate). The School had no written permission from the Parent on file to speak with the Complainant. However, the School did not advise the Parent, either orally or in writing, that it needed written consent to do so, nor did the School advise the

Parent about what additional information was needed with regard to homebound instruction. The Parent has power of attorney to make educational decisions on the Student's behalf.

5. The Student's physician did not respond to the District Supervisor's letter dated August 15, 2007. The Parent did not request a case conference committee either by telephone or in writing.
6. The Student has not attended school since the 2007-2008 school year began.

CONCLUSIONS:

1. Finding of Fact #5 indicates that the Parent has not requested a case conference committee meeting. Therefore, a violation of 511 IAC 7-27-4(a)(3) is not found. However, although the School did not have to convene the case conference committee pursuant to 511 IAC 7-27-4(a)(1) through (9), in this case the School should have convened the case conference committee based on the physician letter recommending homebound instruction, and the fact that the Student, whose IEP has not been implemented, has not attended school all year. The Parent needs to be advised of what additional information is needed to provide homebound instruction. Therefore, corrective action will be ordered.
2. Finding of Fact #2 indicates that the School did have an IEP in effect at the beginning of the 2007-2008 school year. Therefore, a violation of 511 IAC 7-27-7(e) is not found.

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 shall:

Upon the School's receipt of the appropriate homebound forms from the parent, the School must convene the Student's case conference committee to review and revise the IEP and to determine the appropriate services for the Student. ~~to discuss whether the Student shall receive homebound instruction. If so, the case conference committee shall advise the Parent of what additional information is needed to provide homebound instruction.~~ If and when a case conference committee is convened, a copy of the case conference report and IEP shall be submitted to the Division no later than **February 29, January 25, 2008.**