

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: CP-295-2008  
COMPLAINT INVESTIGATOR: Sandra Scudder  
DATE OF COMPLAINT: November 9, 2007  
DATE OF REPORT: December 4, 2007  
REQUEST FOR RECONSIDERATION: No  
DATE OF CLOSURE: December 27, 2007

**COMPLAINT ISSUES:**

Whether the Gary Community School Corp violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically with respect to speech therapy.

**FINDINGS OF FACT:**

1. The Student, 9 years old, is identified as a student with an other health impairment, and has been determined eligible for special education and related services.
2. The IEP dated March 15, 2007, requires the School to provide the Student with speech services "30 Minutes Per Week-4 Weeks Per Month" beginning March 19, 2007. The first day of school for the 2007-2008 school year was August 22, 2007. School was in session for 12 weeks from August 22, through November 8, 2007. During this time period, the Student should have received a total of 360 minutes of speech services.
3. The School acknowledged that the Student had not received speech services during the 2007-2008 school year due to losing three (3) speech language pathologists (SLP). Two (2) SLPs did not earn the six (6) hours necessary to be rehired by the School, and one (1) SLP could not work because of illness. In the response letter, dated November 15, 2007, the School stated that a SLP had been assigned to the Student's school.
4. The School has stated that compensatory services will be provided to the Student, plus a Summer Speech Camp will be available during the summer of 2008.
5. Documentation from the School indicates that the Student has been provided with weekly speech services as of November 9, 2007, and is also receiving compensatory services.

**CONCLUSIONS:**

1. Findings of Fact #1 through #5 establish that the School did not provide the Student with 360 minutes of speech services from August 22 through November 8, 2007, as required by the IEP dated March 15, 2007. In addition, the School acknowledged that the 2007 IEP was not implemented with respect to delivery of speech services. Therefore, a violation of 511 IAC 7-27-7(a) is found. Although, as of November 9, 2007, speech services were being provided to the Student.

**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 Gary Community School Corporation shall convene a CCC meeting on or before December 14, 2007, to determine the nature and amount of compensatory services to be provided to the Student to make up for the lack of appropriate services from August 22 through November 8, 2007. While the CCC has discretion to determine the nature and amount of services, it does not have the discretion to determine that no compensatory services are needed. The School shall submit a copy of the CCC Report and agreed upon IEP **no later that December 18, 2007**; including:

- The nature of compensatory services;
- The amount (length and frequency) of compensatory services;
- The location of services;
- The personnel responsible for providing the services; and
- A description of how the parent will be notified that the compensatory services are being provided in accordance with the IEP.