

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-311-2008
COMPLAINT INVESTIGATOR:	Susan Reimlinger
DATE OF COMPLAINT:	December 10, 2007
DATE OF REPORT:	January 9, 2008
REQUEST FOR RECONSIDERATION:	No
DATE OF CLOSURE:	February 6, 2008

**COMPLAINT ISSUES:**

Whether the Monroe County Community School Corporation violated:

511 IAC 7-27-4(c) by failing to utilize the case conference committee to develop, review, or revise the Student's individualized education program.<sup>1</sup>

511 IAC 7-27-4(a)(2) by failing to convene the student's case conference committee within 12 months of the preceding case conference committee meeting.

511 IAC 7-27-7(e) by failing to have, at the beginning of each school year, an individualized education program in effect for each student with a disability within its jurisdiction.

During the course of the investigation, the following issues were added:

511 IAC 7-27-6(a)(5) by failing to document in the IEP the month, day, and year for initiation and duration of services and modifications.

**FINDINGS OF FACT:**

1. The Student, 7 years old, is identified as a student with a communication disorder, and has been determined eligible for special education and related services.
2. The Student's IEP of September 28, 2005, indicates that the Student had a communication disorder and a developmental delay. On December 5, 2006, the CCC convened to review the results of an evaluation conducted on November 22, 2006, and, if appropriate, to revise the IEP. In an undated note referencing the CCC meeting of December 5, 2006, the SLP indicated that she had not prepared any goals for an IEP because in her evaluation report of November 22, 2006, she had recommended dismissal from language therapy. The note also indicates that the SLP ultimately agreed with other CCC participants that the Student "should continue to receive language intervention due to the measurable difference in her receptive and expressive language skills." The School's IEP form does not include a designated area for written case conference notes that might clarify discussion about the change in category and plans for completion of the IEP. The complainant states that at the CCC meeting on December 5, 2006, the IEP (IEP #1) was "blank" when presented to her for her signature, and that a completed one was to be mailed to her. The IEP did contain a description of the speech language services that were to be delivered and delivery began on December 12, 2006.

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<sup>1</sup> During the course of the investigation, 511 IAC 7-27-5(g) was changed to 511 IAC 7-27-4(c) to better reflect the facts herein.

3. The Parent signed IEP #1 and dated her signature as "12/5/06." She did receive her copy of IEP #1 via mail, but found "errors" in it and notified the School Principal in January 2007 (specific date unknown) about her concerns. By April of 2006 the complainant had not received the corrected IEP #1 and this time contacted the Director, who indicated that an "updated" IEP would be sent to her by the end of that week. The exact date is not known of when the Parent received IEP #2, but her signature on IEP #2 is dated "4/17/07." IEP #2 contains numerous differences compared to IEP #1, in addition to the inclusion of goals that were missing from IEP #1. There is no documentation of a CCC meeting having been conducted after December 5, 2006.
4. The initiation date for IEP #1 is "DECEMBER 2006" and the duration date is "JUNE 2007". The initiation date for IEP #2 is "December 2006" and the duration date is "December 2007." None of the dates indicate the full requirement of month, date, and year.
5. At the time this complaint was received by the Division, the School had not scheduled a CCC meeting. Documentation submitted includes two (2) notices dated December 17, 2007, to schedule a CCC meeting for January 8, 2008. More than 12 months have elapsed since December 5, 2006.

#### **CONCLUSIONS:**

1. Findings of Fact #2 and #3 indicate that while the Complainant signed IEP #1 on the same date as the CCC meeting of December 5, 2006, the IEP was not complete, and IEP #2 that the Complainant signed on April 17, 2007, contains differences from IEP #1. The changes in IEP #2 were made outside of a CCC meeting. Therefore, a violation of 511 IAC 7-27-4(c) is found.
2. Finding of Fact #4 indicates that each IEP's initiation and duration dates lack the required day to be included with the month and year. Therefore, a violation of 511 IAC 7-27-6(a)(5) is found.
3. Finding of Fact #4 indicates there was an agreed-upon 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.
4. Finding of fact #5 indicates that although attempts have been made to schedule a CCC meeting, January 8, 2008, is beyond the twelve (12) month limitation. Therefore, a violation of 511 IAC 7-27-4(a)(2) 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 staff who conduct CCC meetings understand and implement all requirements of case conference proceedings and IEP development, particularly those requirements indicated in this report, via a memorandum. A copy of the memorandum shall be submitted to the Division **no later than January 31, 2008.**
2. Conduct a CCC meeting to develop a complete, compliant IEP. Ensure that the Parent receives the complete IEP at, or within 10 days of, the CCC meeting. A copy of the agreed-upon IEP shall be submitted to the Division **no later than February 15, 2008.**