

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-312-2008
COMPLAINT INVESTIGATOR:	Brenda Alyea
DATE OF COMPLAINT:	December 10, 2007
DATE OF REPORT:	January 6, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	February 11, 2008

COMPLAINT ISSUES:

Whether the Gary Community School Corporation violated:

511 IAC 7-25-6(a) by failing to re-evaluate the student after 36 calendar months have elapsed.

FINDINGS OF FACT:

1. The Student, 9 years old, is identified as a Student with Autism Spectrum Disorder, and has been determined eligible for special education and related services.
2. The Individualized Education Plan (IEP) dated February 9, 2007 indicated that the Student transferred from Salk Elementary School in the Merrillville Community Schools and the Northwest Indiana Special Education Cooperative.
3. The Individualized Education Plan (from the prior school/special education planning district) with a Case Conference Date of March 21 and March 30, 2006, indicated that the re-evaluation date was originally March 10, 2006, but had been "waived" until March 10, 2009. The Case Conference notes for this IEP indicate that the parent was not present during the Case Conference Meeting; and the notes include a one-sentence reference to the re-evaluation due in 2009. The parent signed the IEP April 6, 2006. The evaluation information included in the above-mentioned IEP is dated March, 2003.
4. The IEP from the current school, dated March 7, 2007, lists a re-evaluation date of December 19, 2006, on page one of the Individual Education Plan; however, on page two of the IEP, the re-evaluation date is left blank. Neither the Case Conference Meeting notes nor the page designated for service needs include any reference to a discussion of re-evaluation.
5. There was no documentation submitted to indicate that a re-evaluation had been conducted.

CONCLUSIONS:

Finding of facts # 4 and # 5 indicate that no documentation exists to substantiate that a re-evaluation has been conducted in a timely manner. Therefore a violation of 511 IAC 7-25-6(a) is 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:

Although the failure to timely re-evaluate the student has resulted directly from the actions of the previous school district, corrective action is necessary to correct these initial errors.

The Gary Community School shall conduct the re-evaluation of the Student no later than February 8, 2008. The Gary Community School shall conduct a Case Conference with the parent to review results of the re-evaluation no later than February 18, 2008 and shall send evidence of the evaluation and case conference notes to the Division no later than February 21, 2008.

~~Corrective action will be requested of the Merrillville Community Schools and the Northwest Indiana Special Education Cooperative by separate correspondence.~~