

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-324-2008
COMPLAINT INVESTIGATOR:	Demaris L. Stewart
DATE OF COMPLAINT:	January 28, 2008
DATE OF REPORT:	February 19, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	March 18, 2008

COMPLAINT ISSUES:

Whether the South Harrison and the Harrison County Special Education Cooperative violated:

511 IAC 7-27-3(e) (1) whether a person was present to interpret evaluation results.

511 IAC 7-25-4(b) whether the case conference committee (the CCC) was conducted within 60 instructional days.

511 IAC 7-27-5 (d)(1) whether the case conference committee met the requirement to determine eligibility for special education services.

FINDINGS OF FACT:

1. The Student is 7 years old and eligible for special education and related services as a student with a communication disorder.
2. The School's "Referral for Educational Evaluation" form is dated and signed by the Complainant on May 9 2007. The 60 day timeline expired October 9, 2007.
3. The Notice of Case Conference dated October 12, 2007 indicated the CCC would have met the 60 day requirement of 511 IAC 7-25-4(b). However, the CCC report also indicates that on October 8, 2007 the parent cancelled the CCC and asked that it be rescheduled. The meeting was scheduled and held October 19, 2007.
4. The CCC Report indicates that although the School Psychologist was not in attendance at the CCC, a person was in attendance who could interpret the evaluation as required. The Complainant specifically alleges there wasn't any one represented from the evaluation team at the CCC. The Student's Special Education Teacher was in attendance.
5. The CCC Report indicates Parent and the School did reach an agreement for special education eligibility except for communication disorder. The work of the CCC was incomplete and no additional CCC was scheduled and Mediation was not requested and a hearing was not requested to resolve the eligibility dispute. When matters are not resolve through the CCC process you have the option to seek Mediation or a Hearing.

CONCLUSIONS:

- 1 Finding of Fact #3 indicates that the CCC was scheduled within 60 days and was rescheduled 1 week later at the request of the Parent. Therefore, a technical violation of 511 IAC 7-25-4(b) is found, that the school did not fail to schedule.

- 2 Finding of Fact #4 indicates no violation. A person was in attendance who could interpret the result of the evaluation. Therefore, a violation of 511 IAC 7-27-3(e) (1) is not found that the School did not have to obtain written parental consent on the determination Communication Disorder.
- 3 Finding of Fact #5 indicates a violation. No negotiation was reached regarding eligibility at the October 19, 2007 CCC. Another CCC or Mediation or a Hearing should be schedule or requested to resolve the eligibility issue.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Send a written memorandum to all relevant school personnel regarding how to comply with the requirements of 511 IAC 7-25-4(b). A copy of the memorandum and a list of all personnel who receive it shall be submitted to the Division **no later March 28, 2008.**