

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-345-2008
COMPLAINT INVESTIGATOR:	Brenda Alyea
DATE OF COMPLAINT:	March 31, 2008
DATE OF REPORT:	April 28, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	May 12, 2008

**COMPLAINT ISSUES:**

Whether the Marion Community Schools and the Grant County Special Education Cooperative violated:

511 IAC 7-25-4(b) by failing to conduct an evaluation and convene a case conference committee (CCC) meeting within sixty (60) instructional days of the date the written parental consent is received by certified personnel.

**FINDINGS OF FACT:**

1. The Student, three years old, has been identified with a Communication Disorder and has been determined eligible for special education and related services.
2. The Complainant signed the Referral for Evaluation on November 28, 2007 and the Principal of the School signed the Referral form on the same date as having received the Referral for Evaluation. The timeline of 60 instructional days for completion of the evaluation and convening a case conference lapsed on March 10, 2008
3. The Complainant states that a she placed a phone call to the Administrative Assistant for Special Services on March 11, 2008 and the Complainant was told that the School was awaiting the return of a parent questionnaire. The Complainant states that the questionnaire was returned to the School on January 3, 2008.
4. The Complainant states that the Administrative Assistant checked the files and indicated that the questionnaire had been received but had been misfiled.
5. According to copies of evaluations submitted by the School, and confirmed by the Complainant, the evaluations were completed in January, 2008.
6. The School, in the letter of response dated April, 2008, acknowledged that the School did not meet the prescribed timeline for processing a referral for evaluation and convening a Case Conference Committee meeting.
7. The Complainant indicated that the School was attempting to schedule a Case Conference Committee meeting as of April 15, 2008.

**CONCLUSIONS:**

Findings Fact # 2 and # 6 indicate that the School did not meet the prescribed timeline for processing a referral for evaluation. Sixty instructional days lapsed March 10, 2008. (511 IAC 7-25 does not require parents to contribute documents with regard to evaluations, other than providing consent to evaluate. The School cannot alter the timeline for evaluations based on the request for parental questionnaires.) Therefore, a violation of 511 IAC 7-25-4(b) 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:**

Convene a Case Conference Committee meeting to review the current evaluation documents and discuss compensatory services. A copy of the Case Conference Committee meeting notes and subsequent Individualized Education Program shall be submitted to the Division no later than May 30, 2008.

Send a memorandum to certified personnel with regard to the timelines associated with receiving and processing requests for evaluations. Send a copy of the memorandum with a list of recipients to the Division no later than May 25, 2008