

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>CP-349-2008</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Brian Simkins</b>
<b>DATE OF COMPLAINT:</b>	<b>April 18, 2008</b>
<b>DATE OF REPORT:</b>	<b>May 16, 2008</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>No</b>
<b>DATE OF CLOSURE:</b>	<b>June 27, 2008</b>

**COMPLAINT ISSUES:**

Whether the Union County/College Corner Joint School District and the East Indiana Special Services violated:

511 IAC 7-22-2(a) by failing to provide written notice to a parent at a reasonable time before the school refuses to initiate the provision of a free appropriate public education (FAPE) to the student, specifically by failing to explain why the parent's request for one-on-one speech therapy services was denied.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide the required speech therapy services during the 2007-2008 school year.

During the course of the investigation the following issue was added:

511 IAC 7-27-3 by failing to ensure the participation of the student's speech therapist at the case conference committee meeting held on April 11, 2008.

**FINDINGS OF FACT:**

1. The Student, seven 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 case conference committee convened on April 11, 2008. Discussion about speech therapy services did occur. Specifically, according to the School, the Complainant made a request for one-on-one speech therapy at the conclusion of the meeting when everyone, including the speech therapist (also the Teacher of Record), was already excused from the room due to the meeting coming to a close. The speech therapist, general education teacher, and occupational therapist were in attendance. Only the Director of Special Education and the Principal remained at the time the Complainant made the request. The case conference notes do not indicate a discussion about one-on-one speech therapy. The purpose of the case conference was to review the results of a recent occupational therapy evaluation. The Director of Special Education states that the Complainant was told that discussion of one-on-one therapy needed to be addressed in a case conference with the speech therapist present. A case conference committee meeting to address this issue has not been scheduled.
3. At the start of the 2007-2008 school year on August 15, 2007, the Student's IEP dated May 1, 2007 was in effect. The Student was to receive 40 minutes of speech therapy a week. The

School acknowledges that speech therapy services were not provided to the Student the week of August 20, 2007, the first full week of the school year.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the case conference notes dated April 11, 2008 do not reflect a discussion about one-on-one speech therapy. The purpose of the case conference was primarily to review and discuss the results of the recent occupational therapy evaluation. It is undisputed that the Complainant made a request for one-on-one speech therapy, but it was made after the completion of the case conference committee meeting. Therefore, a violation of 511 IAC 7-22-2(a) is not found. However, the School must convene the case conference to address the Complainant's concerns.
2. Finding of Fact #2 also indicates that the speech therapist/teacher of record was in attendance at the case conference committee meeting held on April 11, 2008. Therefore, a violation of 511 IAC 7-27-3 is not found.
3. Finding of Fact #3 indicates that the Student did not receive 40 minutes of speech therapy the week of August 20, 2007. Therefore, a violation of 511 IAC 7-27-7(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:**

The Union County/College Corner Joint School District and the East Central Indiana Special Services shall:

Convene the case conference committee to determine the amount of compensatory speech services the Student shall receive. The case conference committee shall also address the Complainant's request for one-on-one speech therapy. A copy of the case conference report and IEP shall be submitted to the Office of Special Education no later than **June 20, 2008**.