

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-351-2008
COMPLAINT INVESTIGATOR:	Brenda Alyea
DATE OF COMPLAINT:	April 30, 2008
DATE OF REPORT:	May 29, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	June 16, 2008

**COMPLAINT ISSUES:**

Whether the Indiana Department of Correction (IDOC) and the North East Juvenile Correctional Facility (NEJCF) violated:

511 IAC 7-27-7(a) by failing to implement the Student's Individualized Education Program (IEP) as written, specifically with respect to occupational therapy.

**DOCUMENTS RECEIVED BY INVESTIGATOR FROM:**

Complainant:

Letter of complaint dated April 28, 2008 and received by the Center for Exceptional Learners (CEL) on April 30, 2008.

School:

Letter of response dated May 5, 2008 and received by the CEL on May 5, 2008, including:

- Occupational Therapy Evaluation dated March 2007;
- Notice of Case Conference meeting dated May 8, 2007;
- Case Conference Report dated May 22, 2007;
- Case Conference Report dated March 6, 2008;
- Report from School Psychologist dated March 5, 2008;
- Psychological Evaluation dated December 7, 2005, January 5, 2006 and January 19, 2006;
- E-mail correspondence between the Superintendent, NEJCF and Juvenile Education Coordinator, IDOC dated March 6, 2008;
- Job Posting on Indiana Department of Education website dated March 6, 2008;
- Email correspondence between Juvenile Education Coordinator, IDOC, and Director of Special Education, Fort Wayne Community Schools dated April 1, 2008 and April 10, 2008;
- E-mail correspondence between the Superintendent, NEJCF and Juvenile Education Coordinator, IDOC dated April 16, 2008;
- Email correspondence between Juvenile Education Coordinator, IDOC and Turnstone Center dated April 21, 2008; and
- Email correspondence (2) between Juvenile Education Coordinator, IDOC and Anthony Wayne Center dated May 2, 2008.

## **FINDINGS OF FACT:**

1. The Student, fourteen years old, has been identified with Autism Spectrum Disorder and determined eligible for special education and related services.
2. An Individualized Education Program (IEP) from a previously attended school district dated May 22, 2007, indicates that in addition to direct instruction, the Student was to receive Occupational Therapy.
3. A Psychological Evaluation dated December 7, 2005, indicates that the Student “may be able to benefit from occupational therapy directed at fine motor and manual dexterity tasks.” An Occupational Evaluation dated March, 2007 did not contain a recommendation for Occupational Therapy.
4. The Letter of Notification of Case Conference Committee meeting includes an option that the parent is “unable to participate in the conference,” and the conference is to be held without the parent. The option was checked and signed and dated by the Complainant. There was a letter of input attached. The option requesting another date was not checked.
5. The IEP dated March 11, 2008 indicates that attempts were made to notify the Complainant of the Case Conference Committee meeting,, including certified mail and a telephone answering machine message. A subsequent phone call from the Complainant indicated that she would not be attending the case conference committee meeting.
6. A Case Conference Committee meeting was held on March 11, 2008. The IEP indicates that the only service the Student is to receive is direct special education services. The Complainant confirmed that the IEP was received via mail.
7. The Complainant acknowledges that the IEP did not list Occupational Therapy as a needed related service. The Complainant signed the IEP on March 14, 2008 and returned the signed copy to IDOC.

## **CONCLUSIONS:**

The Indiana Department of Correction provided notice of a Case Conference Committee meeting and the Complainant declined to attend. The Complainant subsequently signed the IEP that contains no provision for Occupational Therapy as a related service. Therefore, no violation of 511 IAC 7-27-7(a) is found.

## **CORRECTIVE ACTION:**

**The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.**

**DATE REPORT COMPLETED: May 29, 2008**