

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1510.00
COMPLAINT INVESTIGATOR: Demaris Stewart
DATE OF COMPLAINT: January 11, 2000
DATE OF REPORT: February 10, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: March 2, 2000

COMPLAINT ISSUES:

Whether the MSD of Wayne Township and West Central Joint Services violated:

511 IAC 7-12-1(g) with regard to the school's alleged failure to convene a case conference committee (CCC) upon the parent's request;

511 IAC 7-12-1(c) with regard to the school's alleged failure to notify the parent of a CCC meeting early enough to ensure that one or both parents have the opportunity to attend and failure to schedule the meeting at a mutually agreed upon date, time, and place;

511 IAC 7-12-1(d) with regard to the school's alleged failure to provide a notice of the CCC that contained all of the requisite components;

34 CFR 300.345(c) with regard to the school's alleged failure to use other methods to ensure that a parent is able to participate in a CCC; and

34 CFR 300.345(d) with regard to the school convening a CCC in the parent's absence without making sufficient attempts to arrange a mutually agreed on time and place to allow the parent to attend.

FINDINGS OF FACT:

1. The student (the "Student") is nine years old and is in the third grade at the local elementary School. The Student receives special education and related services as a student with a learning disability.
2. The Student's Mother resides in California and the Student's father (the "Father") resides within the boundaries of the School. The School has always been aware that the Mother would participate in the case conference committee (the "CCC") meetings via speaker phone.
3. During a telephone call with the Director on August 13, 1999, the Mother stated that a new CCC meeting was needed. On August 16, 1999, the Mother left a message for the Director indicating that she was in the process of moving and might be difficult to reach. The Director attempted to return the call the next day, but was unable to reach the Mother.
4. On August 23, 1999, the Director reached the Mother, whereby she suggested that a CCC meeting be conducted on Monday, August 30, 1999, or any day that same week. The Director stated that he would contact the Father to see when he would be available to meet.

5. The Father informed the Director during a telephone conversation on August 29, 1999, that he was unavailable to meet for a CCC meeting that entire week, but that he wanted to attend any CCC meeting held on behalf of the Student.
6. The Director left a message on the Mother's answering machine on August 31, 1999, informing her that the Father was not available for the next several weeks. He also explained the legal requirement that the CCC meeting had to be conducted at a mutually agreed-upon date and time, and that the meeting was on hold until he could arrange a date and time agreeable to all.
7. The Director followed up this telephone message with a letter to the Mother dated August 31, 1999. The letter not only reiterated the message that he left on the answering machine, but also requested that the Mother and Father suggest two possible meeting dates.
8. The Mother contacted the Director on October 5, 1999, and requested that he set a date and time for the CCC meeting and send out notices. The Director reminded the Mother that the CCC meeting had to be mutually agreed-upon by all parties, including the Father. The Director, however, stated that he would attempt to schedule the meeting.
9. Attempts were made by the Director on October 6, 1999, and the Student's teacher on October 8, 1999, to contact the Father in order to schedule the CCC meeting. The Father and the Director spoke on October 8, 1999, whereby the Father indicated that his schedule now could accommodate a CCC meeting.
10. A telephone conference was held between school personnel and the Mother on October 11, 1999. The Father was aware that this was occurring, and indicated to School personnel that he had no problem with this happening without him. This was not a CCC meeting.
11. On October 14 and 15, 1999, the Principal left telephone messages for the Mother proposing October 21, 1999, for a CCC meeting. On October 19, 1999, the Principal sent the Mother a letter indicating her attempts to contact the Mother. She also stated in the letter that it would be necessary to propose another date for the CCC meeting because the Mother had not confirmed her availability for the proposed date of October 21, 1999.
12. The Mother called the Principal on October 21, 1999, and indicated that she had received the previous telephone messages; however, she had been unable to call the Principal.
13. On October 26, 1999, School personnel conducted a parent-teacher conference with the Father participating in person, and the Mother via speaker phone. This type of conference was held with parents of all the School's students because it was the close of the first grading period. This was not a CCC meeting.
14. On November 15, 1999, the Director left a message on the Mother's answering machine proposing a CCC meeting for November 19, 1999. The notifications for the CCC meeting were prepared by the Director's secretary who was instructed to mail them only if the Mother confirmed that the November 19th date was acceptable.
15. Two telephone attempts by the Director's secretary and the Director respectively, with messages left for the Mother, were made on November 16, 1999, regarding the proposed November 19, 1999 date. The Mother contacted the Director on November 17, 1999, and requested the CCC meeting be scheduled for November 22, 1999. This date was

agreeable to the Father.

16. Participants met on November 22, 1999, to hold the CCC meeting. When the School called the Mother at the beginning of the meeting, she did not answer her telephone. A message was left for her requesting that she call the School and suggest two additional dates for the CCC to meet again. Later that day the Principal reached the Mother, who reported that she screens her calls and did not answer the phone because the call came from the School and not the Director.
17. Attempts to re-schedule the CCC meeting began again on November 30, 1999, at which time the Mother told the Principal that December 10th would work for her. This date was agreeable to the Father.
18. The CCC meeting notifications were sent on December 2, 1999. The notification indicates that the CCC meeting was scheduled for December 10, 1999 at 1:30 p.m., and was to be held at the School. The Principal, the Director, another special education specialist, the student's general and special education teachers, the Father, and the Mother, via telephone, were listed by name as the participants. The notification indicates the reason for meeting, and that the Student's current educational program would be discussed.
19. On December 10, 1999, and prior to the CCC meeting, the Mother called the Principal and stated that she did not know why the meeting was being held on a Tuesday. Later, as participants began gathering for the meeting, the School made two attempts to call the Mother. The Mother did not answer the telephone, and therefore, messages were left.
20. The Principal and the Mother talked on December 14, 1999, and the Mother questioned why the Director had called her on December 10, 1999. The Mother stated that the Principal had told her the CCC meeting was to be on "Thursday." The Mother also stated that she had received the notification for the meeting on the 10th, but had not had enough time to mail it back.
21. The Principal called the Mother on December 15th and left a message proposing that the CCC meeting be held on January 20, 2000. The Director asked the Principal to get verbal agreements from all the CCC participants for January 20th.
22. On January 6, 2000, the Mother verbally confirmed her participation for the January 20th CCC meeting. The notification was sent to the Mother on January 10, 2000. The notification stated that the CCC would meet on January 20th at 1:30 p.m. at the School. All required participants, in addition to two additional individuals were identified by name and title. The notification also stated the reason for meeting and that the Students current educational program would be discussed.
23. The CCC meeting was conducted on January 20, 2000. The Mother and the Father attended via speaker phone.

CONCLUSIONS:

1. Findings of Fact #2 through #23 reflect the School offered numerous dates for the CCC meeting, that the Mother failed to participate in two scheduled CCC meetings, and that a CCC was successfully convened on January 20, 2000. Therefore, no violation of 511 IAC 7-12-1(g) occurred.
2. Findings of Fact #2 through #23 reflect the School did notify the Mother and the Father of

the CCC meeting early enough to ensure that one or both parents have the opportunity to attend the meeting at a mutually agreed upon date, time, and place. Therefore, no violation of 511 IAC 7-12-1(c) occurred.

3. Findings of Fact #18 and #22 reflect the School did provide notices of the CCC meetings that contained all of the requisite components. Therefore, no violation of 511 IAC 7-12-1(d) occurred.
4. Findings of Fact #2 through #23 reflect the School did use other methods to ensure that a parent was able to participate in the CCC meeting. Therefore, no violation of 34 CFR 300.345(c) occurred.
5. Findings of Fact #2 through #22 reflect the School did make sufficient attempts to arrange a CCC meeting at a mutually agreed upon time and place to allow a parent to attend. Therefore, no violation of 34 CFR 300.345(d) occurred.

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