

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1521.00
COMPLAINT INVESTIGATOR: Bridget Hand
DATE OF COMPLAINT: January 28, 2000
DATE OF REPORT: February 21, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: March 20, 2000

COMPLAINT ISSUES:

Whether the Brownsburg Community School Corporation and the West Central Joint Services violated:

- 511 IAC 7-12-1(d) with regard to the school's alleged failure to provide the parent with written notice of the case conference committee (CCC) convened on January 21, 2000;
- 34 CFR 300.504(a)(1) with regard to the school's alleged failure to provide the parent with a notice of procedural safeguards at the time the parent was notified of the January 21, 2000 CCC meeting;
- 511 IAC 7-12-1(n) and (o) with regard to the school's alleged failure to provide the parent with a copy of the report of the January 21, 2000 CCC within ten instructional days of the date of the meeting; and
- 511 IAC 7-12-1(e) with regard to the school's alleged failure to include a public agency representative with the authority to commit the school's resources at the January 27, 2000 CCC meeting.

FINDINGS OF FACT:

1. The student (the "Student") is fifteen years old and eligible for special education and related services due to being emotionally handicapped ("EH").
2. On January 5, 2000, the parent had a telephone conversation with the School Psychologist. During this conversation, the parent asked for a CCC meeting to be scheduled. This meeting was scheduled for January 14, 2000. This meeting was then rescheduled until January 21, 2000. The parent did not receive written notice of this meeting.
3. The school provided the notes taken by the School Psychologist during the telephone conversation with the parent on January 5, 2000. These notes stated that the parent was requesting a case conference. The school also provided an electronic mail message to special education personnel from the School Psychologist after his telephone conversation with the parent on January 5, 2000. This electronic mail message stated twice that the mother had requested a CCC meeting to discuss residential placement.
4. The School Psychologist submitted a letter advising that it was not his impression that she was

requesting a CCC meeting but rather a staffing to receive feedback from the participants of the staffing. He advised that he and his colleagues often refer to staffings as a conference or a case conference, using these words interchangeably.

5. The parent advises that during the meeting on January 21, 2000, she continually asked if it was a CCC meeting to which she was told that it was a CCC meeting. Participants of this meeting included General Education Teachers, parent, Special Education/EH Teacher, Local Director of Special Education, two parent participants, participant from workforce development, Special Education - Department Chair, Guidance Counselor, and the Assistant Principal. Notes were taken by the Local Director and the parent received a copy of these notes on January 26, 2000. These notes were provided on regular paper as opposed to a CCC form. The parent was never provided a notice of procedural safeguards during the meeting on January 21, 2000.
6. During the meeting on January 21, 2000, it was decided that a CCC meeting would be held on January 27, 2000, to again discuss placement options. This meeting was to include representatives from other placements and someone to help the committee understand the process and appropriate action to take concerning placement. During the January 27, 2000, CCC meeting, the Local Director committed the schools resources to arrange an agreeable program for the Student. The Local Director is the public agency representative with the authority to commit these resources.

CONCLUSIONS:

1. Findings of Fact #2 though #5 show that the meeting held on January 21, 2000, was a CCC meeting. A written notice for the CCC meeting was not received by the parent. Therefore, a violation of 511 IAC 7-12-1(d) is found.
2. Findings of Fact #2 through #5 again show how the school first called this a CCC meeting and then later advised they only believed this to be a staffing. A notice of procedural safeguards was not provided to the parent during the CCC meeting on January 21, 2000. Therefore, a violation of 34 CFR 300.504(a)(1) is found.
3. Finding of Fact #5 shows that the parent did receive a copy of the notes completed on regular paper during the CCC meeting on January 21, 2000. The parent did not ever receive a copy of a written report from this meeting. Therefore, a violation of 511 IAC 7-12-1(n) and (o) is found.
4. Finding of Fact #6 shows that the Local Director is the public agency representative with the authority to commit the school's resources. Therefore, no violation of 511 IAC 7-12-1(e) has occurred.

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

CORRECTIVE ACTION:

The Brownsburg Community School Corporation and the West Central Joint Services shall:

1. Provide an in-service to all special education personnel on:
 - a. use of consistent terminology when scheduling CCC meetings;
 - b. providing parents with adequate notice of CCC meetings; and

- c. providing parents with a copy of the written CCC report within ten instructional days. A copy of the in-service agenda, along with a list of all participants shall be submitted to document compliance.
- 2. Submit a memorandum to all special education personnel reminding them to provide parents with a notice of procedural safeguards at all CCC meetings. A copy of this memorandum with a list of all recipients shall be submitted to document compliance.

Documentation of compliance shall be submitted to the Division no later than March 20, 2000.