

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1580.00  
**COMPLAINT INVESTIGATOR:** Steve Starbuck  
**DATE OF COMPLAINT:** May 25, 2000  
**DATE OF REPORT:** June 23, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** September 12, 2000

**COMPLAINT ISSUES:**

Whether the Crawfordsville Community Schools and the West Central Indiana Special Services violated:

511 IAC 7-10-3(e) with regard to the school's alleged failure to:

- a. follow the procedures of 511 IAC 7-10-3(c) when a parent has requested an educational evaluation; and
- b. conduct an educational evaluation and convene a case conference committee within forty instructional days of the date of written parental consent.

During the course of the investigation, an additional issue was identified as:

34 CFR 300.532 (g) with regard to the school's alleged failure to ensure the Student is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

**FINDINGS OF FACT:**

- 1. The Student is seven years old and attends a local elementary school (the "school"). At the time of the complaint, the Student had not been evaluated to determine eligibility for special education services.
- 2. The Student enrolled at the school on March 10, 2000 from an out-of-state school. The school counselor spoke with the principal from the Student's previous school and was informed that the Student had received services pursuant to a Section 504 plan based on a DSM IV diagnosis. Beginning the week of March 13, 2000, the school provided support services for behavior management to the Student per his 504 plan from the previous school. The school counselor and special education personnel helped implement a series of services and collected data on the Student.
- 3. The Student's parent verbally indicated at a meeting with the school principal during the week of March 13, 2000, that she wanted the Student evaluated for special education eligibility. The parent was not asked for and did not provide written consent at that time. The school did not conduct a meeting with the parent to discuss the reasons for an evaluation or obtain the parent's written consent for an evaluation.
- 4. The school nurse completed a vision screening for the Student during the week of April 10, 2000, and determined that the Student's vision needed further evaluation and correction. The school stated it would not conduct an educational evaluation of the Student until the parent had obtained a vision examination and any correction prescribed. The parent did not pursue a vision examination, and on

May 3, 2000, the school counselor provided resources to the Student's parent regarding an eye exam.

5. On May 6, 2000, the school principal met with the Student's parent regarding the Student's increasingly inappropriate behavior and its adverse affect on the student's educational performance. The school did not initiate an evaluation of the Student. Both parties agreed that the Student should attend school on a half-day program similar to the schedule he had at his previous school. The parent indicated he would home school the Student for the remainder of the school year.

#### **CONCLUSIONS:**

1.
  - a. Finding of Fact #3 reflects that the parent made a verbal request for an evaluation to the school principal during the week of March 13, 2000. The school did not conduct a meeting with the parent to discuss the evaluation or obtain the parent's written consent. Finding of Fact #6 indicates that the school did not initiate an evaluation despite the school's awareness of the behavioral and academic problems experienced by the Student. Therefore, a violation of 511 IAC 7-10-3(e) is found with respect to the school's failure to take appropriate action upon a parent's verbal request for an educational evaluation.
  - b. Finding of Fact #3 reflects that the school did not obtain and the parent did not provide written consent for the educational evaluation. Because the school failed to comply with the requirement to meet with the parent and obtain written consent, the timeline for an evaluation and CCC did not begin to run, and no violation is found with respect to this issue.
2. 34 CFR 300.532(g) requires that a student be assessed in all areas related to the suspected disability, including vision and other areas as appropriate. Finding of Fact #4 reflects that the school was aware of a potential vision deficit as a result of the vision screening. However, instead of making a vision examination a part of the student's comprehensive educational evaluation, the school required the parent to obtain the vision examination as a prerequisite to the school's initiation of an educational evaluation. Therefore, a violation of 34 CFR 300.532 (g) is found.

**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:**

Crawfordsville Community Schools and West Central Indiana Special Services shall:

1. Complete a comprehensive educational evaluation, including a vision examination, and convene the case conference committee by September 1, 2000. A copy of the CCC Report and the IEP (if the Student is determined eligible) shall be submitted to the Division no later than September 11, 2000.
2. Revise, if necessary, any school policy or staff directive that requires an educational evaluation to be delayed if the student needs additional vision or hearing examinations. A copy of the revised policy shall be provided to all appropriate personnel. A copy of the revised policy or directive and a list of the individuals with whom it was shared shall submitted to the Division no later than September 11, 2000. the policy must be changed. If there is no formal policy or directive for this practice, the school notify appropriate personnel in writing that an educational evaluation may not be delayed in order for the parent to obtain a vision or hearing examination at the request of the school. The school shall submit a copy of the written notification and a list of the personnel to whom it was provided no later than September 11, 2000.
3. Inservice appropriate staff regarding the requirements of 511 IAC 7-25-4 with regard to the school's responsibility when the parent requests an educational evaluation of a student. A copy of the

inservice agenda, all written materials, and a list of attendees by name and title shall be submitted to the Division no later than September 11, 2000.

DATE REPORT COMPLETED: June 23, 2000