

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1597.00
COMPLAINT INVESTIGATOR: Cindy Conway
DATE OF COMPLAINT: July 10, 2000
DATE OF REPORT: August 7, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: December 15, 2000

COMPLAINT ISSUES:

Whether the Hanover Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-10-3 with regard to the school's alleged failure to take appropriate action when a parent provided information that the student may be eligible as a student with a disability.

511 IAC 7-12-4 with regard to the school's alleged failure to provide instruction in a homebound or hospital setting for a student with an injury that precludes the student's attendance at school.

FINDINGS OF FACT:

1. The Student is six years old and is in kindergarten.
2. The Student has not been determined eligible for special education or related services.
3. On January 7, 2000 the Student was hit by a moving vehicle and required hospitalization for approximately five weeks. The Student was discharged from the hospital on February 14, 2000.
4. The Student's diagnoses, upon discharge from the hospital, included Traumatic Brain Injury, fractured vertebrae, spinal cord damage, lung contusion, visual and verbal memory impairment, slurred speech, Post-Traumatic Stress Disorder and possible Attention- Deficit Disorder.
5. The discharge instructions from the hospital included outpatient psychological services, occupational, physical and speech therapy, home nursing services to monitor the halo pin sites, and special education and other related services to be provided at home.
6. On February 18, 2000 the parent requested in writing that a case conference be scheduled to determine eligibility for special education and other related services. The parent included copies of the Student's discharge home instructions and neuropsychological screening evaluation. The parent stated that she would not give permission for the school to conduct a special education evaluation as she felt that the documentation from the hospital was sufficient to determine eligibility for special education and related services. The parent stated that the doctors informed her that further psychological and intellectual testing could negatively impact the Student's medical condition.
7. On May 1, 2000 the parent verified that additional speech therapy, physical therapy, language, occupational therapy, and psychological evaluation information had been sent from the doctors and

hospitals to the supervisor of the local special education office as requested.

8. The parent placed telephone calls to the local special education office on May 9, June 12, June 13, June 14, and June 20, 2000 requesting that the Student be enrolled in the special education summer program.
9. The parent received notification from the local principal dated June 5, 2000 that the Student would be retained in kindergarten for the 2000-2001 school year due to absenteeism.
10. The local director of special education acknowledged in a facsimile response dated July 25, 2000 that, although the parent discussed with school personnel the fact that she was interested in receiving homebound services for the Student during the summer, the "arrangements were never finalized for a teacher to either provide homebound services or for the student to attend the local summer program."
11. The local director of special education stated that the special education cooperative and the local community school district will evaluate the Student for the 2000-2001 school year. If the Student is unable to return to school, arrangements will be made to evaluate the Student in his home.

CONCLUSIONS:

1. Findings of Fact # 3 through #7 indicate that due to the Student's hospitalization and subsequent medical needs, the local school corporation had prior knowledge of the Student's situation and failed to take appropriate action when the parent provided information that the Student may be eligible as a student with a disability. Therefore, a violation of 511 IAC 7-10-3 is found.
2. Findings of Fact # 8 through #11 indicate that the local school corporation failed to provide instruction in a homebound or hospital setting for a student with an injury that precludes the Student's attendance at school. Therefore, a violation of 511 IAC 7-12-4 is found.

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

CORRECTIVE ACTION:

The Hanover Community School Corporation and the Northwest Indiana Special Education Cooperative shall:

1. Convene the case conference committee (CCC) to review existing evaluative data and decide if additional information is needed to determine the Student's eligibility for special education services. A copy of the CCC report (and IEP if appropriate) shall be submitted to the Division no later than August 25, 2000.
2. If the CCC determines additional evaluative information is needed, conduct the evaluation and convene the CCC to determine the Student's eligibility for special education. A copy of the CCC Report and IEP, if appropriate, shall be submitted to the Division no later than September 29, 2000.
3. Upon the first instructional day of the 2000-2001 school year, begin to provide homebound services until the Student is physically able to attend school or the CCC determines otherwise. Documentation of the provision of services shall be submitted to the Division no later than

September 4, 2000.

DATE REPORT COMPLETED: August 7, 2000