

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2003.03
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	February 12, 2003
DATE OF REPORT:	March 10, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 14, 2003

COMPLAINT ISSUES:

Whether the School City of Hammond violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

During the course of this investigation, the following change was made, and an alternate issue was added:

511 IAC 7-27-7(a) was determined not relevant to the facts identified in the complaint and shall be disregarded.

511 IAC 7-25-4(b) by failing to conduct an educational evaluation and convene a case conference committee (CCC) within 60 instructional days of the date the parent requested an initial educational evaluation.

FINDINGS OF FACT:

1. The Student is five years of age, attends the local elementary school (the School), and qualifies for special education and related services under the category of other health impaired (OHI).
2. The Complainant referred the Student for an education evaluation to determine if he qualified for special education and related services under Article 7 in August 2002, and on September 4, 2002, a meeting was held to discuss the Student's educational problems. The Complainant was informed that the Student was too young to be tested for a learning disability and no evaluations were made by the School. The Complainant referred the Student for special education again on October 9, 2002, and January 13, 2003. The School conducted evaluations and convened a CCC meeting on March 3, 2003, and determined that the Student qualified for services. The IEP lists the date of referral as September 4, 2002, and the initial evaluation date as March 3, 2003.

CONCLUSIONS:

1. Findings of Fact #2 indicates that the School failed to conduct an educational evaluation and convene a case conference committee (CCC) within 60 instructional days of the date the parent requested an initial educational evaluation. Therefore, a violation of 511 IAC 7-25-4(b) is found.

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

CORRECTIVE ACTION:

1. Convene the CCC to:

Determine whether, and to what extent, compensatory services are to be provided as a result of the failure to implement the Student's IEP, with regard to the failure to conduct an educational evaluation and convene a case conference committee (CCC) within 60 instructional days of the September 4, 2003 referral. The case conference committee's discussion and consideration of compensatory services shall be clearly delineated in the CCC report.

2. Send a written reminder to all school administrators and special education personnel stating the requirements of 511 IAC 7-25-4(b), with emphasis on the requirement to comply with timelines, upon receipt of the parent's written referral, to conduct a comprehensive educational evaluation, and convene a case conference committee meeting to determine the student's eligibility for special education and related services.

A copy of both 1.) the Student's IEP, clearly addressing compensatory services, and 2.) the written memorandum with a list of those who received them, shall be submitted to the Division no later than March 28, 2002.