

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2008.03
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	February 27, 2003
DATE OF REPORT:	March 21, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 1, 2003

COMPLAINT ISSUES:

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

511 IAC 7-25-4(a) and (b) by failing to hold a personal meeting with the parent to inform the parent about an initial educational evaluation and by failing to conduct an initial educational evaluation and to convene the case conference committee within sixty (60) instructional days of the date the written parental consent was received by certified personnel of the school.

FINDINGS OF FACT:

1. The Student is seven years old and has been formally referred for an educational evaluation to determine the nature and extent of a suspected disability, but not yet determined eligible for special education and related services.
2. In a handwritten letter dated November 8, 2002 (the "Parent's Letter"), the Parent requested educational testing in addition to certain screenings that had been performed as a part of the School's general education interventions for the Student.
3. The Parent's Letter was delivered, not mailed, to the School. The School has produced no documentation (such as a date-stamp or a log) that identifies when certified personnel received the Parent's Letter. Regardless of who received the Parent's Letter, the School's procedure required school personnel to deliver the Parent's Letter to the Principal.
4. The School acknowledges that, by January 16, 2003, the Parent's Letter was on the Principal's desk.
5. General education interventions were continued after January 16, 2003, with a scheduled review date of March 20, 2003. For example, the Teacher reported results of additional screenings to the Parent on January 28, 2003.
6. As of the date of the filing of the Complaint, the Parent had received no response to the Parent's Letter and had not been invited to a personal meeting regarding an initial educational evaluation. As of the date of the filing of the Complaint, the School had not forwarded the Parent's Letter or a referral packet to the local special services office.
7. As voluntary corrective action, the personal meeting with the Parent was held on March 10, 2003, and the Student was formally referred for an educational evaluation. In addition, the local director of special

education indicated that best efforts would be used to complete the educational evaluation and convene the case conference committee meeting by sixty (60) instructional days from January 16, 2003.

8. As additional voluntary corrective action, the local director of special education reminded administrators at the Student's School that, when a written parental request for evaluation is received, the School must meet with the parent to discuss the request and explain the available options. Under the local procedure, a parent must be provided with an opportunity to select general education interventions or an educational evaluation, or first general education interventions followed by an educational evaluation, if needed.

CONCLUSIONS:

1. Findings of Fact #2, #3, #4, #5, and #6 indicate that the school corporation did not hold a personal meeting with the Parent and did not initiate the process for an educational evaluation of the Student. Therefore, a violation of 511 IAC 7-25-4(a) and (b) occurred. However, Findings of Fact #7 and #8 indicate that partial corrective action has been taken.

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

CORRECTIVE ACTION:

MSD Wayne Township shall complete the educational evaluation of the Student and convene the case conference committee meeting on or before April 21, 2003.

A copy of the written Notice of Case Conference Committee Meeting and documentation that the meeting occurred (such as the first page of a Case Conference Report) shall be sent to the Indiana Department of Education, Division of Exceptional Learners, by April 30, 2003.

MSD Wayne Township shall review and, if necessary, change local procedures for referrals for educational evaluations, so that personal meetings with parents are held and parental requests for evaluation are sent to the Special Services Office, when needed. In addition, MSD Wayne Township shall provide information to all principals about the procedures to be utilized when a parent

- a. submits to certified personnel a written request for an educational evaluation; or
- b. makes a verbal request to certified personnel for an educational evaluation.

A copy of the information provided to all principals shall be submitted to the Indiana Department of Education, Division of Exceptional Learners by April 30, 2003.