

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2021.03
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	March 31, 2003
DATE OF REPORT:	April 25, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 19, 2003

COMPLAINT ISSUES:

Whether the Tri-Creek School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-27-2(a) by failing to schedule a case conference committee meeting at a mutually agreed upon date, time, and place; and 511 IAC 7-27-2(c) by failing to give adequate notice of the case conference committee meeting to persons entitled to notice.

FINDINGS OF FACT:

1. The Student was seventeen years old when this Complaint was filed and is eligible for special education and related services as a student with a mild mental disability.
2. The Student's mother ("Mother") and Student's father ("Father") are divorced and have joint legal and physical custody of the Student. The Mother and the Father live in separate residences, each within the boundaries of the school corporation.
3. The Student's individualized education program ("IEP") as of March, 2003, had been developed at a case conference committee ("CCC") meeting the preceding spring. The initiation date of the IEP was April 4, 2002, and the duration date of the IEP was April 3, 2003.
4. On Thursday, March 13, 2003, the School contacted the Mother to arrange the date and time for a CCC meeting. The Mother, who had been absent from work for health reasons, was to return to work on Monday, March 17, 2003. The Mother was agreeable to meeting the very next day, March 14, 2003, and was not agreeable to meeting later in March, 2003.
5. The Father was out of state on March 13 and 14, 2003, and was not contacted about possible dates for the CCC meeting. The Father was not agreeable to meeting on March 14, 2003.
6. The Student's CCC met on March 14, 2003, with the Mother in attendance.
7. Because the CCC meeting was convened on such short notice, a written notice of the CCC meeting was not sent in advance to either the Mother or the Father. Father did not attend the CCC meeting on March 14, 2003.

8. As of March 14, 2003, the Student was seventeen years old. Due to the Student's age, the CCC would necessarily address the subject of needed transition services. A written notice of the CCC meeting was not mailed to the Student.
9. On March 13, 2003, the teacher of record met with the Student to discuss the Student's preferences and interests, which were incorporated into the report of the March 14th CCC meeting.
10. On March 27, 2003, Father wrote to the superintendent of the school corporation and the local director of special education raising the same issues as the letter of complaint. In response to that letter and prior to receiving the first communication from the complaint investigator, the local director of special education conferred with Father and proposed to reconvene the CCC meeting. In a letter dated April 1, 2003, the local director confirmed the proposal to reconvene.
11. On April 16, 2003, the Student's CCC reconvened with Father and the Student in attendance. Father agreed to the identical IEP that on March 14, 2003, Mother had agreed to.

CONCLUSION:

1. Finding of Fact #2 indicates that "parent" as defined in 511 IAC 7-17-57(1) includes the Student's Mother or the Student's Father, or both. When a Student has two joint custodians (including married parents), the School is not required to contact each of the two parents, individually, to arrange a mutually agreed upon date, time and place for a case conference committee meeting. Findings of Fact #3, #4, and #6 indicate that the date, time and place of the case conference committee meeting was agreed upon with a parent. In addition, Findings of Fact #3, #4, and #5 indicate a unique set of circumstances in which no mutually agreed upon date was possible within the time frame required by 511 IAC 7-27-7(d). Therefore, no violation of 511 IAC 7-27-2(a) occurred.

Finding of Fact #2 indicates that the Father was a person entitled to adequate written notice of the CCC meeting, and Finding of Fact #7 indicates that notice was not given to the Father. Therefore, a violation of 511 IAC 7-27-2(c) occurred. However, Findings of Fact #10 and #11 indicate that appropriate corrective action has been taken.

Finding of Fact #8 indicates that the Student was entitled to adequate written notice of the CCC meeting, but not given notice. Therefore, a violation of 511 IAC 7-27-2(c) occurred. However, Finding of Fact #8 indicates that the School complied with 511 IAC 7-27-3(e)(3), and Finding of Fact #11 indicates that appropriate corrective action has been taken.

The Department of Education, Division of Exceptional Learners requires no additional corrective action based on the Findings of Fact and Conclusions listed above.