

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2024.03
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	August 7, 2003
DATE OF REPORT:	May 5, 2003
REQUEST FOR RECONSIDERATION:	yes/revised June 6, 2003
DATE OF CLOSURE:	September 10, 2003

COMPLAINT ISSUES:

Whether the Duneland School Corporation and the Porter County Education Interlocal violated:

511 IAC 7-27-4(a)(3) by failing to convene a case conference committee (CCC) meeting upon the request of a parent.

FINDINGS OF FACT:

1. The Student is nine years old, attends the local elementary school (the School), and qualifies for special education and related services under the categories of hearing impaired (HI) and communication disorder (CD).
2. In a letter received by the Director on September 10, 2002, the Complainants requested the Student's IEP, dated May 7, 2002, be amended to include an accommodation for transportation due to the Student's hearing impairment that contributed to an incident in which the Student did not hear an oncoming car while crossing the street to board the bus during the first week of school. The Complainants requested a re-convened CCC meeting, if necessary, to amend the IEP.
3. The School scheduled a CCC meeting for September 18, 2002, upon the Complainants' request of September 10, 2002. The Complainants were unable to meet until October 3, 2002, to discuss accommodations for transportation for the Student. In a letter of October 11, 2002, the Complainants, stating that the IEP is incomplete until the transportation issue is resolved. They stated that they "hope this issue can be resolved as soon as possible," and that they would be providing (the School) with a written statement from the Student's doctor regarding (the Student's) need for special transportation, which they did not consider to have been properly addressed in the previous CCC meeting.
4. In a letter dated November 19, 2002, and received by the Director on November 22, 2002, the Complainants again requested the IEP be amended to include special transportation so that the Student would not have to cross the road. The letter concluded by stating, "If (the Student's) IEP is not amended as stated above, or if you do not respond within 10 days, we will request another case conference." The School responded on November 25, 2002, that the issue had already been discussed and the CCC did not agree to special transportation. The School replied that they would schedule another CCC if new information was available, and if the Complainants contacted the Director to schedule another case conference.

5. The Complainant replied on December 27, 2002, that the Student's doctor had written a letter with information to discuss with the CCC, and the Complainant wished to request another CCC meeting be scheduled, "as soon as possible." The Director responded on January 13, 2003, stating that a CCC meeting would be scheduled upon the School's receipt of a copy of the doctor's letter and a release of information so that the School could contact the doctor with questions prior to the CCC meeting, and the CCC would be scheduled when the Director could determine who would need to be included in the CCC. The Complainants replied on January 30, 2003, again requesting a CCC meeting. The Complainants informed the School they would also be sharing a recent independent speech and language evaluation with the CCC. They stated they did not want to sign a release of information form at that time. They requested an immediate emergency CCC meeting since the incident that initiated the requests had occurred the first week of the school year and the school year was already more than half over.
6. On February 4, 2003, the School, according to the parent's request, scheduled a CCC meeting to be held March 13, 2003. The School requested the signed exchange of information form and doctor's letter be sent to them prior to the CCC meeting. The Complainants could not attend on that date and requested another date. The School and the parent agreed to convene a CCC meeting on April 21, 2003, and did meet on that date.

CONCLUSIONS:

Findings of Fact #2 through #6 indicate that the School delayed the Complainants' repeated requests, beginning with the letter dated October 11, 2002, for services that are required by Article 7 to be addressed in CCC only. 511 IAC 7-27-4(a)(3) requires the School to convene a case conference committee meeting upon the request of a parent. The Complainants indicated in the series of letters to the School that they wanted to address specific information, including new information that they did not believe had been considered by the CCC. The School placed requirements on the Complainants for additional information not discussed in the previous CCC meeting to be provided to the School, including permission to release information from the Student's doctor to the School, prior to scheduling the CCC meeting. Article 7 does not require information be provided to schools prior to a CCC meeting being convened for students in special education under IDEA. In addition, Article 7 does not require parents to provide consent for release of information from doctors to the schools before educational issues can be addressed for students enrolled in special education. Therefore, a violation of 511 IAC 7-27-4(a)(3) is found for failing to convene a case conference committee meeting upon the request of a parent.

CORRECTIVE ACTION:

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

The Duneland School Corporation and the Porter County Education Interlocal shall:

A memorandum to all case conference coordinators and administrators for the local school district informing them of the School's responsibility to convene a case conference committee upon the request of a parent, without stipulating requirements not contained in Article 7. A copy of the memorandum, and a list of recipients of the memorandum shall be forwarded to the Division by September 5, 2003.

*The corrective action in the original report requiring the School to reconvene the CCC is rescinded.