

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2047.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	June 27, 2003
DATE OF REPORT:	July 21, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	August 14, 2003

**COMPLAINT ISSUES:**

Whether Valparaiso Community Schools and the Porter County Education Interlocal violated:

511 IAC 7-25-5(i) by imposing conditions, other than those identified in 511 IAC 7-25-5(h), specifically limiting the parent's choice of independent evaluators when the school agreed to pay for an independent evaluation at the parent's request.

**FINDINGS OF FACT:**

1. The Student is eight years old and attends the local elementary school ("the School"). The Student has been determined eligible for special education as a student with autism spectrum disorder.
2. The Student's assessment team completed a reevaluation on March 7, 2003, which focused on the Student's cognitive functioning, achievement, adaptive behavior, fine and gross motor functioning, and communication abilities. The Complainant requested an independent evaluation at public expense on May 26, 2003, stating that the information contained in the reevaluation was inconclusive. The Special Education Supervisor responded on June 6, 2003. Two possible evaluators were provided, and it was stated that the evaluation would be at public expense.
3. In the June 6, 2003, letter, the Supervisor stated that the two evaluators best met the School's criteria for an educational evaluation. On June 18, 2003, the Student's mother wrote that the parents were planning to take the Student to the University of Chicago for an evaluation, and requested a letter of financial assurance. Then, on June 20, 2003, the Executive Director sent a letter to the parents stating that the School would not pay for an evaluation at the University of Chicago. The Executive Director enclosed a copy of the Supervisor's June 6 letter but provided no further explanation. The School has not requested a due process hearing.

**CONCLUSIONS:**

1. Findings of Fact #2 and #3 indicate that although the School initially agreed to pay for an independent evaluation at public expense, the School subsequently denied the request for payment of an IEE by a provider not included on the School's list. As a result of this denial, the School is required, pursuant to 511 IAC 7-25-5(c), to request a due process hearing. To date, the School has not requested a hearing. Therefore, a violation of 511 IAC 7-25-5(i) has been found.

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

**CORRECTIVE ACTION:**

Valparaiso Community Schools and the Porter County Education Interlocal shall:

1. either notify the parents that their request for an independent evaluation at the University of Chicago will be paid for by the School, or submit a request for a due process hearing to the Division no later than August 1, 2003. If the School chooses to allow the independent evaluation, it must notify the Division of its decision in writing by August 1, 2003; and
2. send a written memorandum to appropriate special education personnel, reminding them of the correct procedures to follow when a parent requests an independent evaluation at public expense. The memorandum should include all relevant criteria used by the School to determine whether the request will be accepted or a due process hearing initiated. The Division shall receive a copy of the memorandum by August 1, 2003.