

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2064.04
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	September 26, 2003
DATE OF REPORT:	October 24, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 16, 2004

COMPLAINT ISSUES:

Whether the Westview School Corporation and the Northeast Indiana Special Education Cooperative violated:

511 IAC 7-25-5 by failing to give parents the right to an independent educational evaluation (IEE) at public expense by implementing a policy that allows parents seeking an IEE a choice of school psychologists employed by the special education planning district to complete the evaluation at no cost.

511 IAC 7-17-23 by failing to implement a diagnostic teaching evaluation pursuant to an interim individualized education program (IEP).

FINDINGS OF FACT:

1. On September 20, 2003, an IHO issued a written decision in a due process hearing. During the course of the hearing, two points emerged in the exhibits and testimony, suggesting the School may need to clarify and/or correct procedural matters regarding the above issues. The Division learned of this in a letter from the IHO on September 26, 2003. According to the provisions of Article 7, Rule 30, a complaint investigation was opened.
2. The School acknowledges that it had been implementing a policy that parents seeking an IEE may select one of the school psychologists employed by the special education planning district (Planning District) to complete the evaluation at no cost to them. The Planning District reviewed and revised its procedures regarding this matter and has a new IEE policy in place that was approved by the local Superintendents' Council on January 16, 2003. The new procedures are included in all policy manuals in each school building within the planning district. In addition, case conference coordinator training sessions on this issue were conducted on June 10 and 11, and August 5 and 6, 2003.
3. The School acknowledges that it did not have a consistent policy and practice on developing interim IEPs for students receiving diagnostic teaching evaluations. Testimony and evidence from hearing #1321.02 indicates that the School did not prepare an interim IEP for the Student. The Planning District has developed a new policy officially approved by the local Superintendents' Council on October 16, 2003. A memorandum for distribution of the new policy, dated October 17, 2003, was sent to all school psychologists. In-service dates for all necessary teachers and school psychologists regarding this and other issues are scheduled for January 19 and March 1, 2003.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School acknowledges that it had been implementing a policy that parents seeking an IEE may select one of the school psychologists employed by the special education planning district to complete the evaluation at no cost. Therefore, a violation of 511 IAC 7-25-5 is found. However, Finding of Fact #2 also indicates that appropriate corrective action has been taken.
2. Finding of Fact #3 indicates that the School acknowledges that it did not have a consistent policy and practice on developing interim IEPs for students receiving diagnostic teaching evaluations. Therefore, a violation of 511 IAC 7-17-23 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:

Westview School Corporation and the Northeast Indiana Special Education Cooperative shall:

Submit a copy of the agenda for the scheduled January 19, 2003, in-service in addition to copies of the attendance sheet and any materials/handouts to the Division no later than January 23, 2003. The School will notify the Division if the scheduled date changes and inform the Division of what arrangement has been made to fulfill this corrective action.