

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2229.05
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	March 2, 2005
DATE OF REPORT:	March 23, 2005
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 13, 2005

COMPLAINT ISSUES:

Whether the School City of Hammond violated:

511 IAC 7-27-7(b)(1) by failing to ensure that the student's teacher of record monitored the implementation of the student's individualized education program (IEP) developed for the 2004-2005 school year; and

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

FINDINGS OF FACT:

1. The student is fifteen years old, attends the ninth grade, and has been identified as eligible for special education due to an emotional disability.
2. The Complainant asserts that the student's teacher of record failed to monitor the implementation of the student's IEP as required by 511 IAC 7-27-7(b)(1). According to the Complainant, the student's teacher of record acknowledged at a January 6, 2005, CCC meeting that she was not familiar with the student or the educational progress he had made during the 2004-2005 school year.
3. The director of special education acknowledges that the student's teacher of record did not monitor the implementation of the student's IEP from the beginning of the 2004-2005 school year through January 6, 2005.
4. On October 1, 2004, the Complainant requested a CCC meeting to discuss the student's behavior problems at school and to revise the student's IEP if necessary. The school convened a meeting on November 11, 2004, but the school failed to have all the required participants available to conduct a CCC meeting. The school did not comply with the Complainant's request to convene a CCC meeting until January 6, 2005.

CONCLUSIONS:

1. Findings of Fact #2 and #3 establish that the school failed to ensure that the student's teacher of record monitored the student's IEP from the beginning of the 2004-2005 school year through January 6, 2005. Therefore, a violation of 511 IAC 7-27-7(b)(1) is found.

2. Finding of Fact #4 reflects that the school failed to convene a CCC meeting for the student at the request of the parent in a timely manner. Therefore, a violation of 511 IAC 7-27-4(a)(3) 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:

The School City of Hammond shall:

1. Convene a CCC meeting no later than April 22, 2005, to determine the need for compensatory services. To document compliance, submit a copy of the student's IEP and CCC Summary Report to the Division no later than April 29, 2005.
2. Send a memorandum to all appropriate school personnel reminding them of the requirements specified in 511 IAC 7-27-4(a)(3). Submit a copy of the memorandum to the Division no later than April 29, 2005, including a list of school personnel (name and title) to whom the memorandum was sent.