

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2298.06
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	January 19, 2006
DATE OF REPORT:	February 13, 2006
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	March 24, 2006

COMPLAINT ISSUES:

Whether the MSD of Boone Township and the Porter County Education Services violated:

511 IAC 7-25-4(b) by failing to conduct the initial educational evaluation and convene the student's case conference committee within 60 instructional days of the date the written parental consent is received by certified personnel.

511 IAC 7-23-1(p) by disclosing personally identifiable information about another student to individuals other than the parent or authorized public agency officials.

FINDINGS OF FACT:

1. The Student, 14 years old, has been determined not eligible for special education and related services.
2. The School received the written parental consent for an educational evaluation dated August 31, 2005, on September 8, 2005. The 60 instructional day time limit elapsed on December 6, 2005. The Student's case conference committee convened on January 25, 2006. The School acknowledges that the 60 instructional day time period was exceeded.
3. The Complainant picked up a copy of the Student's evaluation report on January 17, 2006. On the page of the report describing the Student's present levels of performance, the Complainant discovered personal information regarding another student. The School acknowledges the error. After conducting an internal investigation, the School cannot explain how personal information about another student was included in the Student's evaluation report. The School Psychologist corrected the error and the Special Education Supervisor for Assessment reviewed and revised the reports so that neither report contains any personal information about other students.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School failed to conduct the Student's initial case conference committee to determine special education eligibility within the required 60 instructional days. Therefore, a violation of 511 IAC 7-25-4(b) is found.
2. Finding of Fact #3 indicates that the School disclosed personally identifiable information about another student in the Student's educational evaluation report. Therefore, a violation of 511 IAC 7-23-1(p) 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 MSD of Boone Township and Porter County Education Services shall:

Send a written memorandum to all administrators and relevant school personnel regarding the requirement to complete an initial evaluation and convene the case conference within 60 instructional days according to 511 IAC 7-25-4(b). A copy of the memorandum and a list of all who receive it shall be submitted to the Division no later than March 24, 2006.

An assurance statement ensuring that educational evaluation reports will not contain personally identifiable information about other students and that a regular practice of seriously scrutinizing and proofreading all reports will be maintained before a copy is made available to the parent shall be signed by the School Psychologist. A copy of the assurance statement shall be submitted to the Division no later than March 24, 2006.