

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2340.06
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	May 31, 2006
DATE OF REPORT:	June 28, 2006
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	July 21, 2006

COMPLAINT ISSUES:

Whether the Merrillville Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

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, 11 years old, is identified as a student with a learning disability, and has been determined eligible for special education and related services.
2. The School completed a re-evaluation of the Student on March 9 and 20, 2006. The School acknowledges that information regarding another student was placed into the Student's evaluation report. The error was made on one page of the report, specifically in the Interpretation section. A copy of the evaluation report was sent to the Complainant, without review, for consideration before the case conference committee meeting scheduled for March 27, 2006.
3. The Student's case conference committee convened on March 27, 2006 to review the results of the re-evaluation. The Complainant identified the portion of the evaluation report with another student's information. The School's internal investigation finds that the Teacher of Record contacted the School Psychologist after the case conference. The School Psychologist contacted the Complainant and explained that an error had been made when the relevant portion of the evaluation report was moved (cut and paste function while utilizing word processing software) into the Multi-Disciplinary Team Report Form 205-3. The Complainant acknowledges this, and acknowledges that the School Psychologist apologized for the mistake and immediately made corrections to the report that was sent to the Complainant. The School also provided a written apology.
4. The School Psychologist reviewed the other student's Multi-Disciplinary Team Report to make sure that it is accurate. The Student's personal information was not included in the other student's report.

CONCLUSION:

Findings of Fact #2 and #3 indicate that the School disclosed personally identifiable information about another student in the Student's 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:

Merrillville Community Schools and the Northwest Indiana Special Education Cooperative shall:

Develop and submit a protocol that provides greater safeguards to ensure against the unintended release of personally identifiable information. A copy of the protocol and a list of all relevant school personnel who receive it shall be submitted to the Division no later than August 25, 2006.