

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-208-2007
COMPLAINT INVESTIGATOR:	Bobbie Ritz
DATE OF COMPLAINT:	April 27, 2007
DATE OF REPORT:	May 24, 2007
REQUEST FOR RECONSIDERATION:	Yes/Revised - June 7, 2007
DATE OF CLOSURE:	January 28, 2008

COMPLAINT ISSUES:

Whether the Portage Township Schools and the Porter County Education Services violated:

511 IAC 7-27-2(d) by failing to provide adequate notice of the case conference committee (CCC).¹

511 IAC 7-27-2(a) by failing to schedule a CCC meeting at a mutually agreed upon date, time, and place.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by not informing the parent of the student's progress as required by the IEP.²

FINDINGS OF FACT:

1. The Student, 15 years old, is eligible for special education and related services as a student with an emotional disability and a learning disability.
2. The Student's annual case review was held on May 2, 2006. The Student's May 2, 2006 IEP contained four annual goals. The dates for reporting progress of annual goal and benchmarks for the 2006-2007 school year were as follows: October 2006, January, March and May 2007.
3. The Student's mother alleged that she has not been kept informed of the Student's progress as required by the IEP for the 2006-2007 school year. The School indicated in the letter of response that the monitored goal/benchmark pages are sent home to parents at the same time and in the same manner that general education students receive progress on their report cards. The School claimed this procedure was followed for all students and was followed in this case. However, the School did not submit documentation to verify informing the parent of the Student's progress as required by the IEP.
4. The Student's mother alleged there was inadequate notice of a case conference meeting. The Student's mother claims there has not been any formal notification by mail this school year. A hand written note on notebook paper (not dated) was submitted by the Teacher of Record to the parent with the parent signing and confirming attendance. The hand written note also requested other options if this date and time was not convenient for the parent. The School provided documentation of a Case Conference Notification form (not dated) requesting a case conference committee meeting on April 26, 2007. The box is checked regarding the First Notice dated April 17, 2007 but does not list how notification was made. The box is checked regarding the Second Notice dated April 25, 2007 with "phone" listed as the method of notification. The Student's mother acknowledged the telephone call at home the night before the CCC meeting was to take

¹ Upon investigation, the issue was changed to better reflect the facts.

² Upon investigation, the issue was changed to better reflect the facts.

place. The purpose of the conference was listed as Annual Case Review and Transition to Adult Life. There is no parent signature on the undated Case Conference Notification form.

CONCLUSIONS:

1. Finding of Fact #2 and #3 indicate that the Student's IEP dated May 2, 2006 contains four annual goals. The IEP indicates that the Student's progress should have been reported to the parent on the following dates: October 2006, January, March and May 2007. The School did not submit documentation to verify that the parent was properly informed of the Student's progress as required by the IEP or the extent to which that progress is sufficient to enable the Student to achieve the goals by the end of the twelve-month period. Therefore, a violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #4 indicates that a CCC meeting was held on April 26, 2007 with both the Student and parent attending. Since both the parent and Student were in attendance, the meeting was scheduled at a mutually agreed upon date, time, and place. Therefore, no violation of 511 IAC 7-27-2(a) is found.
3. Finding of Fact #4 indicates that an undated-handwritten note on notebook paper was submitted by the Teacher of Record. Finding of Fact #4 indicates that the note only included the date of the April 26, 2007 CCC meeting, and requested the parent to give other options of the April 26, 2007 date if this date was not convenient for the parent. Finding of Fact #4 indicates that the School provided a Case Conference Notification, which included the necessary elements per 511 IAC 7-27-2(d), for the April 26, 2007 CCC meeting. Finding of Fact #4 indicates that the box on the Case Conference Notification is checked regarding the First Notice dated April 17, 2007; however, there is no indication as to how notification was made to the parent. ~~511 IAC 7-27-2(d)(1)-(7) indicates that necessary elements a School is to provide in notifying a parent of a CCC meeting. The School failed to provide documentation that 511 IAC 7-27-2(d)(1)-(7) was met. The School failed to provide documentation that the parent received the Case Conference Notification with the proper notice for the April 26, 2007 CCC meeting.~~ Therefore, a technical violation of 511 IAC 7-27-2(d) 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:

1. Convene a CCC meeting **no later than September 7, 2007.** Arrangements should be made with the parent to schedule the CCC meeting **by August 10, 2007** with a copy of the Notification of Case Conference received in the Division **by August 17, 2007.** The CCC should address specific dates for progress reports to be received by the parent, including how the progress reports will be sent to the parent and what information will be included in the progress report for the 2007-2008 school year. In addition, the CCC will determine the best methods for proper Notifications of Case Conference for this Student. Provide a copy of the CCC report (including an outline of the above corrective action) and the Student's IEP **no later than September 14, 2007.**
1. ~~Convene a CCC meeting **no later than June 6, 2007** to develop clear statements of how the Student has progressed toward the annual goals/benchmarks as determined in the May 2, 2006 IEP. Provide a copy of the CCC report, IEP and Progress Report to the Student's parent and the Indiana Department of Education, Division of Exceptional Learners **no later than June 14, 2007.**~~
2. ~~Send a written memorandum to all relevant school administrators and special education personnel regarding compliance with 511 IAC 7-27-2(d)(1)-(7). A copy of the memorandum and a list of all participants who receive it shall be submitted to the Division **no later than June 14, 2007.**~~