

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-209-2007
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	April 30, 2007
DATE OF REPORT:	May 30, 2007
REQUEST FOR RECONSIDERATION:	Yes/June 28, 2007-no revision
DATE OF CLOSURE:	July 17, 2007

COMPLAINT ISSUES:

Whether the Duneland School Corporation and the Porter County Education Services violated:

511 IAC 7-30-3(x) by failing to implement the independent hearing officer's orders in hearing #HR-128-2007, specifically by:

- (a) failing to pay for the student's programming via an online high school program;
- (b) failing to pay for an independent evaluation and the mileage associated with it; and
- (c) failing to pay for visits to the student's clinical psychologist and the mileage associated with it.

FINDINGS OF FACT:

1. The Student, 15 years old, is identified as a student with an emotional disability, and has been determined eligible for special education and related services.
2. On February 26, 2007, an independent hearing officer (IHO) issued a written decision in a due process hearing involving the Student. The Complainant asserts that the School has failed to comply with the IHO's orders requiring the School to pay for: (1) online high school courses (through Indiana University); (2) an independent educational evaluation and the mileage associated with it; and (3) for the services of the Student's clinical psychologist occurring after September 19, 2006, to the present and the mileage associated with it.
3. The Complainant asserts that the School has failed to reimburse the parents for their expenses related to the above-mentioned hearing orders thus far incurred, and that the School has failed to contact Indiana University to notify them that the School would be directly paying the costs of the Student's enrollment in the online program. The Complainant believes that the School should be paying those costs directly without having the parents pay first and then seek reimbursement.
4. On April 5, 2007, the parents submitted several receipts and claims to the School related to the hearing orders. Porter County Education Services pays all bills on a monthly docket which must be distributed one week prior to a scheduled board meeting for review by the Porter County Education Services Board (the "Board"). The reimbursement request was placed on the May docket. The Board convened on May 8, 2007, and a check was mailed to the parents on May 9, 2007. The Check was in the amount of \$2457.82 covering all expenses incurred by the parents up to April 5, 2007.
5. The hearing orders are silent as to the method of payment with respect to whether the parent would submit receipts and claims to the School for reimbursement or the School would be

directly paying the associated costs. The hearing decision does not order the School to make arrangements with the Indiana University program to be directly billed.

CONCLUSION:

Finding of Fact #5 indicates that the hearing decision does not require the School to notify Indiana University about directly paying for the related costs of the Student's enrollment in the online high school program. Finding of Fact #5 further indicates that the hearing decision is silent about how payment is to be accomplished. Finding of Fact #4 indicates that the School has reimbursed the parents for the expenses incurred as a result of the hearing orders mentioned in Finding of Fact #2. Therefore, a violation of 511 IAC 7-30-3(x) is not found. The Division is without authority to determine how the required payments shall be handled between the parents and the School. Resolution of any disagreement between the parties on this matter is through mediation or a due process hearing.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.