

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-212-2007
COMPLAINT INVESTIGATOR:	Bobbie Ritz
DATE OF COMPLAINT:	May 3, 2007
DATE OF REPORT:	June 1, 2007
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	June 29, 2007

COMPLAINT ISSUES:

Whether the Richmond Community Schools violated:

511 IAC 7-27-4(a)(4) by failing to convene the case conference committee when a change of placement is proposed or to be considered.

FINDINGS OF FACT:

1. The Student, 13 years old, is identified as a student with a mild mental disability and a communication disorder and has been determined eligible for special education and related services.
2. The Student's annual case review (ACR) was held on April 14, 2006. The Student's education program was determined to be General Education with direct support *inside the classroom* (GEI). A Permission for Placement or Change of Placement form was signed by the Complainant on April 14, 2006 with the service recommendation of General Education with direct special education support *in the classroom* (GEI).
3. A case conference was held October 5, 2006 to discuss the following changes of placement: the Student will participate in General Education classes for physical education and all electives, special education for math and English, and direct support in class for science and social studies. At this time, the Student was failing all GEI core subjects. The Complainant signed the Permission for Placement or Change of Placement form dated October 5, 2006 to have the Student participate in General Education with direct special education support *outside the classroom* (GEO).
4. On March 2, 2007, the Student was referred to the office for verbal aggression and bullying behavior toward another student. On March 2, 2007, a Level III/IV Student Discipline Referral Form was signed by a school administrator stating that a conference was held with staff working with the Student and it was determined that, "due to a significant number of inappropriate behaviors that result in office referrals, we are changing the Student's schedule so that the Student can be in a teacher's Social Skills class where the Student can work on impulse control and appropriate decision making." The School asserts the Social Skills class is considered a general education "elective" class and is available to all students regardless of ability. The School represents the discipline referral indicating the move to the Social Skills class was sent to the Complainant via US Mail.
5. The Student's ACR for the 2007-2008 school year was convened on April 11, 2007. The Complainant signed the Permission for Placement or Change of Placement form for the Student to participate in the GEI educational program. However, the April 11, 2007 case conference summary/IEP lists the student's service option as GEO. A Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) were included in the IEP documentation provided by

the School. The Complainant and advocate who were present at the CCC meeting stated these items were not discussed at the meeting. Documentation of the CCC notes does not include any discussion of an FBA or development of a BIP. The Complainant stated that she had written on April 19, 2007 a letter of dissent and request for the CCC to reconvene to be included with the April 11, 2007 IEP. The Complainant sent a facsimile of the letter of dissent to the Division on May 31, 2007. The letter of dissent was not included in the April 11, 2007 IEP provided by the School.

CONCLUSIONS:

1. Finding of Fact #3 indicates that the IEP does not call for the placement of the Student in the Social Skills class. Finding of Fact #4 indicates the School acknowledged this decision was made during a conference among School personnel who work with the Student. Under the current version of Article 7, there is no provision that would allow the Student's IEP to be amended without reconvening a CCC meeting. 511 IAC 7-27-4(a)(4) states that a case conference committee shall convene when a change of placement is proposed or to be considered. Therefore, a violation of 511 IAC 7-27-4(a)(4) is found.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Send a written memorandum to all relevant school administrators and special education personnel regarding compliance with 511 IAC 7-27-4(a)(4) and the inability, under Article 7, to propose or consider changing the placement of a Student without reconvening a CCC meeting. A copy of the memorandum and a list of individuals receiving the memorandum, including signature and title, must be submitted to the Division **no later than June 22, 2007.**

Reconvene a CCC meeting to determine the correct educational placement for the Student for the 2007-2008 school year. The Complainant must be fully informed by the School of her rights and due process options. Provide a complete copy of the Student's IEP and the CCC notes to the Division by **June 22, 2007.**