

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-218-2007
COMPLAINT INVESTIGATOR:	Kylee Bassett
DATE OF COMPLAINT:	May 16, 2007
DATE OF REPORT:	June 12, 2007
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 7, 2007

COMPLAINT ISSUES:

Whether the South Montgomery Community School Corporation and the West Central Indiana Special Services Cooperative violated:

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

FINDINGS OF FACT:

1. The Student is 10 years old. At the time the complaint was filed, the Student had not yet been determined eligible for special education and related services.
2. On October 13, 2006, the Complainant, the Student's parent, signed permission to initiate the process of General Education intervention (GEI). On February 2, 2007, the Complainant gave written consent for an initial educational evaluation of the Student. The Complainant alleged that the School did not comply with the sixty instructional days (which was May 7, 2007), and when she called the School to inquire about the status of the Student's evaluation she was told the School was short-staffed and uncertain when the Student's testing would be completed.
3. In a letter dated May 30, 2007, the Director of Special Education indicated that on May 14, 2007 the school psychologists were asked to provide a time and date that testing could be done for the Student. The School completed the evaluation on May 18, 2007 and convened a CCC meeting on May 29, 2007. The Student was found eligible for special education and related services as a Student with a Learning Disability. The School acknowledged that the evaluation was completed and the CCC was convened after the expiration of sixty (60) instructional days (which was May 7, 2007) from the date the parent gave written consent to the School for the evaluation.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the School failed to complete the educational evaluation and convene a CCC meeting within sixty (60) instructional days of the date of the written parental consent is received by certified personnel. Therefore, a violation of 511 IAC 7-25-4(b) is found. Because the School engaged in voluntary corrective action by expediting the evaluation process for the Student, no further action will be required with regard to the evaluation procedures. However, the Student's IEP did not indicate that compensatory services were discussed at the CCC meeting, thus corrective action is required to address this issue.

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:

Convene the Student's CCC meeting to determine what compensatory services, if any, are necessary for the Student regarding the School's failure to complete the Student's initial educational evaluation within 60 instructional days. The School shall submit a copy of the Student's CCC report and IEP no later than **September 14, 2007.**