

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-225-2007
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	May 30, 2007
DATE OF REPORT:	June 27, 2007
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	August 16, 2007

COMPLAINT ISSUES:

Whether the MSD Pike Township and the West Central Joint Services violated:

511 IAC 7-27-4(c) by failing to utilize the case conference committee to develop, review, or revise the student's individualized education program (IEP), taking into consideration the concerns of the parent/guardian.

FINDINGS OF FACT:

1. The Student, 9 years old, is identified as a student with a learning disability, and has been determined eligible for special education and related services.
2. The Complainant asserts that the School has failed to make requested corrections to the Student's IEP; make the requested modifications to the behavioral intervention plan; to make a good faith effort to assist the Student toward achieving progress; and not addressing the Complainant's concerns and allowing her to participate at the case conference committee meetings.
3. On August 25, 2006, the case conference committee conducted a move-in meeting. The Complainant signed the IEP stating that she agreed with the recommendations of the case conference committee. The case conference notes specifically describe many of the Complainant's concerns about the Student's past school experience and whether the Student has the appropriate skills to interact with his peers.
4. On October 24, 2006, the case conference committee convened again. The purpose of the case conference was to review current achievement testing and the functional behavioral assessment in order to develop a behavioral intervention plan. The case conference report indicates the Complainant's concerns. The case conference notes further describe her concerns, including her disagreement about the Student being eligible with a learning disability. The Complainant thinks the Student should be eligible as a student with an emotional disability. The Complainant did not sign the revised IEP.
5. On December 4, 2006, the Complainant submitted a written memorandum to the School stating that she wished to revoke her signed permission to have the Student tested and to eliminate the testing documents from the Student's file. At the move-in case conference committee meeting on August 25, 2006, the Complainant made a request for an additional assessment, permission to evaluate was obtained, the evaluation conducted and reviewed at the case conference committee meeting held on October 24, 2006. In a letter dated December 12, 2006, the Director of Special Education explained to

the Complainant that the written documentation that serves as evidence of the Complainant's consent to conduct the evaluation would not be expunged from the Student's record. The letter also informs the Complainant that the IEP dated October 24, 2006, would be implemented as written if the Complainant did not return the IEP to the School indicating whether she agreed or disagreed with the recommendations of the case conference committee.

6. At the Complainant's request, the case conference committee convened on February 1, 2007. The Complainant signed the IEP indicating that she did not agree with the recommendations and wished to take the IEP home for further review. Case conference notes dated February 1, 2007 indicate that the Complainant questions the behavioral intervention plan with regard to the application of the tardy and attendance policy and use of Saturday detention. The case conference committee agreed to reconvene to further address the Complainant's concerns.
7. On March 5, 2007, the case conference committee convened for the purpose of addressing the Complainant's concerns. The Complainant did not sign the IEP either in agreement or disagreement. The case conference report indicates that the Student has been frequently absent or tardy and that his behavior impedes his learning and the learning of other students. The case conference notes address each concern in detail. On March 5, 2007, the Complainant submitted copies to all participants of her "parent concern information" that listed her concerns and made suggestions about methods that may work well for the Student. The Complainant asserts that there are several statements she wants taken out of the case conference report/IEP and other information included. Many of the requested changes involve changes in wording.

CONCLUSION:

Findings of Fact #3 through #7 indicate that the School did not fail to utilize the case conference committee to address the concerns of the Complainant. Finding of Fact #2 indicates that the Complainant has made allegations that involve differences of opinion with the School and relates to things the Complainant wants to occur or not to occur. A complaint investigation cannot resolve disagreements between a parent or guardian and the school over what constitutes a free and appropriate public education (FAPE) for a student. Such issues must be resolved through the case conference committee or through the due process procedures at 511 IAC 7-30-1 (mediation) or 511 IAC 7-30-3 (due process hearing). Therefore, a violation of 511 IAC 7-27-4(c) is not found.

*NOTE: See 511 IAC 7-23-2 about procedures for amending educational records.

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