

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-145-2007
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	November 13, 2006
DATE OF REPORT:	December 13, 2006
REQUEST FOR RECONSIDERATION:	yes/revised January 12, 2007
DATE OF CLOSURE:	January 12, 2007

COMPLAINT ISSUES:

Whether the Crown Point Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-25-4 by failing to proceed with an initial educational evaluation upon the request of the parent.

During the course of this investigation the following issue was added:

511 IAC 7-25-3(k) by failing to conduct an evaluation of the student before determining that the student is no longer eligible for special education and related services.

FINDINGS OF FACT:

1. The Student, 14 years old, has been referred for a special education evaluation, and has not been determined eligible for special education and related services.
2. On March 1, 2006, a speech evaluation was conducted for the Student. On September 22, 1999, the Student's case conference committee determined the Student eligible for special education and related services as a student with a communication disorder. From September 1999 to ~~January 31,~~ April 4, 2006, the Student received speech services.
3. On March 13, 2006, the case conference committee determined that the Student no longer required speech services ~~without conducting an evaluation.~~ The Complainant signed a dismissal of services form.
4. The Complainant specifically alleges that the School would not evaluate the Student because the Student had a General Education Intervention (GEI) Plan. The Complainant and the multidisciplinary team of teachers working with the Student met on October 3, 2006, to develop a GEI plan for the 2006-2007 school year. There was no mention or discussion at this meeting about evaluating the Student to determine if she was eligible for special education. The Complainant had not submitted a written request for a special education evaluation at that time.
5. On November 16, 2006, the Complainant submitted a written request to have the Student evaluated for special education to the School. The case conference committee convened on November 16, 2006, in order to discuss what further assessments would be required to determine whether the Student is

eligible for special education. A January 30, 2007, case conference has been scheduled to review the results of the evaluation.

CONCLUSIONS:

1. Findings of Fact #4 and #5 indicate that the School did not fail to proceed with an initial educational evaluation upon the request of the parent. Therefore, a violation of 511 IAC 7-25-4 is not found.
2. Findings of Fact #2 and #3 indicates that the School did not failed to evaluate the Student before determining that she should be dismissed from special education. Therefore, a no violation of 511 IAC 7-25-3(k) is found.

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

CORRECTIVE ACTION:

~~The Crown Point Community School Corporation and the Northwest Indiana Special Education Cooperative shall:~~

~~Send a written memorandum to all relevant special education personnel regarding compliance with 511 IAC 7-25-3(k). A copy of the memorandum and a list of personnel who receive it shall be submitted to the Division no later than January 29, 2007.~~

~~Conduct an evaluation of the Student and convene the case conference committee to determine eligibility. If the Student is found eligible for special education, then the case conference committee shall determine whether and to what extent compensatory services shall be provided to the Student. A copy of the Case Conference Report and IEP shall be submitted to the Division whether the Student is determine eligible or not no later than January 29, 2007.~~