

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-146-2007
COMPLAINT INVESTIGATOR:	Alexandra Curlin
DATE OF COMPLAINT:	September 5, 2006
DATE OF REPORT:	December 6, 2006
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	July 24, 2008

Whether the M S D Perry Township and the RISE Special Services violated:

511 IAC 7-27-5(c) by failing to provide the parent's a copy of the case conference report within ten (10) business days from the case conference meeting held on November 11, 2005.

511 IAC 7-27-7(d) by implementing an individualized education program (IEP) for more than twelve months.

511 IAC 7-25-6(a) by failing to re-evaluate the Student every thirty-six (36) months.

The parties in this hearing are involved in Due Process Hearing #1598.07. An extension of time was granted on November 20, 2006 until December 15, 2006.

FINDINGS OF FACT:

1. The Student, eight years old, has been determined eligible for special education and related services as a student with a communication disorder.
2. In October of 2000, the School conducted an educational evaluation of the Student, wherein he was found eligible for special education and related services as a Student with a communication disorder. On October 1, 2001 and January 8, 2003, the School conducted additional speech-only evaluations of the Student. In March of 2005 the School conducted another educational evaluation of the Student that included a speech evaluation.
3. The School acknowledges that it failed to provide the parents of copy of the CCC report within ten (10) days of the CCC meeting on November 11, 2005.
4. The School acknowledges that it has convened three CCC meetings to revise the IEP at such a time that would violate the requirement that an IEP not be in place for than twelve (12) months.

CONCLUSIONS:

1. Finding of Fact #3 indicates that the School failed to provide a copy of the November 11, 2005 CCC report within (10) days to the parent. Therefore a violation of 511 IAC 7-27-5(c) is found.
2. Finding of Fact #4 indicates that the School failed to convene three CCC meetings at a time where 511 IAC 7-27-7(d) would not be violated. Therefore, a violation is found.
3. Finding of Fact #2 indicates the Student was found eligible for special education and related services as a student with a communication disorder. This Finding also indicates that the School conducted another speech evaluation for the Student in 2001 and another in 2003. Therefore, a violation of 511 IAC 7-25-6(a) is not found.

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:

M S D Perry Township and the RISE Special Services shall:

Send a memorandum to all district special education teacher and administrative staff regarding the requirement of sending CCC Reports to parents within ten (10) days of the CCC meeting and scheduling CCC meetings in enough time so that the IEP is not implemented any longer than twelve (12) months. A copy of the memorandum and a list of those that received it shall be sent to the Division no later than January 10, 2006.