

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-238-2008
COMPLAINT INVESTIGATOR:	Bobbie Ritz
DATE OF COMPLAINT:	July 5, 2007
DATE OF REPORT:	July 30, 2007
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	January 29, 2008

COMPLAINT ISSUES:

Whether the DeKalb County Central United School District and the Northeast Indiana Special Education Cooperative violated:

511 IAC 7-27-4(c) by failing to utilize a case conference committee (CCC) to develop, review, or revise the Student's individualized education program (IEP).

FINDINGS OF FACT:

1. The Student, 14 years old, is identified as a student with a moderate mental disability and a communication disorder, and has been determined eligible for special education and related services.
2. A case conference committee (CCC) meeting convened on March 19, 2007 to determine services to be provided for the 2007-2008 school year for the Student who will be entering the 9th grade. The CCC agreed the School of Service would be the Home School and Home District of the Student, DeKalb High School.
3. A letter dated June 21, 2007 was addressed to the parents of the Student from the Special Education Director to notify the family that an administrative decision had been made to restructure the Functional Skills classes by housing the 9th and 10th grade Functional Skills program at Garrett High School and housing the 11th and 12th grade Functional Skills program at DeKalb High School. This decision was made following the completion of annual case conferences when class lists indicated there would be 2.5 students in the Garrett High School Functional Skills class and 16 students in the DeKalb High School Functional Skills Class. The Northeast Indiana Special Education Cooperative Board decided on June 18, 2007 to restructure the classes to better meet the individual education programs of the students.
4. Due to the administrative decision, the Student will no longer be attending DeKalb High School for the 2007-2008 school year as indicated in the March 19, 2007 IEP. The Student will now be attending Garrett High School for the 2007-2008 school year. The parents and School acknowledge a CCC was not convened to discuss the change of placement.
5. Per a telephone conversation on July 27, 2007 with the Parent, the complaint investigator was advised a meeting took place between the Assistant Special Education Director and the parent on July 26, 2007. The parent has requested that the Student remain at DeKalb High School for the 2007-2008 school year. The Assistant Special Education Director advised the parent that she could not make that determination at this time but would take the concerns of the Parent to the Special Education Director and the Superintendents of the Schools.
6. Per a telephone conversation on July 27, 2007 with the Special Education Director, the complaint investigator was advised following the meeting that was conducted between the Assistant Special

Education Director and the parent on July 26, 2007, an exception has been made for this Student to remain at DeKalb High School as indicated in the Student's IEP. The Special Education Director gave assurance that the parent will receive confirmation of this decision in a letter upon the Special Education Director's return from vacation. There is no formal documentation regarding this meeting or decision.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the Student's IEP specifically states that the Student would be served at DeKalb High School, the Student's home school. Findings of Fact #3 and #4 indicate that the School failed to convene a CCC to discuss the change of school placement before making a unilateral decision to move the Student to another high school, which was contrary to the Student's IEP dated March 19, 2007. 511 IAC 7-24-4(c) states that a CCC shall be utilized to develop, review, or revise an IEP for each student. Therefore, a violation of 511 IAC 7-27-4(c) is 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:

Because the School and Complainant acknowledge a verbal agreement has been reached, no additional corrective action with respect to the Student is due at this time by the DeKalb County Central United School District and the Northeast Indiana Special Education Cooperative. Notwithstanding the verbal agreement, corrective action requires the School to implement the IEP as written. The School can not alter the requirements of the IEP except through the CCC process. If there is disagreement between the Complainant and the School with respect to the Student's placement, resolution must be sought through the due process procedures at 511 IAC 7-30-1 (mediation) or 511 IAC 7-30-3 (due process hearing).

DeKalb County Central United School District and the Northeast Indiana Special Education Cooperative shall submit to the Division a written statement identifying the 18.5 students affected by the restructuring of the Functional Skills Programs at Garrett High School and DeKalb High School for the 2007-2008 school year. The statement shall address whether the students' IEPs specifically identified the school of service and whether a CCC meeting was convened to revise the students' IEPs with respect to the school's administrative decision. Finally, the School shall implement the students' IEPs as written or convene case conferences as required by 511 IAC 7-27-4(c). In the written statement to the Division, the School must identify its course of action regarding each students' placement. The written statement shall be submitted to the Division **no later than September 7, 2007.**