

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-267-2008
COMPLAINT INVESTIGATOR:	Bobbie Ritz
DATE OF COMPLAINT:	September 24, 2007
DATE OF REPORT:	October 23, 2007
REQUEST FOR RECONSIDERATION:	No
DATE OF CLOSURE:	December 6, 2007

**COMPLAINT ISSUES:**

Whether the Duneland School Corporation and the Porter County Education Services violated:

511 IAC 7-18-2(a) by failing to provide a free and appropriate public education, specifically with respect to the certification of educational interpreters in accordance with 511 IAC 7-17-61 (Qualified professional) and 460 IAC 2-5-6 (Certificate requirements for practicing interpreters and transliterators).

**FINDINGS OF FACT:**

1. The Complainant, the Program Director of the Indiana Deaf and Hard of Hearing Services (DHHS), provided a letter of complaint specifying the names of four individuals who were employed by the school as educational interpreters. In the letter, the Complainant alleged that the School had not provided DHHS with verification of employment for the four individuals named. The DHHS was withholding processing of certification for the four individuals until the School provided proof that they were each to be employed as an educational interpreter.
2. The School provided documentation to the Division that the four individuals were offered employment. The proof was four separate Memoranda issued to the four prospective employees regarding their employment and school assignments (as well as their supervisors) for the 2007 – 2008 school year.
3. Per 460 IAC 2-5-6(a) all individuals working in the state as an educational interpreter must obtain certification from DHHS. This certification must be renewed every two years through DHHS. Prior to issuing certification, DHHS must have verification that the individual is employed as an educational interpreter by a school corporation in the state of Indiana.
4. In a telephone conversation with the Assistant Director for the School she confirmed that these individuals were employed and working for the School as educational interpreters. The Memoranda provided by the School are the format for offering employment that has been approved by the Board of the Interlocal which governs the School. She stated that the School used to work with a woman at DHHS and has used the same forms and letters every year with DHHS without any issues until this school year. After speaking with the Assistant Director of the School, the Division resent to DHHS the four Memoranda provided to the Division by the School. The four Memoranda were sent via facsimile to the DHHS on October 23, 2007.
5. The Complainant stated that although all the certification requirements have been met (payment of fee and proof of continuing education units); because the letters do not specifically state that the four individuals are employed as an educational interpreter by the

school, he would not withdraw the complaint and issue the four individuals their certificates.

## **CONCLUSIONS:**

Findings of Fact #1 through #5 indicate that although the four individuals named in this complaint had not provided the DHHS with proof of employment at the time the complaint was filed, they were indeed employed as educational interpreters by a school corporation in the state of Indiana. With the change of supervisors at DHHS, the School is being expected to provide greater detail as proof of employment than required in the past. The DHHS has not informed the School in writing of the specificity necessary to provide "proof of employment as an educational interpreter;" leaving the School under the impression that what was adequate in the past was still sufficient. Therefore, although the certification of these individuals is being held up, it is a technicality in wording that is the fault of DHHS and not an actual violation on the part of the four individuals or the School. The DHHS must provide more specificity to the School if it is required as part of the educational interpreter certification process. The School cannot be held liable for knowing the precise wording that DHHS expects to receive. Therefore, no violation of 511 IAC 7-18-2(a) is found.

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