

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-307-2008
COMPLAINT INVESTIGATOR:	Brenda Alyea
DATE OF COMPLAINT:	December 10, 2007
DATE OF REPORT:	January 8, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	February 5, 2008

COMPLAINT ISSUES:

Whether the Eagle Park Community School and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-21-4(b) by failing to have no more than 10 students with disabilities assigned to an early childhood special education class.

FINDINGS OF FACT:

1. The complainant is a teacher in the early childhood program and is employed by the Northwest Indiana Special Education Cooperative (NISEC).
2. The class roster, submitted by NISEC, indicates that on December 12, 2007, there were thirteen (13) students enrolled in the AM early childhood class and ten (10) students enrolled in the PM class for a total of twenty-three (23) students.
3. The letter of response from NISEC indicates that due to additional new students, more than the ten (10) allowable students were enrolled in the AM early childhood class.
4. In the telephone conversation between the investigator and the complainant, the complainant indicated that there were two teaching assistants assigned to the classroom.
5. The letter of response from NISEC indicates that a new qualified teacher was hired and began on December 13, 2007.
6. The class rosters for the complainant, submitted by NISEC, indicate that on December 13, 2007, there were eight (8) students enrolled in the AM early childhood class and ten (10) students enrolled in the PM class for a total of eighteen (18) students. The class roster for the newly hired teacher indicated that eight students were enrolled.

CONCLUSIONS:

Findings of Fact # 2 and # 3 indicate that the School failed to ensure that the early childhood special education class had no more than ten (10) students with disabilities in a class. Therefore, a violation of 511 IAC 7-21-4(b) is found.

Findings of Fact # 5 and # 6 indicate that the Northwest Indiana Special Education Cooperative has submitted documentation that a new teacher has been hired and that as of December 13, 2007, the class roster does not exceed the ten (10) students as required by 511 IAC 7-21-4(b).

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