

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1522.00  
**COMPLAINT INVESTIGATOR:** Roger Hubbard  
**DATE OF COMPLAINT:** February 2, 2000  
**DATE OF REPORT:** March 1, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** March 31, 2000

**COMPLAINT ISSUE:**

Whether the Union School Corporation and the New Castle Area Programs for Exceptional Children violated:

- 511 IAC 7-10-3 with regard to the school's alleged failure to conduct an educational evaluation and convene a case conference committee (CCC) within forty instructional days of the date of written parental consent.

**FINDINGS OF FACT:**

1. The Student is seventeen years old, in the eleventh grade and was evaluated for special education and related services.
2. The school psychologist is assigned to the local school one day per week on Tuesdays. The Student was absent sixteen days since the time of the parents' request for testing. The Student was tested on the first Tuesday that he was present after written permission for testing was obtained.
3. The parent requested testing for the Student on November 15, 1999. The forty day time frame was determined to end January 28, 2000. The school admits violating the forty instructional day time line to evaluate and convene a case conference committee (CCC) meeting. A CCC meeting wasn't held until February 8, 2000. The Student was not found to be eligible for services.

**CONCLUSION:**

1. Findings of Fact #2 and #3 indicate that even though the Student was absent for several days after consent was given for testing, the school is responsible for completing the evaluation and convening a CCC meeting within forty instructional days. Therefore, a violation of 511 IAC 7-10-3 is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusion listed above.**

**CORRECTIVE ACTION:**

The Union School Corporation and the New Castle Area Programs for Exceptional Children shall:

1. Review and revise, if necessary, the current allocation of personnel to ensure that evaluations are not delayed because of a lack of flexibility for an evaluator to be at a particular school except on previously specified days. No later than April 10, 2000, the school shall provide an assurance statement that such personnel allocation has been reviewed and indicate how the school will ensure that delays of this nature do not occur in the future.