

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1534.00  
**COMPLAINT INVESTIGATOR:** Bridget Hand  
**DATE OF COMPLAINT:** February 23, 2000  
**DATE OF REPORT:** April 20, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** October 20, 2000

**COMPLAINT ISSUES:**

Whether the Metropolitan School District of Wayne Township violated:

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

During the course of the investigation, an additional issue was identified as follows:

Whether the Metropolitan School District of Wayne Township violated:

511 IAC 7-10-3(o) with regard to the school's alleged failure to complete triennial reevaluations within 36 months of the previous evaluation.

An extension of time was granted on March 20, 2000 to allow the school district additional time to gather information regarding re-evaluations in accordance with 511 IAC 7-10-3. The timeline was extended to April 24, 2000.

**FINDINGS OF FACT:**

1. The student (the "Student") is ten years old and is in a general education fourth grade class.
2. The Complainant signed permission for an educational evaluation on November 8, 1999 which was received by the special services office on November 11, 1999. Based on the local school corporation calendar, the educational evaluation had to be conducted and a case conference committee ("CCC") convened by January 25, 2000.
3. The CCC did not convene for the Student until March 7, 2000 due to miscommunication between the school psychologist and the behavioral consultant about completion of the Student's evaluation.
4. Sixty-three students are currently waiting for an initial evaluation and eight of those students are beyond the forty day timeline. The local school corporation (the "Corporation") approved the employment of an additional school psychologist for the 1999-2000 school year but has been unable to employ a suitable candidate to fill this position due to a shortage of school psychologists. The Corporation hopes to fill the position prior to the start of the 2000-2001 school year.

5. The Director acknowledged that the Corporation is not in compliance with conducting re-evaluations at least every thirty-six months but could not provide the number or list of students who are impacted by an untimely re-evaluation.

**CONCLUSIONS:**

1. Findings of Fact #2 and #3 indicate that the school failed to conduct an educational evaluation and convene a case conference committee within forty instructional days of the receipt of written parental consent for the Student. Finding of Fact #4 indicates that eight out of sixty-three students referred for an initial evaluation are beyond the forty day timeline. Therefore, a violation of 511 IAC 7-10-3(e) has occurred.
2. Finding of Fact #5 indicates that re-evaluations are not consistently conducted at least every thirty-six months of the previous evaluation. Therefore, a violation of 511 IAC 7-10-3(o) occurred.

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

**CORRECTIVE ACTION:**

The Metropolitan School District of Wayne Township shall:

1. In-service all appropriate staff regarding the appropriate procedures for completing educational evaluations as specified in 511 IAC 7-10-3. Documentation that the in-service training has been completed must be submitted to the Division by May 19, 2000 and should include the following: a list or agenda of all issues discussed, copies of any handouts that were distributed, and a list of attendees by name and title.
2. Submit a list of all students referred for an initial evaluation for whom the evaluation and CCC have not been completed. The list shall include the date parental consent was provided, the actual or projected date of evaluation and the actual or projected date of the CCC. This list is to be updated monthly and submitted to the Division beginning May 19, 2000 and subsequently on the last business day of each month until full compliance is achieved.
3. Implement the corrective action plan previously submitted (and attached to this report) to address the deficiencies which exist in regard to the completion of re-evaluations at least every thirty-six months. Documentation regarding the status of completing the overdue re-evaluations must be submitted to the Division on a monthly basis. The documentation must include a list of students for whom a re-evaluation is currently due or overdue as well as the date the re-evaluation is/was due and the actual or projected date of completion. The first status report must be submitted to the Division by May 19, 2000 and subsequently on the last business day of each month until full compliance is achieved.

DATE REPORT COMPLETED: April 20, 2000