

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1631.00  
**COMPLAINT INVESTIGATOR:** John Hill  
**DATE OF COMPLAINT:** October 2, 2000  
**DATE OF REPORT:** October 20, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** December 4, 2000

**COMPLAINT ISSUES:**

Whether the North Judson - San Pierre School Corporation and the Joint Educational Services In Special Education violated:

511 IAC 7-27-4(a)(3) with regard to the school's alleged failure to convene a case conference committee upon the request of the parent.

511 IAC 7-12-2(h) and 511 IAC 7-27-9(b) with regard to the school's alleged failure to provide the student an equal opportunity to participate in field trips with nondisabled students during the 1999-2000 and 2000-2001 school years.

511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record:

- a. regularly monitored the implementation of the student's IEP, and
- b. ensured that the supplementary aids and services and program modifications were implemented in accordance with the student's IEP.

**FINDINGS OF FACT:**

1. The student is a ten-year-old, fourth-grade student who has been determined eligible for special education and related services due to multiple handicaps, including medical diagnoses of cerebral palsy and scoliosis.
2. The parent submitted a request in writing for a case conference committee ("CCC") to the student's general education teacher. The general education teacher forwarded the note onto the special education teachers. The teachers provided the parent with some of the information that she had requested in the letter, but failed to notify the school administration of the parent's request for a CCC meeting. No CCC meeting was convened.
3. The school admits that the student participated in only some of the field trips with nondisabled students during the 1999-2000 and 2000-2001 school years. Accommodations were made for the student to attend most field trips. In some instances the staff felt it would not be safe for the student to attend.
4. The current Case Conference Summary and IEP dated March 23, 2000 do not establish criteria for determining when it would not be safe for the student to participate in a field trip.
5. The student was not assigned a TOR from the beginning of the 2000-2001 school year until mid-

September 2000. The student's Teacher of Record (TOR) resigned her position in July 2000 and the new TOR was not assigned until mid-September 2000. The new TOR was scheduled to meet the parents at a CCC on October 17, 2000.

**CONCLUSIONS:**

1. Finding of Fact #2 reflects that the school failed to convene a case conference committee upon the request of the parent. Therefore a violation of 511 IAC 7-27-4(a)(3) is found.
2. Findings of Fact #3 and #4 reflect that the school failed to provide the student an equal opportunity to participate in field trips with nondisabled students during the 1999-2000 and 2000-2001 school years. Further, the student's IEP did not specify any limitations on the Student's participation in field trips. Therefore, violations of 511 IAC 7-12-2(h) and 511 IAC 7-27-9(b) are found.
3. Findings of Fact #5 reflects that the school failed to assign a teacher of record for the student until several weeks after the school year had begun. Without a teacher of record, there was no one to monitor implementation of the IEP or ensure supports were in place during this time. Therefore, violations of 511 IAC 7-27(b) and 511 IAC 7-17-72 are found.

**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 North Judson - San Pierre School Corporation and the Joint Educational Services In Special Education shall:

1. Convene a Case Conference Committee to discuss the parents concerns. The CCC shall also consider the extent of the student's participation in the educational programs and services (i.e. field trips) made available to students without disabilities. Any limitations on such participation shall be documented in the student's IEP. A copy of the CCC Summary and IEP shall be submitted to the Division no later than November 10, 2000.
2. In-Service all appropriate staff regarding the requirements as specified in 511 IAC 7-27-4(a)(3), 511 IAC 7-27-9(b), 511 IAC 7-27(b), and 511 IAC 7-17-72. Submit documentation to the Division that the in-service has been completed no later than December 31, 2000. The documentation should include a list or agenda of all issues discussed, any handouts that were distributed and list of attendees by name and title.
3. Submit an assurance statement, no later than November 10, 2000, that all students with disabilities have been assigned an appropriately licensed/certified teacher of record.

DATE REPORT COMPLETED: October 20, 2000