

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1636.00
COMPLAINT INVESTIGATOR: John Hill
DATE OF COMPLAINT: October 10, 2000
DATE OF REPORT: November 3, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: December 4, 2000

COMPLAINT ISSUES:

Whether the Frankton-Lapel Community Schools and the Hamilton-Boone-Madison Special Services violated:

- 511 IAC 7-25-6 with regard to the school's alleged failure to conduct a reevaluation of a student with a disability at least every 36 months.
- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program as written, specifically:
 - a. failing to conduct OT observations of the student; and
 - b. failing to conduct an assistive technology evaluation.
- 511 IAC 7-25-7 with regard to the school's alleged failure to conduct an assistive technology evaluation within 60 instructional days from the date of written parental consent.
- 511 IAC 7-19-1(i) with regard to the school's alleged failure to provide a private school student with transportation to participate in a reevaluation when the school determined that the evaluation would not be conducted at the private school.

During the course of the investigation, additional issues were identified, which are:

- 511 IAC 7-21-7(d) with regard to the school's alleged failure to offer reimbursement to the parent at no less than the per mile rate at which employees of the school are reimbursed when the school suggested that the parent could transport the student for the re-evaluation.
- 511 IAC 7-3-50(4) with regard to the school's alleged failure to include the student's teacher of record in the case conference committee convened on May 5, 2000.

FINDINGS OF FACT:

1. The student is a seven-year-old, second-grade student who has been determined eligible for special education and related services due to Autism.
2. The student's previous evaluation was completed on July 29, 1997. The student's current re-evaluation was completed 38 months and 19 days later, on October 18, 2000.
3. The student's current IEP indicates the student is to receive Occupational Therapy consultation

one time per semester. The semester ends on January 19, 2001.

4. The student's current IEP indicates the student's need for an Assistive Technology evaluation might need to be addressed in the second semester.
5. In a letter to the local Director of Special Education dated October 2, 2000 the parent requested a Assistive Technology evaluation.
6. The student is enrolled in a private school, and the school determined the student's reevaluation would be conducted at the public school.
7. The school advised the parent that either the school or the parent could transport the student to the public school for the re-evaluation, but the school did not offer transportation reimbursement to the parent. The parent transported the student for the re-evaluation on September 29, 2000.
8. The school informed the parent on October 23, 2000 that she could be reimbursed for the transportation for the re-evaluation and provided the parent with the reimbursement forms to be completed.
9. The student's CCC report dated May 5, 2000 did not include the student's teacher of record.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the school failed to conduct the re-evaluation within thirty-six months. Therefore, violation of 511 IAC 7-25-6(a) is found.
2. Finding of Fact #3 reflects that the Occupational Therapy consultation is to be conducted by January 19, 2001. Therefore, no violation of 511 IAC 7-27-7(a) is found.
3. Find of Fact #4 reflects that the Assistive Technology evaluation might need to be conducted in the second semester (January 20, 2001 to June 1, 2001). Therefore, no violation of 511 IAC 7-27-7(a) is found.
4. Finding of Fact #5 reflects that a written request for an Assistive Technology evaluation was submitted on October 2, 2000. The evaluation and Case Conference must be completed within sixty instructional days of the written consent. The sixty instructional day timeline has not expired. Therefore, no violation of 511 IAC 7-25-7 is found.
5. Finding of Facts #6 and #7 reflect when the school determined that the evaluation would not be conducted at the private school, the school advised the parent of transportation options, including having the parent provide transportation to the reevaluation. Therefore, no violation of 511 IAC 7-19-1(i) is found.
6. Finding of Fact #7 reflects the school failed to inform the parent that transportation reimbursement would be available if the parent chose to transport the student to the re-evaluation. Therefore, violation of 511 IAC 7-21-7(d) is found. However, Finding of Fact #8 indicates that the school has taken appropriate action to reimburse the parent's transportation costs. Therefore, no additional corrective action will be required at this time.
7. Finding of Fact #9 reflects the school failed to include the student's teacher of record in the CCC of May 5, 2000. Therefore, violation of 511 IAC 7-3-50(4) is 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 Frankton-Lapel Community Schools and Hamilton-Boone-Madison Special Services shall:

1. In-Service all appropriate staff regarding the requirements as specified in 511 IAC 7-25-6(a), 511 IAC 7-21-7(d), 511 IAC 7-27-3(a)(2), 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.