

Indiana Department of Education

Division of Exceptional Learners

### ***COMPLAINT INVESTIGATION SUMMARY***

|                              |                    |
|------------------------------|--------------------|
| COMPLAINT NUMBER:            | 1911.02            |
| COMPLAINT INVESTIGATOR:      | Bridget Hand       |
| DATE OF COMPLAINT:           | May 6, 2002        |
| DATE OF REPORT:              | June 6, 2002       |
| REQUEST FOR RECONSIDERATION: | no                 |
| DATE OF CLOSURE:             | September 16, 2002 |

#### **COMPLAINT ISSUES:**

Whether the Blue River Valley Schools and the Anderson Community Special Education Cooperative violated:

511 IAC 7-25-7(b) by failing to conduct the case conference committee (CCC) meeting within the 60 instructional days timeline to discuss the results of the parentally requested additional evaluations.<sup>1</sup>

#### **FINDINGS OF FACT:**

1. The student (the "Student") is a twelve-year old, fifth grader who receives special education and related services as a student with a mild mental disability.
2. On January 23, 2002, the school received a letter from the parent requesting a "technological evaluation," as well as psychological and clinical evaluations. According to the submitted school calendar, sixty instructional days from January 23, 2002, was May 1, 2002.
3. The school completed the requested assistive technology evaluation on April 16, 2002. The psychoeducational evaluation was conducted on April 29, 2002, but the report was not signed until May 9, 2002.
4. The school first contacted the parent on April 29, 2002, to schedule a CCC meeting for either May 6 or 8, 2002. Since that time the parent and school have been attempting to schedule a CCC meeting at a mutually agreed upon date, time, and place.
5. As of May 10, 2002, the school and the parent agree that the parent had not received a copy of the completed evaluations nor had a CCC meeting been convened to discuss the results of the evaluations.

#### **CONCLUSION:**

511 IAC 7-25-7(b) states that a parent's request for an additional evaluation is subject to the requirements of

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<sup>1</sup> The issue was originally identified incorrectly as whether the school violated "511 IAC 7-25-4(b) by failing to conduct the case conference committee (CCC) meeting within the 60-instructional days timeline to discuss the results of the parentally requested educational re-evaluation and assistive technology evaluation." The correct citation is 511 IAC 7-25-7(b), and the evaluations should have been identified as "additional evaluations" as they now appear in this report.

511 IAC 7-25-4, including the timelines for conducting the evaluation and convening the CCC. 511 IAC 7-25-4(b) requires an additional evaluation to be conducted and a CCC convened within 60 instructional days of the date of the parent's written consent. Findings of Fact #2 through #5 show that, although the evaluations were conducted within the 60-instructional day timeline, the CCC was not convened as required. Therefore, a violation of 511 IAC 7-25-7(b) is found.

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

**CORRECTIVE ACTION:**

The Blue River Valley Schools and the Anderson Community Special Education Cooperative shall:

1. Immediately convene a case conference committee meeting to review the evaluation results. While reviewing these results, the case conference committee shall consider whether compensatory services are needed due to the delay in meeting the sixty (60) instructional day timeline from the parent's written request for the evaluation to the case conference committee meeting to review the results. The CCC Report shall clearly document the CCC's discussion and consideration of the need for compensatory services. A copy of the CCC Report/IEP shall be submitted to the Division of Exceptional Learners no later than June 28, 2002.
2. Review, and if necessary, revise policies and procedures to ensure that evaluations are completed and the CCC convened within the required timelines. Send a written memorandum to all special education staff, including administrators and psychologists, regarding the timeline requirements for completion of evaluations. An assurance statement that the school's procedures have been reviewed and a copy of the memorandum, along with a list of all recipients, shall be submitted to the Division no later than June 28, 2002.