

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1976.02
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	November 13, 2002
DATE OF REPORT:	December 13, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 12, 2003

COMPLAINT ISSUES:

Whether the Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative violated:

511 IAC 7-27-2(a) by failing to schedule a case conference committee (CCC) meeting at a mutually agreed upon date and time.

511 IAC 7-27-3 by failing to ensure that the required CCC participants were in attendance for the duration of the meeting.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

FINDINGS OF FACT:

1. The Student is nine years old, attends the local elementary school (the School), and qualifies for special education and related services under the categories of learning disability and communication disorder.
2. The Complainant reported that the School would not comply with her requests to meet after regular school hours. The School has provided a log of the phone calls between the teacher of record (TOR) and the Complainant and three dates mutually agreed upon for the first case conference committee (CCC) meeting: August 19, 26, and September 3, 2002. The August dates were scheduled at the Complainant's request on days off from work, in the mornings, and were later cancelled by the Complainant. The CCC did meet at 2:00 pm on September 3, upon the Complainant's request, after being asked to choose a date and time, and then notify the School. The only time stipulation made by the School was to request that the CCC not meet after 12:00 noon on September 3rd. The School reports that the Complainant was not asked to limit the CCC meetings to school hours. The CCC meeting on September 3, 2002, was scheduled after 12:00 noon, at the Complainant's request, and did continue after regular school hours.
3. The Complainant reported that the CCC participants did not stay for the entire CCC meeting on November 7, 2002. The CCC meeting was conducted to review new evaluations conducted by the school and to finalize a revised IEP and behavior plan. The School provided the following list of required participants who left before the 1 1/2-hour meeting ended at 4:05 pm: The Principal left at 3:45 pm; the school psychologist and speech-language pathologist left after presenting information and answering questions; and the school counselor left five minutes before the meeting adjourned. The TOR, one general education

teacher, and the Complainant continued to discuss additional educational items after the previously identified staff members had left the CCC meeting.

4. September 3, 2002, the CCC conducted a meeting to review the student's IEP from a previous school within the same district, review information from previous evaluations and information from a therapeutic residential setting he had most recently attended, and develop a "temporary" IEP to be in affect until additional evaluations could be conducted. The IEP developed September 3, listed a starting date of September 4, 2002, and closing date of May 28, 2003. Services in the IEP under the categories of learning disability and communication disorder included:
 - Spelling, 30 to 45 minutes in the resource room for instruction daily;
 - Life skills training, 2 to 3 times per week for 30 to 45 minutes;
 - Math tutorial in the resource room, as needed;
 - Speech services (The Student had received speech services in the previous educational settings under the previous IEPs. These services were discussed, listed on the new IEP dated September 3, 2002, but not continued upon enrollment in the current school.)

Subsequent to the CCC meeting, the TOR and general education teacher discussed the Student's positive progress in the general education classroom on September 4, 2002. They decided to continue to provide services in the general education classroom for a trial period of time. The CCC was not notified prior to this change in services and placement. The Student did not receive the above listed services in the resource room until a later date when the Complainant discussed this with the assistant director, who requested the services be continued as written.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School offered the Complainant broad flexibility in scheduling a case conference committee meeting at a mutually agreed upon date and time, including allowing the Complainant to schedule a CCC meeting date and time before notifying the School. Therefore, no violation of 511 IAC 7-27-2(a) is found.
2. Finding of Fact #3 indicates that discussion of educational issues was still taking place when the representative of the public agency and other staff members who provide special education and related services left the case conference meeting. Therefore, a violation of 511 IAC 7-27-3 is found for failing to ensure that the required CCC participants were in attendance for the duration of the meeting.
3. Finding of Fact #4 indicates that the School failed to provide services listed in the Student's last agreed upon IEP, including speech therapy and other services to be addressed in the resource room. Therefore, a violation of 511 IAC 7-27-7(a) is found for failing to implement the student's individualized education program as written.

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

CORRECTIVE ACTION:

The Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative shall:

1. Convene a CCC meeting to review and revise, as needed, the student's last agreed upon IEP and determine if compensatory services are needed for failing to provide the student with the required special education services. The CCC report shall document the discussion and determination regarding compensatory services. A copy of the CCC report and any revised IEP shall be submitted to the Division of Exceptional Learners no later than January 16, 2003.

2. Distribute a memorandum to all special education staff and administrators clearly describing the requirements specified in the following Article 7 citations:
 - 511 IAC 7-27-3, with emphasis regarding the obligation of all required participants to be in attendance for the duration of the CCC meeting.
 - 511 IAC 7-27-7(a) regarding the obligation to implement the student's individualized education program as written.

A copy of the memorandum and related information and the signatures and titles of all recipients of the memorandum information shall be forwarded to the Division no later than January 30, 2003.