

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2263.05
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: June 30, 2005
DATE OF REPORT: October 7, 2005
REQUEST FOR RECONSIDERATION: Yes/November 4, 2005-not revised
DATE OF CLOSURE: November 29, 2006

COMPLAINT ISSUES:

Whether the Monroe County Community School Corporation violated:

511 IAC 7-26-2(d) by failing to provide professional and paraprofessional staff serving students with autism spectrum disorder with specialized inservice training;

511 IAC 7-27-7(a)* by failing to ensure all students' individualized education programs (IEPs) are implemented as written, specifically in the following ways:

- a) providing the required amounts of speech, occupational, and physical therapy;
- b) providing speech, occupational, and physical therapy during summer and other school breaks, and during extracurricular activities;
- c) during first and last two weeks of school, therapist illnesses, and conferences;

511 IAC 7-27-3 by failing to include a physical therapist in case conference committee (CCC) meetings on February 9 and April 1, 2005, when the Complainant requested that the physical therapist attend the meetings;

511 7-25-7(b) by failing to conduct an additional evaluation upon the request of a parent, specifically an assistive technology evaluation;

511 IAC 7-27-6(a)(8)* by failing to include, in the student's IEP, a statement of the student's need for extended school year services (will also include 511 IAC 7-21-3(b) to ensure that extended school year services are available as necessary);

511 IAC 7-20-3 by failing to implement a comprehensive system of personnel development; and

511 IAC 7-27-6(a)(3) by failing to include, in the student's IEP, a statement of the special education and related services and supplementary aids and services to be provided to the student.

During the course of the investigation, the following additional issues were identified:

511 IAC 7-28-1(i)(2) by requiring a physician's order for physical therapy from the parent when one had previously been provided;

511 IAC 7-27-5(a) and (b)¹ by failing to include a written report of each CCC meeting, and to provide the parent with written notice of the proposed placement or denial of placement in accordance with 511 IAC 7-22-2(d);

¹The issues previously identified as alleged violations of 511 IAC 7-22-2(d)(1), 7-27-5(a), and 7-27-1(b)(1) have been consolidated and restated to more accurately reflect the concerns raised.

*Indicates an issue that has been extended to include other students throughout the School Corporation.
511 IAC 7-27-6(a)(1)* by failing to provide a statement of the student's present levels of educational performance; and

511 IAC 7-27-3(a)(5)* by failing to allow parents an opportunity to participate in the case conference committee meeting.

On July 25, 2005, the Director of the Division of Exceptional Learners granted an extension of time until September 30, 2005, due to additional issues submitted by the Complainant and the allegation of systemic violations, as well as the need to consolidate issues. On September 30, 2005, the Director granted an additional extension until October 7, 2005, due to the need for further review.

An on-site review of 170 student IEPs was conducted on September 12, 2005. A review of logs of services provided by occupational, physical, and speech therapists to students throughout the School Corporation was conducted during the week of September 19, 2005.

FINDINGS OF FACT:

1. The Student, 15 years old, has been identified as having autism spectrum disorder and has been determined eligible for special education and related services.
2. **Issue #1: Training provided to professionals and paraprofessionals in autism:** The School Corporation had a mandatory training session in September 2001 for all certified staff members in the areas of autism spectrum disorder and other health impairment (OHI). The Student had nine (9) teachers during the 2004-2005 school year, four (4) of whom participated in the training. The Principal and the Case Conference Coordinator also participated. The training lasted about two hours, half of which was devoted to general guidance in autism.
3. The School Corporation has an Autism Team that currently consists of a counselor, community-based program coordinator, general education teacher, preschool coordinator, preschool teacher, inclusion coordinator, two speech/language pathologists, an occupational therapist, two special education teachers, and two psychologists. School personnel have been informed through handouts and presentations that the Autism Team is available for consultation and student-specific referrals.
4. The School Corporation had a series of building-based training sessions in autism for new staff members in 2003, provided by members of the Autism Team. Training leaders reviewed the autism manual and highlighted each section. This included an overview of autism, diagnosis and assessment, communication, and sensory processing. There is no documentation of the Student's teachers participating. This training, continued in succeeding years, lasts about one hour and is part of a teacher induction program that lasts nearly a full day.
5. Each year, two staff members present training modules for the School Corporation's paraprofessionals. The modules define the role of the paraprofessional, explore how language and action impact perceptions of students with disabilities, and instruct paraprofessionals in the IEP process, methods of supporting instruction, and behavior improvement strategies. The paraprofessionals receive instruction on all disability categories. The Student's paraprofessional

participated in two modules covering the IEP process and methods of supporting instruction, on October 13 and November 3, 2003.

6. The Student's Teacher of Record (TOR) provided information to the Student's teachers during the first full week of the 2004-2005 school year, including information regarding the Student's disability and need for accommodations. The TOR consulted with the Student's teachers and therapists, and reviewed and contributed to a daily log that was filled out by the Student's paraprofessional and the parents.
7. Training is provided to bus drivers and bus monitors annually in the area of autism, led by a member of the Autism Team. The training includes the primary characteristics of autism, including those related to senses, communication, social skills, and behavior. The bus drivers and monitors receive information on how the characteristics of autism can vary from student to student. Behavioral considerations are explored, such as the student's response to stress. Transportation personnel, including the Student's bus driver, received general training that included autism behavior management on August 19, 2004, and again on August 19, 2005. Training specific to autism and ADHD was held for bus drivers and monitors on September 19, 2003. The Student's three bus drivers since Fall 2000 have all completed the special needs training module for transportation personnel.
8. **Issue #2: Implementing the IEP as written:** The 2004-2005 school year started on August 25, 2004, and ended on June 8, 2005.
9. The Student's IEP that began on June 17, 2004, calls for the Student to receive the following special education and related services:
 - Occupational therapy – direct, integrated, and consultation services for a minimum of 60 minutes each month (although the IEP does not state how much time out of the 60 minutes is to be direct service, how much is to be integrated service, and how much is to be consultation, or how a specific type of occupational therapy such as direct service is to be determined);
 - Physical therapy – consultation with school personnel only, amount not specified; and
 - Speech therapy – direct service for 45 minutes per week during the school day, including 30 minutes in resource and classroom settings.These services are to be provided by the OT, PT, and Speech/Language Pathologist (SLP). The service initiation dates were the same as the IEP duration dates (June 17, 2004 through June 17, 2005).
10. The OT's Treatment Notes for the Student cover the months of August 2004 through April 2005 and June 2005. The notes indicate:
 - The first consultations (to the physical education teacher, TOR, and PT) were provided on September 3, 2004.
 - The OT consulted with the TOR or the Student's paraprofessional on seven (7) occasions, as well as the PT, physical education teacher, and Case Conference Coordinator on other occasions. Direct services by the OT to the Student were provided on four dates: November 5, 2004 (30 minutes, with 30 minutes of consultation), and January 21 (45 minutes), April 15 (60 minutes), and June 3, 2005 (60 minutes).
11. Physical therapy consultation was provided to the Student's physical education teachers, TOR, and paraprofessional on September 3, 2004, and January 21, February 25, and April 14, 2005, both in person and over the phone:
 - The PT informed the TOR of the Student's success on the swim team and received information regarding the Student's functional movement at school.

- The Student's physical education teachers reported that the Student was performing at an average or above average level in relation to his classmates, and was gaining confidence through participation on the swim team. They were concerned about the Student's behavior, and the PT consulted with the Director about this.
 - The PT consulted with the Student's paraprofessional on five stretching exercises that would be helpful to the Student, and recommended an exercise schedule for the Student.
12. The SLP provided speech and language services to the Student beginning on September 1, 2004, and ending on June 1, 2005:
- Services were not provided to the Student during the weeks beginning September 20 (Indiana Statewide Testing for Educational Progress-Plus, or ISTEP+, testing), October 4 (Northwest Evaluation Association, or NWEA, testing), October 25 (SLP conducting hearing screenings), January 3 (partial week), May 2 (professional development day for School Corporation), and May 9 (SLP's participation in CCC meetings for other students). These dates account for six (6) weeks of services.
 - The SLP missed appointments with the Student during five (5) other weeks: the weeks beginning November 22, December 13, January 10, January 24, and February 21. The SLP said that these were most likely personal days.
 - The SLP saw the Student for 75 minutes (instead of 45 minutes) on April 13, and saw the Student an additional time on May 7. The SLP contends that her service to the Student began earlier (September 1) and ended later (June 1) than her work with several other students.
 - The SLP provided consultation to the Student's paraprofessional and the Student on September 1, November 10, November 17, November 22, December 20, April 20, and June 8. The total time for these consultations was 135 minutes (2 hours, 15 minutes).
 - The SLP spent 10.5 hours over eight days preparing a software program to assist the Student in developing his vocabulary.
 - The SLP was present at CCC meetings for the Student on December 3, February 9, and February 28.
 - The SLP led a social skills class with a teacher, in which the Student participated. The class was not related to the Student's speech goals. The SLP provided progress reports for the Student on October 6 and June 8, and conducted a Speech/Language Evaluation Report on February 7 and 8, 2005.
13. The Student's IEP does not require occupational, physical, or speech therapy during summer and other school breaks, or during extracurricular activities.
14. A sample review of records provided by the School Corporation's OTs, PTs, and SLPs during the 2004-2005 school year was conducted. It is the School Corporation's practice that the date for the initiation of services is also the date for the initiation of the IEP. For example, if an IEP runs from February 13, 2004, through February 13, 2005, therapy services would follow the same schedule and would need to begin at the start of the 2004-2005 school year. The sample included 154 students (28 OT students, 17 PT students, and 109 Speech students).
15. Of 154 students in the sample, 150 had initiation dates between August 2004 and August 2005; therefore, services should have started for them at the beginning of the 2004-2005 school year. Four students were new to special education and had IEP initiation dates after August 2005. Three of these students were receiving only speech services. One received PT. The students receiving speech had initiation/duration dates of September 2004-September 2005, March 2005-March 2006, and November 2004-November 2005. The PT student's initiation/duration date was September 2004-September 2005. For all four of the students new to special education, services were initiated on time. However, some sessions were missed as explained in Finding of Fact #17.

16. The 150 students in the sample that had initiation/duration dates between August 2004 and August 2005 received services from 13 therapists (2 OTs, 2 PTs, and 9 SLPs):
- Occupational therapy – Six (6) of the twenty-eight (28) students, or 21.4% of those in the sample receiving occupational therapy, began receiving services during the fourth week of classes, from September 13-17, 2004. Four (4) students, or 14.3%, began receiving services during the fifth week or later.
 - Physical therapy – Three (3) of the seventeen (17) students, or 17.6% of those in the sample receiving physical therapy, began receiving services during the fourth week of classes. One (1) student, or 5.9%, began receiving services during the fifth week or later.
 - Speech Therapy – Thirty-one (31) of the 109 students, or 28.4% of those in the sample receiving speech therapy, began receiving services during the fourth week of classes. Twenty-three (23) students, or 21.1%, began receiving services during the fifth week or later.
 - In all, 40 students began receiving services during the fourth week, and 28 students began receiving services during the fifth week or later.
 - Two students who were supposed to receive 30 minutes of speech therapy per week had their initial therapy sessions on September 28.
17. The number of therapy sessions missed by students in the sample, including those caused by student absences, ranged from zero to over 20. The following was found:
- Occupational therapy – Appointments were mainly missed due to shortened months at the beginning and end of the school year. One OT did not provide information on missed appointments.
 - Physical therapy – A PT had missed appointments for two students due to CCC meetings at another school, but still met the monthly time required for the students. One appointment was missed due to a tornado drill and the need for the PT to assist another special needs class. The same student received 80 minutes of PT service, instead of 120 minutes, during March due to the PT's absence.
 - Speech therapy -- One SLP missed 11 appointments due to her participation at CCC meetings (not indicated whether these were for the student in question). Other SLPs missed appointments due to annual case reviews for other students, hearing screenings, and class activities. Most therapists did not indicate whether missed appointments were made up at a later time.
18. **Issue #3: Including a physical therapist in CCC meetings on February 9 and April 1, 2005, when the Complainant requested that the physical therapist attend the meetings:** The Complainant alleges that she had requested the PT attend the CCC meetings on February 9 and April 1, 2005. Letters sent to the Complainant from the Case Conference Coordinator (dated January 31 and March 25, 2005) indicate that the PT was scheduled to attend. The PT did not attend either meeting, although she was invited. Meeting minutes do not indicate that the Student's participation on the swim team or specific physical therapy concerns were discussed by the Complainant or others at the meetings.
19. **Issue #4: Additional evaluation upon the request of a parent:** On December 3, 2004, a Referral for Assistive Technology Evaluation was filled out for the Student by the Case Conference Coordinator. The reason given for the request was "to improve cognitive processing abilities which will lead to successful transition to adult life." The Complainant believed that assistive technology could help the Student to focus and process information better, and to disseminate information better both verbally and in writing.
20. The Complainant signed the Permission for Assistive Technology Evaluation on December 3, 2004.

21. On January 12, 2005, the Complainant wrote to the Principal and the Case Conference Coordinator to request an assistive technology evaluation. The Complainant requested the evaluation to determine whether or not a specific program (Play Attention) would help the Student maintain focus as he did his schoolwork. The Case Conference Coordinator responded that the special education office would send the Complainant a packet of information, and that the Case Conference Coordinator would contact the OT and SLP who serve on the Assistive Technology Team in order to get input from them.
22. The School completed an "Evaluation Team Assistive Technology Report" on April 11, 2005. The Complainant received the report, marked "draft," on June 30, 2005. The report does not provide an analysis of any new testing conducted on the Student. It provides a review of literature and information related to the Play Attention technology requested by the Complainant. The report concludes that the Student will be better served with the Solo software program than with the Play Attention technology, but includes no evaluative data on the Student and his needs.
23. The "final" version of the Evaluation Team Assistive Technology Report is essentially the same as the draft version, but lists the Assistive Technology Evaluation Team members: the TOR, OT, and SLP. However, only the OT conducted the review, and the others acknowledged that they had an opportunity to review it.
24. On June 30, 2005, the Complainant requested an "independent educational evaluation for Play Attention computer technology." On July 12, 2005, the School Corporation confirmed that it would pay for an independent assistive technology evaluation, but that the evaluation would not be centered on a piece of technology. After receiving notice of two possible evaluators, the Complainant decided not to proceed with the independent evaluation.
25. **Issue #5: Statement of the student's need for extended school year/availability of extended school year:** The Student's IEP for the 2004-2005 school year includes a statement of the Student's need for extended school year services. The CCC recommended the Lindamood-Bell program to assist the Student in the development of reading and other related skills, including symbol imagery for phonemic awareness, sight words, and spelling. The extended school year services were to explore the use of concept imagery for comprehension and expression. The services were to run for 6 weeks for two hours per day.
26. When extended school year services are recommended by a student's CCC, the School Corporation requires the following information to be recorded in the student's IEP:
 - A documentation of the student's degree of regression;
 - The amount of time for recoupment of skills;
 - "Extraordinary" or "irretrievable" reversals that the student may experience if extended school year services are not provided; and
 - A description of the interventions recommended by the CCC, including interventions that can be practiced within the student's home.
27. In a review conducted of 170 student IEPs, only one called for extended school year services. This one included an incorrect answer to the question concerning the CCC's recommendation of extended school year services, with the CCC's intent only becoming clarified by its written explanation. Six (6) IEPs out of 170 did not indicate whether extended school year services were recommended.
28. **Issue #6: Implementing a CSPD:** The School Corporation's 2004-2005 CSPD Plan, or comprehensive system of personnel development plan, included a mini-grant application process. A principal, in collaboration with the school's teacher assistance team or school improvement team,

completed a CSPD grant application form when the school saw a need for special training for personnel. The staff development activity needed to respond to a building-based need and be aligned with school and school corporation goals. It needed to be able to improve special education services at the school. The CSPD Plan also included the following personnel development opportunities throughout the School Corporation: crisis prevention and intervention, sessions organized to enable teacher collaboration, autism and OHI, and specific training for paraprofessionals, administrators, and parents. Local and national conferences, positive behavioral support, and math instruction were also included.

29. The School Corporation conducted mentor training for general and special educators in August 2004 and January, February, and May 2005 (39 individuals trained in all sessions). Training in positive behavioral support was provided through an outside organization for general educators, special educators, and administrators during the months of August 2004 through May 2005 (345 individuals trained in all sessions).
30. Other opportunities provided included a session on special education law and a professional development day for speech/language pathologists.
31. **Issue #7: Statement of special education and related services:** The Student's IEP includes a statement of special education and related services, including the need for occupational, physical, and speech therapy. Information concerning physical and speech therapies is stated correctly. For occupational therapy, the IEP does not state how much time out of the 60 minutes per month is to be direct service, how much is to be integrated service, and how much is to be consultation. Under supplementary services, the IEP states that the Student's sensory needs will be met with a Move-N-Sit Pillow, wall push-ups, lifting, and pushing. Alpha Smart and a computer were also to be available.
32. **Issue #8: Requiring a physician's order for physical therapy:** At the beginning of the 2004-2005 school year, the School Corporation asked the Complainant to provide a physician's order in order for the Student to participate in physical therapy. This is consistent with IC 25-27-1-2(b), which requires an order or referral from a specified medical professional for all individuals practicing physical therapy in Indiana. According to the Complainant, a physician's order had been provided when the Student was in elementary school, and a subsequent one had not been required when the Student was receiving consultation or direct services. The School Corporation typically requires a physician's order annually, as a physician's order is only valid for one year and a student's physical therapy needs may change over time.
33. For the 2004-2005 school year, the Student's IEP only called for physical therapy consultation to be provided to school personnel. In a letter to the Complainant dated March 7, 2005, the Director acknowledged that an error had been made, and that the Complainant should not have been asked for a physician's order since direct services were not being provided at the time.
34. **Issue #9: Including a written report of each CCC meeting and providing the parent with written notice of the proposed placement or denial of placement in accordance with 511 IAC 7-22-2(d):** CCC meetings were held for the Student on December 3, 2004, and February 9, February 28, and April 1, 2005, all as a part of developing a new IEP. The Complainant stated that she did not receive minutes from the meetings, and that sometimes she received new pages to the IEP. (The School kept notes from the meetings, but has not presented documentation to indicate that meeting notes were delivered to the Complainant.) The School Corporation delivered the June 14, 2004, Case Conference Summary Report/IEP to the Complainant on October 14, 2004.

35. The notes from the April 1, 2004, CCC meeting mention the Solo software program will be used to support the Student in the area of writing, but do not discuss the possibility of another program being used. The notes do not mention that the assistive technology evaluation was not completed as of April 1, 2004.
36. The Complainant alleged that the School Corporation has failed to provide accurate and complete CCC meeting notes and IEPs that accurately reflect CCC determinations to other students.
37. **Issue #10: Providing a statement of the student's present levels of educational performance:** The Student's present levels of educational performance were stated in the Student's IEP. The present levels of educational performance include notes on cognitive achievement, reading, math, social and emotional responses, communication, and adaptive behavior. The statement includes ISTEP+ and NWEA scores from 2003 and 2004.
38. The statement of present levels of educational performance was found to be missing or incomplete in 44 student IEPs sampled (25.9% of 170). Many IEPs had very little information filled in, most of which was based on observations, not testing data.
39. **Issue #11: Allowing parents an opportunity to participate in the CCC meeting:** The CCC meeting notes include concerns raised by the Complainant and her husband, including the need for pre-teaching to be done with the Student (April 1, 2005), their desire to receive a weekly calendar of what the Student's classes will be studying, as well as teacher-prepared notes and study guides (February 9, 2005), and their suggestion regarding spacing to be provided on worksheets (February 28, 2005). The Complainant provided agendas for several meetings, which included many of her concerns and were intended to guide discussion.
40. The Complainant alleged that a systemic violation existed with regard to the School Corporation not allowing parents an opportunity to participate in CCC meetings. When 170 student IEPs were reviewed, however, it was noted that the parents were present at all of the IEP meetings and the IEPs contained notes that indicated the parents' participation.

CONCLUSIONS:

1. Findings of Fact #2 through #7 indicate that, although the School Corporation provides periodic inservice training to professional and paraprofessional staff that includes an overview of autism, it has not documented that professional and paraprofessional staff serving students with autism spectrum disorder have received specialized inservice training. The training should cover both the general characteristics of autism spectrum disorder and specific training to address how these characteristics are manifested in or by the particular student. Therefore, a violation of 511 IAC 7-26-2(d) is found.
2. Findings of Fact #8 and #9 indicate the time during which services were to be provided to the Student, and the occupational, physical, and speech therapy requirements of the Student's IEP. Finding of Fact #9 indicates that the IEP requires therapy services to begin at the start of the school year. Finding of Fact #13 indicates the limits of the therapy (not intended to be provided during school breaks and extracurricular activities). Finding of Fact #10 indicates that the OT provided direct services to the Student on four occasions; however, the amount of direct service required per month was not delineated in the IEP. Finding of Fact #11 indicates that the PT complied with the requirements of the IEP. Finding of Fact #12 indicates that the SLP acknowledged missing five (5) appointments with the Student, and six (6) other weeks were missed due to factors including testing, hearing screenings, and CCC meetings for other students. Therefore, a violation of 511 IAC 7-27-7(a) is found regarding provision of the Student's services.

Furthermore, Findings of Fact #14 through #17 indicate that violations exist regarding the provision of occupational, physical, and speech therapy services to other students throughout the School Corporation. Findings of Fact #14 and #15 indicate that services were to begin at the start of the 2004-2005 school year for most students in the sample. Therefore, a violation of 511 IAC 7-27-7(a) is found regarding provision of therapies to other students.

3. Finding of Fact #18 indicates that the PT did not attend the February 9 and April 1, 2005, CCC meetings as the Complainant had requested. Though the PT may attend, attendance was not required. Therefore, a violation of 511 IAC 7-27-3 is not found.
4. Findings of Fact #19 through #24 indicate that the School Corporation failed to provide an assistive technology evaluation of the Student. Therefore, a violation of 511 IAC 7-25-7(b) is found.
5. Finding of Fact #25 indicates that the School Corporation included a statement of the Student's need for extended school year services in the Student's IEP. However, Finding of Fact #26 indicates the considerations for extended school year stated on the IEP form are overly restrictive and improperly limit the CCC's consideration of extended school year services. Therefore, violations of 511 IAC 7-27-6(a)(8) and 511 IAC 7-21-3(b) are found with respect to the Student.

Finding of Fact #26 indicates that the language in the School Corporation's IEP form, which employs overly restrictive criteria for the consideration of ESY services, affects other students as well. Finding of Fact #27 indicates that the School Corporation did not always document whether the CCC considered the need for extended school year services. Therefore, violations of 511 IAC 7-27-6(a)(8) and 511 IAC 7-21-3(b) are found regarding the inclusion of the statement in other students' IEPs, and the availability of extended school year services to other students.

6. Finding of Fact #28 indicates that the School Corporation implemented a CSPD Plan, which lays out a system for ensuring that school personnel are trained to make them more effective in assisting students with disabilities. Findings of Fact #29 and #30 indicate some specific staff development activities provided throughout the school year. Therefore, a violation of 511 IAC 7-20-3 is not found.
7. Finding of Fact #31 indicates that, although the Student's IEP includes a statement of special education and related services and supplementary aids and services, the statement does not specify the amount of direct, consultation, or integrated services to be provided by the OT. Therefore, a violation of 511 IAC 7-27-6(a)(3) is found.
8. Finding of Fact #32 indicates that the School Corporation requires a physician's order when direct physical therapy services are provided to a student. This is in compliance with Indiana statute. The School Corporation requires the renewal of the physician's order annually to ensure that the order has not expired and addresses the student's current needs. Finding of Fact #33 indicates that the Complainant should not have been asked for the physician's order, and the Director explained this to the Complainant. Therefore, a violation of 511 IAC 7-28-1(i)(2) is not found.
9. Findings of Fact #34 through #36 indicate that the School Corporation did not provide the Complainant with notes from CCC meetings on December 3, 2004, and February 9, February 28, and April 1, 2005. The School is not required to provide CCC notes and therefore, no violation of 511 IAC 7-25-5 (a) is found with regard to the notes. The School did provide the Complainant with the CCC Summary/IEP, although it was several months after the CCC meeting was completed. Therefore, no violation of 511 IAC 7-27-5 (b) is found. However, because it was provided several months after completion a violation

of the report rather than the ten (10) business days after the CCC meeting, a violation of 511 IAC 7-27-5(c) is found.

10. Finding of Fact #37 indicates that the Student's IEP includes the Student's present levels of educational performance. Therefore, a violation of 511 IAC 7-27-6(a)(1) is not found with respect to the Student.

Finding of Fact #38 indicates that the School Corporation provided missing or incomplete information for other students regarding present levels of educational performance. Therefore, a violation of 511 IAC 7-27-6(a)(1) is found with respect to other students.

11. Finding of Fact #39 indicates that the Complainant, as the Student's parent, had several opportunities to participate in CCC meetings. Therefore, a violation of 511 IAC 7-27-3(a)(5) is not found.

Finding of Fact #40 indicates that the parents had opportunities to participate in all of the CCC meetings, according to 170 student IEPs reviewed. Therefore, a violation of 511 IAC 7-27-3(a)(5) is not found with regard to other students.

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

CORRECTIVE ACTION:

The Monroe County Community School Corporation shall:

1. Convene the Student's CCC to discuss compensatory services for the Student. The CCC shall determine whether and to what extent compensatory occupational therapy and speech therapy is warranted.

Documentation of compliance (consisting of a description of the School Corporation's plan for delivering compensatory services in the areas of occupational therapy and speech therapy, incorporated into the revised IEP) shall be submitted to the Division by November 18, 2005.

2. Modify the Student's IEP so that the specific amounts of direct, integrated, and consultation services to be provided by the OT per month are clearly delineated.

Documentation of compliance (consisting of a modified IEP) shall be submitted to the Division by November 18, 2005.

3. Revise the language in the School Corporation's IEP form concerning the CCC's consideration of extended school year services, so that it no longer limits the CCC's consideration of extended school year services to regression and recoupment factors. Provide a written assurance to the Division that the School Corporation will no longer limit the CCC's consideration of extended school year services.

Documentation of compliance (consisting of the new IEP form and the written assurance) shall be submitted to the Division by November 18, 2005.

4. Conduct an assistive technology evaluation on the Student, giving attention to how the assistive technology may or may not help the Student with cognitive processing. The evaluation, on which the entire Assistive Technology Evaluation Team shall work, shall be completed by November 18, 2005.

Documentation of compliance (consisting of a copy of the assistive technology evaluation report) shall be submitted to the Division by November 18, 2005.

5. Address the following during students' annual case reviews throughout the 2005-2006 school year:
 - Missed dates or late starting times for occupational, physical, or speech therapy services. The amount of services actually provided shall be compared to the services specified in the IEPs. Compensatory services shall be provided if a CCC determines that a student did not receive the requisite amount of therapy.
 - Extended school year services for students with disabilities.
 - Present levels of educational performance. The CCCs shall determine whether present levels of educational performance are incomplete or missing and revise IEPs if necessary. If additional testing is necessary to establish a student's present levels of educational performance, the testing shall be conducted.

Documentation of compliance (consisting of copies of 10% of the IEPs) shall be submitted to the Division by May 31, 2005.

6. Design and implement specialized inservice training in autism for professionals and paraprofessionals serving students with autism spectrum disorder. Part of the training must address autism generally, and the other part must address the specific needs of the Student and other students with autism. It should be designed specifically for staff members who work with children with autism, and should provide a variety of strategies, perspectives, and detailed information to assist professionals and paraprofessionals in working effectively with these students. The School Corporation should have a plan to present this specialized training annually.

Documentation of compliance (consisting of a written plan for specialized training in autism, an agenda, and sign-in sheets) shall be submitted to the Division by May 31, 2005.

7. Issue a memorandum to all case conference coordinators that case conference summary/IEP reports should be sent to parents within ten (10) days of the CCC meeting. Provide a copy of the memorandum and all whom received it to the Division by November 18, 2005.