

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2271.06
COMPLAINT INVESTIGATOR: Alexandra Curlin
DATE OF COMPLAINT: September 9, 2005
DATE OF REPORT: September 27, 2005
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: October 17, 2005

COMPLAINT ISSUES:

Whether the Gary School Corporation violated:

511 IAC 7-21-5(a)(3) by failing to provide instructional space for a student with disabilities that is sufficient to accommodate a student's special equipment and assistive devices; and

511 IAC 7-21-5(b) by not including in its disaster plan provisions for warning and evacuating students whose disabilities require special warning or evacuation procedures.

FINDINGS OF FACT:

1. The Student 11 years old, is a student with Multiple Disabilities and has been determined eligible for special education and related services.
2. The student requires the use of a wheelchair, feeding tube, expanded keyboard, and adapted software.
3. During the 2004-2005 academic year, the Student attended another school. That school closed and the Student was reassigned to the School. When the 2005-2006 school year began, the School did not have ramps. As the ramps were being constructed, the Student was placed at another school temporarily. On September 6, 2005, the Student was brought back to the School.
4. The new ramps included a ramp outside the main hallway of the School, outside the Student's classroom, in the bus loading and departure area, outside of the gym and outside the main office and cafeteria.
5. The Student's classroom has a door that leads outside the school. A new ramp was installed outside that door on September 9, 2005. The Student's classroom is equipped with tables and chairs, storage cabinets, and shelves. In addition to smaller tables, it has a larger student desk that is placed immediately next to a table. The classroom dimensions are 47x27. There are eight students in the classroom that are assigned to one teacher and three paraprofessionals.
6. The School's Disaster Plan includes an evacuation plan for Students with Disabilities. The plan includes how students will exit the building, that they will be assisted by their teachers, aides, and designated security and custodial personnel and administration, and offers guidelines that instruct instructors, therapists or paraprofessionals using a particular room to review on a regular basis the applicable plans for students with disabilities that may be in the room. The Disaster Plan also instructs

that particular IEP's that include specific types of assistance for a particular student should also be followed.

CONCLUSIONS:

1. Findings of Fact #2 and #5 indicate that the Student's instructional space can accommodate the Student's wheelchair and other assistive devices. Therefore, no violation of 511 IAC 7-21-5(a)(3) exists.
2. Finding of Fact #6 indicates that the School has in its disaster plan an evacuation plan for Students with Disabilities and for students whose disabilities require special warning or evacuation procedures. Therefore, no violation of 511 IAC 7-21-5(b) is found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.