

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2280.06
COMPLAINT INVESTIGATOR: Alexandra Curlin
DATE OF COMPLAINT: September 29, 2005
DATE OF REPORT: October 27, 2005
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: December 2, 2005

COMPLAINT ISSUES:

Whether the MSD Decatur Township and the RISE Special Services violated:

511 IAC 7-26-2(d) by failing to provide specialized in-service training regarding Autism Spectrum Disorder to the Student's bus driver and the School's security officer¹; and

511 IAC 7-27-7(a) by not implementing an agreed-upon Individualized Education Program ("IEP") regarding accommodations for the Student.²

FINDINGS OF FACT:

1. The Student, in fifth grade, has Autism Spectrum Disorder and has been determined eligible for special education.
2. On September 2, 2005, the CCC met and developed an IEP for the Student. The notes section of the IEP indicates that the Complainant stated that the Student has weakness in social interactions and needs to have social stories when a negative event occurs. It also indicated that the Complainant stated that the Student has "great anxiety when he does not understand something [which] causes him to shut down emotionally." In the section marked "Specially Designed Instructions for Educators: IEP Modification/Adaptations/Support Checklist for Student with Autism", the CCC agreed that the Student would receive social support and support regarding "Self Management/Behavior."
3. The social supports included, *inter alia*, protection of the Student from bullying. The behavior supports included providing reinforcement that was concrete, avoiding punitive measures that lower self esteem, increase anxiety and are not understood, and avoiding disciplinary actions for behaviors that are part of the disorder, i.e. avoidance of eye contact, talking to self, slow response time, lack of respect for others, becoming upset in crowds or with noise, anxiety, being upset by change, and repeating words of phrases.
4. The Student normally sits behind the bus driver. On September 22, a student with a large band instrument came on the bus. The Bus Driver asked the student to move to the third seat. The band student sat in the second seat and the instrument was in the first seat (the Student's normal seat).

¹ Upon investigation, this issue was added to better reflect the allegations of the Complainant.

² The issue has been restated to more accurately reflect the facts.

5. The band student began “teasing” the Student. The Student and the band student began arguing and eventually physically attacking one another. The Bus Driver called for the students to stop. When they did not, the Bus Driver pulled the bus over and called the transportation office to request security.
6. Upon arrival, the Security Officer told the Student to get off the bus. The Student did not respond. The Security Officer repeatedly told the Student to get off the bus, but the Student did not respond. The Security officer then got on the bus to physically remove the Student. The Security Officer put both of the Student’s hands behind his back and placed handcuffs on the Student. The Security Officer then escorted the Student to the Security Officer’s car. The Security Officer took the Student back to the School, where the Complainant was called.³
7. The School acknowledges that it did not inform the Bus Driver or the Security Officer of the Student’s disability or his IEP, nor give either individual any specialized training regarding autism spectrum disorder generally or how the disability is manifested by the particular student.

CONCLUSIONS:

1. Finding of Fact #7 indicates that the School did not provide any specialized in-service training to the Bus Driver or Security Officer. Therefore a violation of 511 IAC 7-26-2(d) is found.
2. Finding of Fact #3 indicates that the Student’s IEP mandates that the School avoid punitive measures that lower self esteem and increase anxiety. It also states that the School should avoid disciplinary actions for behaviors such as a slow response, lack of respect for others, becoming upset in crowds or with noise, being upset by change and anxiety. Finding of Fact #6 indicates that when the Student was removed from the bus, he was not removed with regard to agreed-upon support in the IEP. Therefore a violation of 511 IAC 7-27-7(a) is found.

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

CORRECTIVE ACTION:

1. The School shall complete specialized in-service training of Autism Spectrum Disorder for all professional, paraprofessional, and support staff serving students with Autism Spectrum Disorder in accordance with 511 IAC 7-26-2(d). Documentation of the training, including agenda and a list of personnel that received the training should be submitted to the Division no later than November 28, 2005.
2. The School shall also provide in-service training to all staff working with the Student apprising them of the Student’s disability, how it is manifested by the Student, and supports and modifications included in the Student’s IEP. Documentation of the training, such as agenda and a list of personnel that received the training should be submitted to the Division no later than November 28, 2005.

³ There is no written report of the events. However, the events as written are corroborated by the Complainant, the Security Officer, the Chief Security Officer, and the Director of Special Education.