

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2282.06
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: October 5, 2005
DATE OF REPORT: November 2, 2005
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: December 16, 2005

COMPLAINT ISSUES:

Whether the Clarksville Community School Corporation and the Clark County Special Education Cooperative violated:

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

- (a) placing the student in a school-based "work release" placement rather than community-based as stated in the IEP;
- (b) failing to provide the required transportation for community-based education; and
- (c) requiring the student to sell advertisements as part of Publications class.

FINDINGS OF FACT:

1. The Student, 18 years old, is identified as a student with autism spectrum disorder and has been determined eligible for special education and related services.
2. The Student's IEP dated March 16, 2005, indicates that the Student participates in a vocational program and curriculum. As part of the curriculum, the Student is also to participate in a community-based education program (Choice Program) that requires special transportation to a community job site.
3. At the beginning of the 2005-2006 school year the Student's schedule was set so that the Student would be at a job site for the last block of time (fourth block) during the school day between 1:30 and 2:30 p.m. Transportation was not available during this time because of dismissal times of other school buildings. Consequently, on August 17, 2005, the Choice Program Advisor (the Advisor) began looking for a job within walking distance from the School (the Student being escorted by an aide) or, alternatively, a community-based job in which the Student could be placed if the Student's schedule could be changed.
4. By August 18, 2005 it was determined that the Student's schedule could not be changed because the Student's Publications class (Yearbook), offered only in the morning, could not be changed without affecting the rest of the Student's schedule. By September 12, the Advisor received permission from the principal of a local elementary school to allow the Student to work in the school library. The Complainant, who is the Student's legal guardian, refused to sign permission to place the Student in the school library job because the Complainant deemed it a school-based job placement. On October 3, the Advisor located a business that indicated an interest in having a student job shadow. Shortly thereafter, the Advisor worked out a solution with the local transportation coordinator to provide the Student transportation to the job site and back to school again during the fourth block. The

Complainant agreed to this arrangement and signed the permission form. The Student's first day on the job was October 25, 2005.

5. The Student's Case Conference Report/IEP dated March 16, 2005 also states that the Student is exempt from the requirement of selling advertisements for Publications (Yearbook) class. The School acknowledges that the Student's teacher (Yearbook Advisor) for this course did require the Student to sell advertisements as part of the Student's grade. During the course of this investigation the Assistant Principal and the TOR met with the Yearbook Advisor and developed a plan that indicates the Student's grade will be based on writing captions for photographs, writing articles based on interviews for newspaper publication, and researching careers and writing summaries in lieu of selling advertisements. In addition, an assurance statement signed by the Assistant Principal, TOR, and Yearbook Advisor, reflects the above arrangement. A copy of the Student's grade report indicates that the Student's grade has been adjusted to reflect the requirement that the Student not sell advertisements in accordance with the IEP.

CONCLUSION:

Findings of Fact #2 through #5 indicate that the School failed to implement the Student's IEP as written, specifically with respect to:

- (a) failing to place the Student in a community-based vocational education program when the 2005-2006 school year began;
- (b) failing to have the required special transportation in place to support the Student's participation in a community-based job placement; and
- (c) requiring the Student to sell advertisements as part of the grade for Publications class.

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:

The Clarksville Community School Corporation and the Clark County Special Education Cooperative shall:

1. Convene a meeting involving all personnel, including local transportation coordinators, who work with the Student and other similarly situated students with disabilities who participate in the vocational education program to develop policies and procedures as part of a plan to ensure that school or community-based job placements are in place, along with the requisite transportation if necessary, at the start of a new school year or as soon as possible depending on the initiation date of services in a student's IEP. A copy of any notes, handouts, an agenda, and attendance sheet from the meeting, in addition to a copy of the plan shall be submitted to the Division no later than December 9, 2005.
2. Send a copy of the assurance statement, grade report, and plan for what the Student will accomplish in lieu of selling advertisements in Publications class, as described in Finding of Fact #5, to the Complainant. Documentation indicating that the Complainant received this shall be submitted to the Division no later than December 9, 2005.