

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2283.06  
 COMPLAINT INVESTIGATOR: Joe Bear  
 DATE OF COMPLAINT: October 7, 2005  
 DATE OF REPORT: November 1, 2005  
 REQUEST FOR RECONSIDERATION: n/a  
 DATE OF CLOSURE: August 11, 2006

**COMPLAINT ISSUES:**

Whether North Montgomery Community School District and West Central Indiana Special Services Cooperative violated:

511 IAC 7-27-7(a) by failing to implement an individualized education program (IEP) as written, specifically by failing to provide occupational therapy services to students with IEPs requiring occupational therapy services.

**FINDINGS OF FACT:**

1. Twenty-five (25) students in the School Corporation have IEPs that call for occupational therapy. These 25 have been identified as eligible for special education and related services.
2. The 2005-2006 school year began on August 15, 2005. The first trimester ends November 10, 2005.
3. The School acknowledges that, due to the resignation of an occupational therapist (OT), occupational therapy services were not provided to any students until October 25, 2005, when a newly hired OT began providing services.
4. The students' initiation dates for occupational therapy correspond to the initiation dates of their IEPs. Following is a list of initiation dates for services and the total minutes of occupational therapy required for each student:

<u>Student</u>	<u>Initiation date</u>	<u>Amount of service</u>
1	10/15/2004	1x month 30 minutes direct, 1x month 15 minutes consultation
2	10/27/2004	1x month 30 minutes consult.
3	11/16/2004	1x month 30 minutes – 15 min. direct, 15 min. consult.
4	1/20/2005	1x month 90 minutes – 45 min. direct, 45 min. consult.
5	1/6/2005	1x month 80 minutes – 40 min. direct, 40 min. consult.
6	3/1/2005	1x week 20 minutes direct, 1x month 30 min. consult.
7	3/22/2005	1x month 80 minutes – 40 min. direct, 40 min. consult.

8	4/18/2005	1x month 30 minutes consult.
9	4/29/2005	1x month 20 minutes consult.
10	5/6/2005	1x month 20 minutes
direct, 1x month 10 minutes consult.		
11	5/12/2005	1x month 80 minutes direct,
1x month 20 minutes consult.		
12	5/24/2005	1x month 20 minutes – 10
min. direct, 10 min. consult.		
13	8/17/2005	2x month 20 minutes – 10
min. direct, 10 min. consult.		
14	8/29/2005	2x month 30 minutes – 15
min. direct, 15 min. consult.		
15	8/29/2005	1x month 30 minutes – 15
min. direct, 15 min. consult.		
16	9/19/2005	1x month 90 minutes – 45
min. direct, 45 min. consult.		
17	9/22/2005	1x month 60 minutes – 30
min. direct, 30 min. consult.		
18	11/5/2004	1x trimester 20 minutes
consultation		
19	1/24/2005	1x trimester 30 minutes – 15
min. direct, 15 min. consult.		
20	3/4/2005	2x year 30 minutes
consultation		
21	3/8/2005	1x year 30 minutes –
15 min. direct, 15 min. consult.		
22	3/18/2005	4x year 30 minutes
consultation		
23	4/21/2005	2x year 30 minutes
consultation		
24	5/9/2005	1x trimester 30
minutes consultation		
25	5/24/2005	2x trimester 20 minutes
consultation		

- In addition to hiring a new OT, the School called an OT who was on maternity leave and contracted with her on September 16, 2005, to help in providing compensatory services. This individual and the new OT have divided up the students and are working together in providing compensatory services, as well as completing necessary occupational therapy services for October 2005.
- The School has documented plans to complete compensatory services for the students throughout the 2005-2006 school year, and to send progress reports to the parents documenting the delivery of compensatory services.

## CONCLUSIONS:

Findings of Fact #2 through #6 indicate that the School failed to implement the IEPs of Students 1 through 17 as written, specifically by failing to provide occupational therapy services from August 15, 2005, through October 24, 2005. Therefore, a violation of 511 IAC 7-27-7(a) is found. Finding of Fact #4 also indicates eight (8) students are to receive a specified number of therapy sessions every trimester or year, rather than every

month or week; therefore, for those students, no services were missed and no violation of 511 IAC 7-27-7(a) exists.

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

**CORRECTIVE ACTION:**

North Montgomery Community School District and West Central Indiana Special Services Cooperative have taken voluntary corrective action by developing a plan for providing compensatory services to the 17 students affected. In addition to that, North Montgomery Community School District and West Central Indiana Special Services Cooperative shall:

1. Provide a letter to the parents of the 17 students who missed occupational therapy services, detailing the School's plan for providing compensatory services to each student. Copies of these letters shall also be sent to the Division by November 28, 2005.
2. Provide documentation, including progress reports and OT logs, that compensatory occupational therapy services were provided to the 17 students for whom services were not provided during the months of August, September, and October 2005. Provide the documentation to the Division by May 31, 2006.