

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2295.06
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: December 22, 2005
DATE OF REPORT: February 17, 2006
REQUEST FOR RECONSIDERATION: July 18, 2006 – report not revised
DATE OF CLOSURE: August 7, 2006

COMPLAINT ISSUES:

Whether the Indianapolis Public Schools violated:

511 IAC 7-27-4(a)(4) by failing to convene a case conference committee (CCC) when a change of placement is proposed or to be considered.

511 IAC 7-27-7(a) by failing to implement the individualized education programs (IEPs) of several special education students.

On January 17, 2006, the Associate Superintendent granted an extension of time until February 24, 2006, due to the complexity of the issues involved.

FINDINGS OF FACT:

1. The students (the “Students”) are attending an alternative school for boys (the “School”) where they receive educational services. The Students are eligible for special education and related services.
2. The School was designated as an alternative school in July 2005 specifically focusing on fourth and fifth grade boys exhibiting poor behavior. The students were selected based on the 2004-2005 school year discipline referral system. Students with the highest discipline referral or suspension records were selected and parents were notified by letter stating that their child would be attending the School in the fall of 2005. Of the 186 students selected, 70 carried a special education classification.
3. Of the 70 special education students, nine were enrolled the Complainant’s class at the School where the Complainant taught for one week in August 2005. An on-site record review conducted by the Complaint Investigator focused on these nine students.
4. The School acknowledges that the special education students selected to attend the alternative program were placed without benefit of a case conference committee decision. The School further acknowledges that a number of students, designated as emotionally handicapped, were unable to function well in the regular classroom environment at the alternative school. As a result, additional special education teachers and instructional assistants were added.
5. Between September and November 2005, all student files were reviewed and case conference committee meetings were conducted for all special education students. In addition, each special education student’s previous school was contacted for input on the student to determine whether the alternative program had the potential to produce harmful effects for the student or the successful

implementation of his IEP. As a result of this review three students, one of whom attended the Complainant's class, returned to their previous schools.

6. Of the remaining eight students from the Complaint's class, one student moved in September 2005, (never attended school), and the other seven students were in programs consistent with the IEPs in effect at the beginning of the 2005-2006 school year.
7. The School acknowledges that the IEPs of many of the special education students attending the alternative school were not implemented as written, in part, due to the chaotic first weeks of the school year. Moreover, despite the fact that the special education students relevant to this investigation have had their IEPs reviewed and revised, the School still cannot document whether and to what extent each of their IEPs has been implemented as written.

CONCLUSIONS:

1. Findings of Fact #2 through #5 indicate that the School failed to convene the case conference committee of one student from the Complainant's class when a change of placement to the alternative school was proposed or to be considered. Finding of Fact #6 indicates that the other students were in programs consistent with their IEPs in effect at the beginning of the school year. Therefore, a violation of 511 IAC 7-27-4(a)(4) is found. However, Finding of Fact #5 indicates that the School reconvened the case conference committees for all affected special education students to review and revise their IEPs.
2. Finding of Fact #7 indicates that the School has failed to document whether and to what extent the IEPs of the Students attending the Complainant's class were implemented as written. In addition, the School acknowledges that the IEPs were not implemented during the first several weeks of the 2005-2006 school year. 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 Indianapolis Public Schools shall:

Document the implementation of the individualized education programs of the aforementioned seven students originally attending the Complainant's classroom at the beginning of the 2005-2006 school year (the School has submitted copies of each of the student's Summary of Service page of their revised IEPs) for 10 instructional days. This includes the special education supports and services provided to each student in either the general or special education settings in addition to the provision of related or supplemental services. The documentation shall be submitted to the Division no later than April 28, 2006.

Write an assurance statement stating that the Indianapolis Public Schools, before considering placing special education students in an alternative setting or program, will determine whether and to what extent the new program is consistent with a student's special education and related services as written in the individualized education program and, if not, will convene the case conference committees of all relevant students to discuss and agree to a change of placement. The assurance statement shall be submitted to the Division no later than March 31, 2006.