

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2310.06
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: February 10, 2006
DATE OF REPORT: March 10, 2006
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: June 13, 2006

COMPLAINT ISSUES:

Whether Gary Community School Corporation violated:

511 IAC 7-21-2(c)(1) and 511 IAC 7-26-2(d)¹ by failing to do the following:

- 1) Provide inservice and preservice training to paraprofessionals in the following areas:
 - a. The role of the paraprofessional related to the role of the professional person providing supervision and direction;
 - b. The specific skills necessary to carry out the assigned responsibilities;
 - c. Information on the specific special needs and characteristics of the students with whom the paraprofessional will be working;
 - d. Information on special education procedures, including the confidentiality of personally identifiable information;
 - e. Specialized inservice training in autism spectrum disorder for paraprofessionals working with autistic students;

²511 IAC 7-27-4(c) by failing to ensure that the case conference committee (CCC) considers the results and instructional implications of the initial or most recent educational evaluation; and

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

FINDINGS OF FACT:

1. The Student, 14 years old, has been identified as having autism spectrum disorder and has been determined eligible for special education and related services.
2. The School Corporation's standard procedure is for all paraprofessionals to participate in preservice training the day after their date of hire. The training includes the definition of a paraprofessional, training requirements, types of disabilities, special education terms, and tips for working with students.
3. The IEP calls for a one-to-one paraprofessional for the Student. Two paraprofessionals worked with the Student this year. Neither the paraprofessional who served the Student from August 2005 through January 2006 (Paraprofessional 1) nor the Student's current paraprofessional (Paraprofessional 2) have received preservice training.

4. The School Corporation has inservice training for paraprofessionals each year. Inservice trainings have included information on the role of the paraprofessional, necessary skills, ethical issues, and special education procedures.
5. Neither Paraprofessional 1 nor Paraprofessional 2 participated in inservice training on October 5, 2005, at the start of the current school year. Paraprofessional 1 has participated in inservice trainings in 2000, 2002, and 2003; Paraprofessional 2, who has been employed by the School Corporation since August 2005, had not participated in any inservice training as of the date the complaint was filed.
6. Both paraprofessionals received make-up training, combining preservice and inservice training, on March 7, 2006. The training included information about Article 7 requirements, special education acronyms, and types of disabilities; tips for paraprofessionals; least restrictive environment; a job description; the evaluation process; and information on autism spectrum disorder.
7. The Student received psychological testing as part of a three-year reevaluation on September 8, 2005. The Complainant acknowledged that the evaluation was discussed at the CCC meeting on November 7, 2005, and that she had an opportunity to ask questions. The School Social Worker talked about IQ and achievement testing, and the TOR talked about basic skills (Brigance) testing.
8. The Complainant stated that she thought the Student was supposed to receive one-on-one tutoring, apart from the services of the paraprofessional. In the Strengths and Needs section of the IEP, it is noted that the Student needs a one-on-one tutor. This does not appear in the Program or Services sections of the IEP, only "assistance from a peer or adult helper" and "1-1 paraprofessional." The Complainant acknowledged that the CCC did not decide on the tutor services.

CONCLUSIONS:

1. Findings of Fact #3 and #5 indicate that the School Corporation has failed to provide preservice and inservice training as required to the paraprofessionals serving the Student. Finding of Fact #2 also indicates that the School Corporation's preservice training for paraprofessionals has not included a discussion of the specific skills necessary to carry out assigned responsibilities, the special needs and characteristics of students with whom paraprofessionals will be working, or special education procedures. Therefore, violations of 511 IAC 7-21-2(c)(1) and 511 IAC 7-26-2(d) are found.
2. Finding of Fact #7 indicates that, although the Complainant had concerns about the way in which the testing information was presented, the School Corporation did not fail to ensure that the CCC consider the results and instructional implications of the evaluation. Therefore, a violation of 511 IAC 7-25-4(k) is not found.
3. Finding of Fact #8 indicates that the Student's IEP does not require one-on-one tutoring. Therefore, a violation of 511 IAC 7-27-7(a) is not found.

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

CORRECTIVE ACTION:

Gary Community School Corporation, as indicated in Finding of Fact #6, has completed voluntary corrective action in response to the paraprofessional training issue. In addition, Gary Community School Corporation shall:

1. Redesign a new preservice training program for paraprofessionals, so that it addresses all the elements contained in 511 IAC 7-21-2(c). Provide a copy of the new training program to the Division by April 21, 2006.
2. Design a chart or other instrument to keep track of the training that paraprofessionals have received, and train all paraprofessionals of the School Corporation who have not received either preservice or inservice training. Provide the filled-in tracking instrument, with agendas and sign-in sheets from training sessions held, to the Division by April 21, 2006.
3. Provide an assurance statement to the Division stating that all paraprofessionals will receive preservice and inservice training as required in the future, and that preservice training will commence immediately after the date of hire. Provide the statement to the Division by April 21, 2006.