

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2337.06
 COMPLAINT INVESTIGATOR: Joe Bear
 DATE OF COMPLAINT: May 23, 2006
 DATE OF REPORT: June 20, 2006
 REQUEST FOR RECONSIDERATION: n/a
 DATE OF CLOSURE: September 7, 2006

COMPLAINT ISSUES:

Whether Fort Wayne Community Schools violated:

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

FINDINGS OF FACT:

1. The Student, 12 years old, has been identified as having a learning disability and has been determined eligible for special education and related services.
2. On April 21, 2006, a case conference committee (CCC) meeting was held to determine whether the Student's behavior (profanity, refusal to cooperate and to complete schoolwork) was a manifestation of his disability. The CCC determined that the behavior was not caused by the Student's disability, and expelled him for the remainder of the school year. However, the CCC called for the Student to receive six (6) hours of homebound instruction per week, effective April 21, 2006, until he began receiving services at a mental health treatment center. The Student's start date at the treatment center is listed in the IEP as May 1, 2006; however, the Student did not start on May 1, 2006, and it is unknown by the School and the Complainant when the Student will start. The School acknowledged that, if the Student did not start at the mental health treatment center before the end of the school year, then he was to receive homebound instruction until June 1, 2006.
3. On May 11, 2006, the Complainant received the Student's schedule for homebound services. The notice listed the following subjects and times:

Language arts/reading	2 hours per week
Math	2 hours per week
Social studies	1 hour per week
Science	1 hour per week
4. As of June 19, 2006, the homebound instructors for language arts/reading and social studies had filled out Termination of Homebound Instruction/Grade Reports to indicate that their service to the Student had ended (on June 1 and June 7, 2006, respectively). The language arts teacher had completed 10.5 hours of instruction, while the social studies teacher had completed five (5) hours of instruction. The third homebound instructor, the only one who had not completed a termination sheet, reported to the School that he had completed six (6) hours of instruction in math. This teacher was also responsible for instruction in science, but no instruction in science had been provided as of June 19, 2006.

5. The paperwork was completed for the Student's participation at the mental health treatment center, which is set to begin once the homebound instruction has been completed.

CONCLUSIONS:

Findings of Fact #2 and #3 indicate that six (6) weeks passed between the projected start and end dates of homebound instruction. This instruction was to continue until the Student started at the treatment center or until June 1, 2006. Finding of Fact #3 indicates that the instruction called for during this period was: 12 hours of language arts/reading, 12 hours of math, 6 hours of social studies, and 6 hours of science. Finding of Fact #4 indicates that the instruction still due to the Student includes: 1.5 hours in language arts/reading, 6 hours in math, 1 hour in social studies, and 6 hours in science. Therefore, a violation of 511 IAC 7-27-7(a) is found.

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

CORRECTIVE ACTION:

Fort Wayne Community Schools shall:

Convene the Student's CCC to determine a plan for providing compensatory services to make up for the loss of 14.5 hours of homebound instruction, which were not provided by June 1, 2006: 1.5 hours in language arts/reading, 6 hours in math, 1 hour in social studies, and 6 hours in science. Clearly define in the CCC report how and when these services will be provided, and provide documentation if some of the hours have been provided since June 19, 2006. Provide a copy of the CCC report to the Division by August 25, 2006.