

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-152-2007
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: December 4, 2006
DATE OF REPORT: January 17, 2007
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: March 16, 2007

COMPLAINT ISSUES:

Whether the North Adams Community Schools and the Adams-Wells Special Services Cooperative violated:

511 IAC 7-25-7(b) by failing to conduct an additional evaluation and convene the case conference committee within 60 instructional days, and by failing to make a copy of the evaluation report available to the parents no less than five days before the scheduled case conference.

511 IAC 7-21-2(a) by failing to ensure that the student's teacher of record is licensed in the area of the student's disability.

511 IAC 7-26-2(d) by failing to ensure that paraprofessionals working with the student receive specialized inservice training in the area of the student's disability.

An extension of time until January 17, 2007, was granted on December 28, 2006, to allow the investigator sufficient time to review the information related to the issues involved.

FINDINGS OF FACT:

1. The Student, 16 years old, is identified as a student with a moderate mental disability and autism-spectrum disorder, and has been determined eligible for special education and related services.
2. The Student's thirty-six month re-evaluation is to be conducted by January 22, 2007. In an e-mail dated July 24, 2006, the Complainant requests that the Student's re-evaluation be conducted as early as possible in the 2006-2007 school year. The Director of Special Education agreed and initiated the evaluation on the first day of school, August 21, 2006. The 60 instructional day timeline elapsed on November 17, 2006. The evaluation report was completed on November 8, 2006, and the case conference committee convened on November 13, 2006.
3. The School acknowledges that the evaluation report was not made available to the Complainant five days before the case conference committee convened. Because of this the Complainant did not feel prepared to discuss the results of the evaluation and the case conference committee agreed to reconvene.
4. The Student's Teacher of Record is licensed in the areas of mild intervention and intense intervention. The Teacher of Record went on maternity leave during the fall of 2006 and was temporarily replaced by another teacher of record until January 3, 2007. The Complainant alleges that the interim teacher of record is not appropriately licensed in the area of the Student's disability. The interim teacher of

records State of Indiana Teacher's License indicates that she has a life license in the areas of mentally retarded, emotionally disturbed, and a minor competency level in learning disabled/neurologically impaired. There is no license for the area of autism spectrum disorder in the state of Indiana. However, there is no documentation indicating whether and to what extent the interim teacher of record has received any training in the area of autism.

5. The Complainant specifically alleges that the Student's paraprofessional has not been trained in the area of autism. The School cannot document whether and to what extent the Student's paraprofessional has received general and specialized training in the area of autism.

CONCLUSIONS:

1. Finding of Fact #3 indicates that the School failed to make a copy of the Student's evaluation report available to the Complainant no less than five days before the scheduled case conference committee meeting on November 13, 2006. Therefore, a violation of 511 IAC 7-25-7(b) is found with respect to not following the evaluation procedures described in 511 IAC 7-25-4(a).
2. Finding of Fact #4 indicates that the Student's interim teacher of record is appropriately licensed in the area of the Student's disability. However, the School cannot document whether and to what extent the interim teacher of record has received training in the area of autism spectrum disorder. Therefore, a violation of 511 IAC 7-21-2(a) is found.
3. Findings of Fact #4 and #5 indicate that the School cannot document whether and to what extent the Student's interim teacher of record and paraprofessional have received specialized inservice training in the area of autism. Therefore, a violation of 511 IAC 7-26-2(d) 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:

North Adams Community Schools and the Adams-Wells Special Services Cooperative shall:

Send a written memorandum to all relevant school administrators and special education personnel regarding compliance with 511 IAC 7-25-4(a), specifically with respect to ensuring that a copy of a student's evaluation report be made available no less than five days before the scheduled case conference committee meeting. A copy of the memorandum and a list of all who receive it shall be submitted to the Division no later than February 23, 2007.

Conduct an inservice for all relevant professional and paraprofessional staff working with students eligible for special education in the area of autism. The inservice shall involve training on autism spectrum disorder in general and include student-specific training for staff working with each student with autism spectrum disorder. A copy of the agenda, materials, handouts, and an attendance sheet shall be submitted to the Division no later than February 23, 2007.