

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: CP-164-2007  
COMPLAINT INVESTIGATOR: Brian Simkins  
DATE OF COMPLAINT: December 22, 2006  
DATE OF REPORT: January 19, 2007  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: March 5, 2007

**COMPLAINT ISSUES:**

Whether the MSD Pike Township and the West Central Joint Services 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 additional breaks and math support.

511 IAC 7-27-4(a)(3) by failing to convene the student's case conference committee at the request of the parent.

**FINDINGS OF FACT:**

1. The Student, 11 years old, is identified as a student with autism-spectrum disorder, and has been determined eligible for special education and related services.
2. The Student's IEP dated November 3, 2006, indicates that the Student is to be provided additional breaks as necessary. Accommodation notes state that, "[The Student] may need a quiet place in the room for a time-out." In addition, the Student's present level of educational performance with respect to her social behaviors states, "[The Student] knows when she needs to take a break and she is able to do that on her own."
3. The Complainant expressed concerns regarding whether and to what extent the Student was receiving any breaks to alleviate stress and anxiety in an e-mail to the Student's Teacher of Record dated December 7, 2006. The School maintains that the Student is offered the opportunity to take breaks whenever she feels she needs to take one. However, there is no documentation indicating whether the Student has taken additional breaks when feeling anxious or frustrated.
4. The Student's IEP dated November 3, 2006, indicates that the Student is to receive math support for 30 minutes four times per week. However, the IEP does not describe what kind of math support the Student is to receive, by whom, and with what resources. The Complainant alleges that the Student is not receiving sufficient support in math. Case conference notes dated January 8, 2007 indicate that the Teacher of Record provides additional math support on a daily basis by restating directions on assignments, repeating math lessons and re-teaching general education math skills. However, there is no documentation to show what has been provided and when.
5. The Student's case conference committee convened on January 8, and 11, 2007, to address the Complainant's concerns. The case conference agreed to develop a daily schedule that includes specific break times that are not optional for the Student. Math supports were discussed as described

in Finding of Fact #4, and the IEP dated January 11, 2007 includes a description of math supports the Student is to receive as "teaching/re-teaching skills from the general education curriculum."

6. On December 12, 2006, the School received an e-mail from the Complainant requesting a case conference committee meeting. The Teacher of Record responded to the Complainant in an e-mail dated December 15, 2006 asking if it would be possible to schedule the meeting after the School's winter break. The Complainant responded in an e-mail dated December 20, 2006 stating that her request had been ignored. On December 22, 2006 (school was dismissed for winter break on this date), the School scheduled a case conference committee meeting for January 8, 2007, the first day of school after the winter break. The Complainant agreed with the date.

#### **CONCLUSIONS:**

1. Findings of Fact #2 and #3 indicate that, although the opportunity to request additional breaks is a strategy for the Student to utilize, the School cannot document whether and to what extent this requirement of the IEP has been implemented. Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to the provision of additional breaks. However, Finding of Fact #5 shows that the Student's case conference committee has agreed to include specific breaks in the Student's daily schedule. Finding of Fact #4 indicates that the School cannot document whether and to what extent daily math support is provided to the Student. Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to the provision of math supports. However, Findings of Fact #4 and #5 show that the case conference notes dated January 8, 2007 indicate what support has been provided and by whom, and the IEP dated January 11, 2007 states what math support the Student is to receive.
2. Finding of Fact #6 indicates that the School scheduled a case conference committee meeting within 10 calendar days of the Complainant's request to convene. The Student's case conference committee convened on January 8, 2007, and reconvened on January 11, 2007. Therefore, a violation of 511 IAC 7-27-4(a)(3) is not 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:**

MSD Pike Township and West Central Joint Services shall:

Convene a meeting with all relevant school personnel working with the Student to develop a method of documenting the provision of the Student's math support services and additional breaks the Student takes during the school day. A copy of notes from the meeting (including attendance), a description of the method that will be used to document the implementation of the Student's IEP and any charts or forms created shall be submitted to the Division no later than February 23, 2007.