

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-232-2007
COMPLAINT INVESTIGATOR: Sharon Knoth
DATE OF COMPLAINT: June 18, 2007
DATE OF REPORT: July 16, 2007
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: October 12, 2007

COMPLAINT ISSUES:

The specific issues of the complaint are whether the Elkhart Community School Corporation violated:

511 IAC 7-26-2(d) by failing to provide all staff working with the Student specialized inservice training specific to the unique needs of the child¹; and

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP).

FINDINGS OF FACT:

1. The Student is a nine-year-old male identified with a primary exceptionality area of ASD and a secondary disability of hearing impaired (HI). According to documentation provided by School Corporation B the Student has limited expressive communication skills and has a tendency to run or bolt from the classroom when confronted with undesired activities or work.
2. The Student re-entered School Corporation B in February 2006 and was over-due for a triennial evaluation (which should have been completed by School Corporation A in March 2005). A case conference committee was held within the required 10 days from the date of move-in and the IEP from School Corporation A was implemented. Because of the complexities of the Student's commingling disabilities, a private psychological assessment was sought and paid for by School Corporation B, rather than having the triennial assessment completed by School Corporation B. Due to scheduling issues, this evaluation did not occur until February 27, 2006. From the time of his enrollment until April 25, 2006 the IEP from School Corporation A was followed. This IEP had the Student enrolled full-time in special education, had no behaviors noted that may impact his ability to learn and no functional behavioral assessment (FBA) or behavioral intervention plan (BIP). There was a note in the April 22, 2005 IEP from School Corporation A that stated the student should be monitored closely due to his disabilities.
3. The Complainant stated that she did not feel School Corporation B was implementing the Student's IEP because he was not being kept safe and within the confines of the school building. The IEP in effect at the time of the incident that initiated this complaint investigation had the Student receiving all of his educational services in a self-contained intense interventions classroom. The IEP provided for special transportation due to the Student's "...unawareness of safety issues and his tendency [sic] to run...." The academic IEP goals were functional in nature and there was no BIP noted as being necessary for the Student.

¹ During the course of the investigation, this issue was expanded to include 511 IAC 7-21-2(c) as well.

4. The incident that initiated this complaint investigation occurred on February 20, 2007 when the Student left school grounds during the educational day. According to documentation submitted by School Corporation B, the TOR assigned to the Student at the time of the incident had attended training on ASD but the two paraprofessionals assigned to the classroom had not. The two paraprofessionals involved with the Student at the time of the incident are no longer employed by School Corporation B.
5. The incident that initiated this complaint investigation prompted School Corporation B to conduct a system-wide review of student safety issues throughout the corporation. A committee was formed to discuss emergency preparedness, school safety, and other student and staff protection issues which culminated in a report presented to the school board for School Corporation B.
6. Documentation provided by School Corporation B shows that on February 26, 2007 the Student was moved to a different elementary school within the district and assigned to a new TOR. Documentation provided by School Corporation B shows that each student enrolled in the classroom where the Student had been enrolled at the time of the incident now has his/her own personalized School Safety Plan. Documentation provided by School Corporation B shows that the Student also has a personalized School Safety Plan for his new (current) school and that the staff who are employed in that building have been made aware of the Student's School Safety Plan. Included in the plan is a statement that the Student should never be without the company of an adult and that it does not assist in any way to yell to the Student if he begins to run (due to his hearing loss).
7. Documentation provided by School Corporation B describes the general training in ASD that the Student's new TOR has been provided. The documentation lists that a full-time paraprofessional is being hired to work with the new TOR but does not provide information as to whether the individual was hired and trained regarding the Student's unique learning needs.
8. On March 8, 2007 School Corporation B obtained parental permission to conduct an additional evaluation on the Student. An FBA was conducted and a BIP drafted on March 28, 2007. The results of the FBA and the draft BIP were discussed at the CCC held on May 16, 2007. The IEP developed at that meeting describes Behavioral Concerns in detail and lists that the Student has a tendency to run from assigned work in order to get attention. The Complainant and School Corporation B agreed to place bells on his shoes to help staff recognize when he begins to move more quickly. Each staff member at the school has also been provided with a picture of the Student and directions as to how they should sign the words "No, Stop" to the Student should they ever see him running.

CONCLUSIONS:

1. Finding of Fact #4 indicates that although the TOR working with the Student received specialized inservice training in the area of ASD it did not speak to whether it addressed the unique combination of a hearing loss coupled with ASD and the specific needs of the Student. This Finding also indicates that the two paraprofessionals working in the classroom did not receive specialized training. Therefore, a violation of 511 IAC 7-26-2(d) and a violation of 511 IAC 7-21-2(c) is found. IAC 7-26-2(d) requires all professional and paraprofessional staff serving students with ASD receive specialized inservice training and 511 IAC 7-21-2(c) requires that paraprofessionals receive student-specific preservice and inservice training regarding the students with whom they will be working.
2. Findings of Fact #2 and #3 indicate that neither the IEP from School Corporation A nor the IEP in effect at the time of the incident contained a BIP to address the Student's tendency to run. The IEP in effect at the time of the incident was followed, therefore, no technical violation of 511 IAC 7-27-7 is found. Worth noting is that Finding of Fact #8 indicates that the BIP has since been addressed for the Student and Finding of Fact #6 indicates that School Corporation B took measures to address safety issues for all

students in the district. These measures should serve to aid in ensuring the safety and well-being of all students for whom Corporation B is entrusted to educate.

CORRECTIVE ACTION:

The Elkhart Community School Corporation is ordered to provide documentation of Student-specific training for all paraprofessionals who will be working with the Student during the 2007-2008 school year. This student-specific training shall discuss how ASD manifests itself in this particular Student especially when coupled with the hearing loss and lack of expressive communication skills. The school shall also provide documentation that the teacher(s) assigned to work with the Student for the 2007-2008 school year have received training in ASD. The school shall submit a copy of the inservice agendas, handouts, or other material provided to the inservice participants, names and titles of the presenter(s), a list of all who receive the training, and the date(s) on which the training occurred to the Division **no later than August 13, 2007**.