

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-115-2007/2346.07
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: August 3, 2006
DATE OF REPORT: August 31, 2006
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: October 12, 2006

COMPLAINT ISSUES:

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

511 IAC 7-27-4(c) by failing to utilize the case conference committee to review, revise, or develop the student's individualized education program (IEP).

511 IAC 7-26-2(d) by failing to provide specialized inservice training to the paraprofessional working with the student in the area of autism.¹

During the course of this investigation the following additional issue was discovered:

511 IAC 7-27-2 by failing to provide notice to the parent of a case conference committee meeting on May 3, 2006.

FINDINGS OF FACT:

1. The Student, 12 years old, is identified as a student with autism-spectrum disorder, and has been determined eligible for special education and related services.
2. On May 1, 2006, the Complainant called the Former Director of Special Education (the "Director") to schedule a case conference committee (CCC) meeting because the Complainant had concerns about the Student's safety. The Director called the Complainant on May 3, 2006, to discuss the Complainant's concerns and to suggest a temporary homebound placement for the Student. After speaking to the Complainant, the Director informed the Principal of the content of her conversation with the Complainant. A CCC meeting was not set at this time.
3. After school, during the afternoon of May 3, 2006, the Complainant went to the School to discuss the Student's safety concerns with the Principal. The School acknowledges that pursuant to the Director's conversation with the Principal, the Principal was under the assumption that a homebound placement was agreed upon by the Complainant. When the Complainant arrived at the School, the Principal called the Student's Teacher of Record and the Student's General Education Teacher together for a CCC meeting.

¹ During the course of this investigation it was determined that 511 IAC 7-21-2(c) did not reflect the facts herein and was replaced with 511 IAC 7-26-2(d).

4. School officials already had a Case Conference Report and IEP forms dated May 3, 2006. The IEP the School unilaterally developed reflected a change in the Student's least restrictive environment to that of a homebound placement. The Complainant had no notice that a CCC meeting was to convene and was not prepared for the meeting. Moreover, the Complainant disagreed with the recommendation to place the Student in a homebound setting. The Complainant refused to sign the IEP, so the CCC agreed to reconvene on May 12, 2006.
5. The Student's CCC reconvened on May 12, 2006. The CCC decided against placing the Student on homebound and resolved other issues looking ahead to the 2006-2007 school year as part of the Student's annual case review, such as determining whether to conduct a reevaluation and discussing the Student's behaviors. The CCC reconvened again on May 25, 2006, to make further revisions to the Student's behavioral intervention plan.
6. The Complainant alleges that the paraprofessional assigned to the Student during the 2005-2006 school year was not knowledgeable about autism in general or with respect to the Student's specific needs. Because of this, the Complainant alleges, the paraprofessional did not know how to deal with harassment and bullying issues that affected the Student's educational performance. Documentation indicates that the paraprofessional had last received specialized inservice training in the area of autism on August 12, 2003.
7. At the end of the 2005-2006 school year the Student's paraprofessional was reassigned elsewhere. A new paraprofessional has been assigned to work with the Student for the 2006-2007 school year. A specialized inservice training for paraprofessionals in the area of autism was conducted on August 15, 2006. The Student's former paraprofessional and the new paraprofessional were participants. The agenda consisted of: (1) the role of the paraprofessional related to the role of the licensed person providing supervision; (2) the specific skills necessary to carry out the assigned responsibilities; (3) information on special education procedures; (4) specialized inservice training in the area of autism, traumatic brain injury and other health impaired; and (5) information on the specific IEP special needs and characteristics of the students with whom the paraprofessional will be working.

CONCLUSIONS:

1. Findings of Fact #2 through #4 indicate that the School did not utilize the CCC to determine a change in the Student's least restrictive environment and placement without the Complainant's input. While Article 7 does not require a case conference to be convened in every instance that a parent and school have a discussion, it is the function of the CCC to review, revise, and develop the IEP. When such actions are contemplated, parents should be a part of the team that develops the IEP. In this case, the IEP was presented for her signature without the benefit of her participation in its development. Therefore, a violation of 511 IAC 7-27-4(c) is found.
2. Finding of Fact #4 indicates that the School failed to provide the Complainant with notice of the CCC meeting held on May 3, 2006. Parents must receive fair and proper notice of a CCC meeting. Therefore, a violation of 511 IAC 7-27-2 is found.
3. Finding of Fact #6 indicates that the paraprofessional assigned to work with the Student during the 2005-2006 school year had not received specialized inservice training in the area of autism and in the area of the Student's specific needs and characteristics since August 12, 2003. Therefore, a violation of 511 IAC 7-26-2(d) is found. Finding of Fact #7 indicates that the Student's paraprofessional from last year and the one assigned to the Student for this year have received specialized inservice training on August 15, 2006. Therefore, no additional corrective action is necessary.

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:

A written memorandum shall be sent all school administrators and school personnel responsible for conducting case conference committee meetings describing how to comply with 511 IAC 7-27-2 and 511 IAC 7-27-4(c), ensuring that a parent has the opportunity to contribute to the development of the IEP and has a say in the issues involved. A copy of the memorandum and a list of all who receive it shall be submitted to the Division no later than October 6, 2006.