

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2350.07/CP-119-2007
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: August 28, 2006
DATE OF REPORT: September 27, 2006
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: November 8, 2006

COMPLAINT ISSUES:

Whether the Duneland School Corporation and the Porter County Education 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:

- (a) provide a behavior paraprofessional to work with the student;
- (b) convene the student's case conference committee before the start of the 2006-2007 school year; and
- (c) provide specialized training to the behavior paraprofessional and school personnel working with the student.

FINDINGS OF FACT:

1. The Student, 9 years old, is identified as a student with a hearing impairment and a communication disorder, and has been determined eligible for special education and related services.
2. The Student's IEP dated May 3, 2006, indicates that the Student will be assigned a behavior paraprofessional for the beginning of the 2006-2007 school year. The IEP also indicates that the behavior paraprofessional and hearing impaired staff working with the Student will be trained on the Student's specific special needs.
3. The Student's IEP dated May 3, 2006, also indicates that the Student will be placed in a "split-day placement." Specifically, the Student was to receive hearing impaired services at a local elementary school in the morning and then spend the afternoons in a therapeutic day program at a separate public nonresidential facility. The IEP states that the case conference committee will meet prior to the beginning of the 2006-2007 school year to plan for split placement.
4. The school year began on August 23, 2006. The Student attended school pursuant to the split-day placement. The School acknowledges that a behavior paraprofessional was not provided and that training was not provided to the hearing impaired staff.
5. The Student's case conference committee (CCC) convened on September 7, 2006, to discuss the Student's placement. The CCC agreed to place the Student full-time in the therapeutic day treatment program at the separate public nonresidential facility. The revised IEP dated September 7, 2006, also indicates that the hearing impaired consultant/teacher will provide inservice training to all building staff.

CONCLUSION:

Finding of Fact #4 indicates that the School failed to provide the Student with a behavior paraprofessional. Finding of Fact #4 also indicates that the School failed to provide training to school personnel working with the Student. Finding of Fact #5 indicates that the School also failed to convene the Student's CCC before the start of the 2006-2007 school year. Therefore, a violation of 511 IAC 7-27-7(a) 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:

Duneland School Corporation and Porter County Education Services shall:

Send a written memorandum to all relevant school administrators and special education personnel about complying with the requirements of 511 IAC 7-27-7(a). A copy of the memorandum and a list of all who receive it shall be submitted to the Division no later than November 1, 2006.

Convene the Student's case conference committee to determine what compensatory services shall be provided the Student to compensate for not having a behavior paraprofessional provided to the Student and for not having trained staff in place at the beginning of the school year. The Student shall receive compensatory services for the length of time equivalent to the time period beginning at the start of the school year until the CCC can be convened and all building staff trained by the hearing impaired consultant/teacher. A copy of the Case Conference Report/IEP sufficiently describing the agreed upon compensatory services shall be submitted to the Division no later than November 1, 2006.

Submit documentation to the Division showing that all building staff have been trained by the hearing impaired consultant/teacher on the specific special needs of the Student. Documentation shall be submitted to the Division no later than November 1, 2006.