

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-249-2008
COMPLAINT INVESTIGATOR:	Bobbie Ritz
DATE OF COMPLAINT:	August 24, 2007
DATE OF REPORT:	September 27, 2007
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	January 30, 2008

COMPLAINT ISSUES:

Whether the Seymour Community Schools and the Bartholomew Special Services Cooperative violated:

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

511 IAC 7-26-2(d) by failing to provide specialized in-service training in the area of autism spectrum disorder to professional and paraprofessional staff servicing the Student.

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically by failing to provide small group, one-to-one instruction.¹

Due to additional documentation presented to the Division by the School for consideration, the investigator required additional time to complete the investigation. As a result of the need for additional time, the Associate Superintendent granted an extension of time on September 21, 2007, to complete the complaint investigation report to and including September 28, 2007.

FINDINGS OF FACT:

1. The Student is fourteen years old and was determined eligible for special education and related services as a student with autism spectrum disorder, a severe mental disability, and a communication disorder.
2. The Student is placed in a "multi-challenged class" with three other students, and the classroom is divided and shared with the "moderate class."
3. The school board approved the current teacher of record's employment on August 9, 2007. The first day of school with students was August 14, 2007. The teacher of record (TOR) holds a Bachelor of Science in Education degree and Indiana Professional Educator's License in the content areas of elementary/primary generalist and elementary/intermediate generalist. The Indiana Professional Educator's License was issued August 22, 2007, and expires August 22, 2009. An Application for Emergency Permit in the licensing area of severe disabilities, grades kindergarten-12, was signed and submitted for consideration for the TOR by the Seymour Community Schools Superintendent on September 6, 2007.
4. The School provided documentation of training provided to staff from August 14-September 20, 2007, and anticipated training to staff and parents during the 2007-2008 school year. The TOR and teaching assistants working directly with the Student received the following training:

¹ During the course of the investigation, the issue was modified to better reflect the facts.

- One-to-one coaching on August 14-20, 2007;
- Autism coordinator direct observation and coaching on August 21, 2007;
- Autism A-Z document on August 23, 2007;
- Online training – Autism 101 for TOR on August 31, 2007 and printed information given to teaching assistants on September 5 and 12, 2007; and
- Autism coordinator direct observation and coaching on September 20, 2007.

The TOR received additional training including the following:

- Middle school staff meeting on appropriately identifying the strengths and weaknesses of students including students with autism on August 29, 2007;
- Indiana Resource Center of Autism – Reporter on August 29, 2007;
- Online training – Applied Behavior Analysis for students with Autism on August 31, 2007;
- Online training – Intro to Autism Spectrum Disorders on August 31, 2007; and
- Indiana Resource Center of Autism – Schedule for Parent Group Meetings on September 11, 2007.

The School also provided documentation of training for the TOR and teaching assistants during previous years of employment.

5. The Complainant alleged that the Student’s IEP “requires small group and one-to-one training.” The IEP dated May 4, 2007 indicates that the Student will be provided:
 - Access to small group assistance at all times on school transportation.
 - Access to small group assistance during all transition periods while at school or on the bus.
6. The School provided documentation of the Student’s daily schedule from 8:28 a.m. – 3:30 p.m. 9:45 a.m. - 10:15 a.m. is ABA/AVB time. This was further described as one-on-one with the Student on Applied Verbal Behavior and complete daily data sheets. Also work on literacy, learning and living curriculum and full schedule curriculum. From 1:50 p.m. - 2:45 p.m. is one-on-one time with the Student. Full Schedule Curriculum (along with a calendar/weather, time), review literacy, learning and living curriculum again, and ABA/AVB review. Additional instruction with housekeeping tasks math, and computer is provided during this time.

CONCLUSIONS:

1. Finding of Fact #3 indicates the Student’s TOR applied for an emergency permit within twelve weeks of the “start-date” of the applicant in the assignment, as required by the state of Indiana. Upon approval of the emergency permit, the signatures of the Licensing Advisor and applicant denote that the applicant is willing to pursue the regular Indiana license for the content area listed on the emergency permit. The emergency permit will have an issue date which coincides with the receipt date of the application and will expire on June 30, 2008, with the possibility of a renewal by the school for a maximum of two times, if the applicant completes the renewal requirements of six semester hours as prescribed by the licensing advisor. (This information can be found in 515 IAC 9-1-19(b)(11), in the rules of the Advisory Board for the Division of Professional Standards.) Therefore, a violation of 511 IAC 7-21-2(a) is not found.
2. Finding of Fact # 4 indicates that the School has provided documentation with respect to specialized in-service training. Therefore, a violation of 511 IAC 7-26-2(d) is not found. However, because the TOR has applied for an emergency permit in the licensing area of severe disabilities, it is prudent that the School continue the training for staff as indicated on the schedule for the 2007-2008 school year.

3. Findings of Fact #5 and #6 indicate that one-to-one instruction and utilizing small groups has been implemented as written in the Student's IEP. Therefore, a violation of 511 IAC 7-27-7(a) 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:

The Seymour Community Schools and the Bartholomew Special Services Cooperative shall:

1. The School shall submit verification of the TOR's emergency permit being approved or denied by the state of Indiana immediately upon notification. The verification shall be submitted to the Division **no later than November 19, 2007.**