

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP 256-2008
COMPLAINT INVESTIGATOR: Nicole Confer
DATE OF COMPLAINT: September 7, 2007
DATE OF REPORT: October 5, 2007
REQUEST FOR RECONSIDERATION: NO
DATE OF CLOSURE: December 5, 2007

COMPLAINT ISSUES:

Whether the Northwest Allen County Schools and the Smith-Green West Allen Special Education Cooperative 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 General Education plug-in support services.

FINDINGS OF FACT:

1. The Student, 9 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 specifies the Student will receive "plug-in services for 75% of his school day, with pull-out for reading services and for speech services." Additionally, the IEP details that the Student's day will be divided in the following segments: 12% general education, 75% plug-in services, 8% pull-out services, 1% related services, and 4% speech pull-out services. Plug-in services at this school refer to the time the Student is in a general education classroom setting, with a member of the special education staff available. This 75% total time is a reduction from the 100% one-on-one aide time the Student received in previous school years.
3. The duration of the Student's current IEP is August 16, 2007 through May 28, 2008. The Complainant alleged that as of August 31, 2007, twelve instructional days after the implementation date of the Student's IEP, the Student was not receiving plug-in services for 75% of his school day as specified in the IEP. The School acknowledged that the designated 75% of plug-in services were not being fully provided between August 16 and August 31, 2007, meaning during his school day, the Student did not have resource assistance available to him in the general education classroom. The School specified further to the Division that local testing schedules, special education personnel scheduling, and an unexpected influx of special needs students in the school building caused a breakdown in teacher availability. The School did not provide documentation of the exact time provided in plug-in services between August 16 and August 31, 2007.
4. The School provided documentation of teacher scheduling to establish that the 75% compliance is now being met.

CONCLUSION:

Finding of Fact #3 indicates that the School failed to provide the percentage of general education classroom plug-in services as specified in the Student's IEP on the date of implementation. Finding of

Fact #4 demonstrates that the School engaged in voluntary corrective action. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no further correction action is necessary at this time.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.