

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-260-2008
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: September 18, 2007
DATE OF REPORT: October 18, 2007
REQUEST FOR RECONSIDERATION: No
DATE OF CLOSURE: December 14, 2007

COMPLAINT ISSUES:

Whether the North Newton School Corporation and the Cooperative School Services violated:

511 IAC 7-27-4(c) by failing to utilize the case conference committee to address the concerns of the parent/guardian, specifically by failing to address transportation as a related service.¹

FINDINGS OF FACT:

1. The Student, 11 years old, is identified as a student with autism, and has been determined eligible for special education and related services.
2. In 2003, the Student's home school (School A) failed to make adequate yearly progress. The Student, and other similarly situated students, opted to attend another public school within the district for the 2004-2005 school year in accordance with the federal *No Child Left Behind Act of 2001(NCLB)*. According to *NCLB*, children enrolled in schools that receive Title I funding and that are identified for "school improvement" (schools that do not meet State targets for student achievement or "adequate yearly progress") shall be provided the opportunity to transfer to a school that has not been so identified. In this case, the option was to attend another school (School B) for one school year or until the Student's home school (School A) attained adequate yearly progress.
3. The school district provided school bus transportation (as required by law) from School A to School B for the Student and all similarly situated students during the 2004-2005 school year. School A attained adequate yearly progress the following school year. The parents of those students who chose to attend School B were informed that those students could return to School A for the 2005-2006 school year or remain at School B. However, parents of students staying at School B would have to provide transportation.
4. The Complainant (guardian) chose to keep the Student at School B and provide transportation. However, by January of 2006, due to personal circumstances, the Complainant could no longer provide transportation. The Student began attending School A for the rest of the 2005-2006 school year with transportation provided. The Student continued to attend School A at the start of the 2006-2007 school year. However, due to larger class sizes, and other concerns, the Complainant transferred the Student back to School B for the second half of the 2006-2007 school year, once again providing transportation.
5. The case conference committee determined that the Student was eligible for special education

¹ The original issue, 511 IAC 7-21-7, was changed to 511 IAC 7-27-4(c) to better reflect the facts herein.

and related services on May 23, 2007. Transportation was not discussed, and the case conference committee agreed to reconvene at the beginning of the next school year to determine placement and services. During the summer of 2007, the school district examined whether to re-align school attendance boundaries which would have placed the Student within the attendance area of School B and school bus transportation would be provided. However, the local school board decided against such a re-alignment. At the start of the 2007-2008 school year the Complainant still provided transportation to School B.

6. The case conference committee convened on September 4, 2007. The case conference report indicates that School B is the Student's attending school. However, the case conference report does not indicate whether the case conference committee addressed the provision of transportation as a related service. It also does not reflect whether the Complainant's transportation concerns were addressed.

CONCLUSIONS:

Findings of Fact #5 and #6 indicate that the School has failed to utilize the case conference committee to address whether transportation to School B should be provided for the Student as a related service. Therefore, a violation of 511 IAC 7-27-4(c) 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:

The North Newton School Corporation and the Cooperative School Services shall:

Convene the case conference committee to determine whether, pursuant to the requirements of 511 IAC 7-28-1(o), transportation as a related service shall be provided to the Student. A copy of the case conference report and IEP shall be submitted to the Division no later than **November 30, 2007**.