

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-274-2008
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	October 10, 2007
DATE OF REPORT:	November 8, 2007
REQUEST FOR RECONSIDERATION:	No
DATE OF CLOSURE:	January 28, 2008

COMPLAINT ISSUES:

Whether the Gary Community School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to install a safety harness or vest on the special education bus.

FINDINGS OF FACT:

1. The Student, 15 years old, is identified as a student with autism, and has been determined eligible for special education and related services.
2. The Student's IEP dated September 24, 2007, indicates that the Student requires a safety harness or a safety vest to be used for transportation to and from school. The IEP also states that "the school administrator will be responsible for handling the details with the bus company." The Student rides a special education bus to and from school as a related service.
3. The IEP indicates that the Complainant (parent) was concerned about the Student's safety on the school bus. The Student, on at least two occasions at the beginning of the 2007-2008 school year, has exited the bus and run away. The case conference committee met on September 24, 2007, primarily to discuss the Student's safety. The School states that the case conference committee agreed that obtaining and installing a safety harness or vest was contingent on the Complainant submitting written approval and written approval from the Student's physician to the School. However, the IEP does not state such an agreement. The School did obtain written approval from the Student's physician on October 23, 2007.
4. The School acknowledges that a safety harness or vest has not been obtained or installed on the bus.

CONCLUSION:

Findings of Fact #2 through #4 indicate that the School has failed to implement the Student's IEP, specifically by failing to provide a safety harness or vest on the special education bus. 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:

The Gary Community Schools shall:

Submit documentation indicating that a safety harness or vest has been purchased and installed on the Student's special education bus. The documentation shall be submitted to the Division no later than **December 21, 2007**.