

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-298-2008
COMPLAINT INVESTIGATOR: Bobbie Ritz
DATE OF COMPLAINT: November 13, 2007
DATE OF REPORT: December 12, 2007
REQUEST FOR RECONSIDERATION: N/A
DATE OF CLOSURE: April 11, 2008

COMPLAINT ISSUES:

Whether the South Madison Community School Corporation and the Hancock-South Madison Joint 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) implement the Student's Behavioral Intervention Plan (BIP) with respect to the "Rule Book" and "behavior decrease techniques;"
- b) review daily sheets in order to monitor progress and assess the effectiveness of these strategies; and
- c) provide an instructional assistant "anytime [the Student] leaves the classroom."

FINDINGS OF FACT:

1. The Student, eleven years old, is identified as a student with autism spectrum disorder and a communication disorder, and has been determined eligible for special education and related services.
2. The case conference committee (CCC) convened on April 18, 2007 and April 25, 2007. The Student's BIP was revised which recommended that the Student would "likely benefit from developing a specific rule book, so he can begin to learn consequences of choices and actions. In order to help [the Student] learn more appropriate social skills and rules, he should be assisted in developing and working on a 'Rule Book.' He should be provided with materials and art supplies to make the book interactive, fun, and personal. Time should be allowed each day for [the Student] to work on the development of this book."
3. The Director of Special Education acknowledged in the Letter of Response dated November 26, 2007, the "Rule Book" is part of the BIP which was approved at the April 25, 2007 conference. Additionally, the Director of Special Education acknowledged this component of the BIP has not yet been implemented.
4. The Student's BIP developed in the April 18 and April 25, 2007 CCC meetings included behavior decrease techniques:
Should noncompliance occur:
 1. Give the Student two separate prompts to do what you are asking, reminding him each time that he needs to do this in order to receive a (+) on his sheet for this time period.
Should noncompliance continue:
 2. Tell the Student this is the last time you are going to ask him to do the task. Inform him

that he needs to be working by the time you count to three or you will have to place a (-) on his sheet for the time period.

3. Begin a slow quiet count to three.
4. DO NOT argue or debate with the Student.

Should agitation occur:

1. Ask the Student if he can calm down and do what it is time for or if he needs to use one of his coping strategies.

Should agitation continue:

2. Remind the Student of his coping strategies choice board and ask him to make a choice of activity.
3. Try to have the Student make the choice, reminding him if he can calm down himself and get back to task, he will not receive a negative mark on his daily sheet for that time.

Should agitation continue:

4. Tell the Student he needs to choose a calming activity or you will do it for him.
5. Begin a slow quiet count to three.
 - If the Student has not chosen the activity by the time you have counted to three, choose an activity/area and direct him to that.
 - Should the Student's agitation escalate where others cannot work, staff should contact the Student's mother via the phone.

Should physical aggression occur:

1. Give a firm verbal prompt for the Student to stop the behavior.

Should physical aggression continue:

2. Remove others from the classroom and contact the Student's mother via the phone.
 - Should the Student need to be taken home early by his mother due to extremely agitated or disruptive behavior, he should be placed on the lowest level of privilege (restriction) for the remainder of the day.

5. The School failed to consistently document the implementation of the behavior decrease techniques. Although the daily monitoring sheets indicated a few instances of the behavior decrease techniques being implemented, there were documented instances of the Student being told by school personnel that he would stay in the office the remainder of the day and/or the police would be called. The case review addendum dated October 2, 2007, indicated the Student displayed recent explosive behaviors that resulted in a 3-day suspension and the Student being escorted home in handcuffs by the police.
6. The BIP created at the April 18 and 25, 2007 CCC meeting included a daily monitoring sheet divided into each academic time that would list three desired expectations (which are replacement behaviors to the problem behavior). These expectations are: following directions, doing work, and listening. At the end of academic time, staff should mark the Student's daily sheet for that time with either a (+) or a (-) for each expectation that was or was not performed. The BIP also indicated the Student will have a reward/consequence chart at home. Upon the arrival at home each afternoon, the Student and his mother should count up all of his (+)s. This will determine what "level" he is on for that afternoon/evening, and what privileges he will be permitted. The daily sheets should be reviewed monthly by the Student's teacher and/or the Autism Consultant in order to monitor progress and assess the effectiveness of these strategies.
7. The School provided documentation of nineteen daily monitoring sheets dated between August 31, 2007 and November 21, 2007. The Teacher of Record indicated, per a telephone conversation, a daily monitoring sheet has been used for this Student every day this school year and she has reviewed the sheets monthly to monitor progress and assess the

effectiveness of these strategies. The Teacher of Record further indicated she scheduled a meeting with the parent to discuss the progress and effectiveness of the daily monitoring sheets, but the Student was involved in an incident and that meeting time was dedicated to discussing the most recent incident. However, the School failed to document that the Student's daily monitoring sheets were used every day. The School further failed to document that the daily monitoring sheets were reviewed monthly by the Student's teacher and/or the Autism Consultant to monitor progress and assess the effectiveness of these strategies.

8. The IEP and CCC notes dated August 17, 2007, indicated that "he [the Student] will need to be accompanied to any location outside of the classroom." The Complainant alleges per a telephone conversation that the Student claims he is sometimes unaccompanied by an adult when he is not in the classroom. The Complainant was unable to provide more specific information as to the specifics of the allegations. The Teacher of Record indicated, per a telephone conversation, that the Student is at all times accompanied by a licensed teacher or one of three classroom paraprofessionals. A classroom paraprofessional stated the same per a telephone conversation.
9. The October 1, 2007 case review addendum indicates the CCC was meeting to discuss recent behavior that resulted in a 3-day suspension. The committee recommended the Student return to school for the ½ day that had been implemented with an updated behavior plan. The Mother of the Student did not agree and submitted a doctor's order dated October 2, 2007, recommending to "facilitate home schooling." The CCC agreed to homebound services for the Student beginning October 4, 2007. Homebound services were to include the following: 2:30-2:50 speech; 2:50-3:15 sensory; 3:15-4:30 academics with the Teacher of Record. The homebound services take place at the School on Monday, Wednesday and Thursday.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate the School failed to implement the Student's BIP with respect to the "Rule Book." Findings of Fact #4 and #5 indicate the School failed to implement the Student's BIP with respect to the "behavior decrease techniques". The BIP had not addressed the possibility of behaviors escalating to this degree. Therefore, a violation of 511 IAC 7-27-7(a) a) is found.
2. Findings of Fact #6 and #7 indicate that although nineteen daily monitoring sheets were used between August 21, 2007 and November 21, 2007, the School failed to provide documentation that the daily monitoring sheets were used daily when school has been in session. The School also failed to provide documentation as to when and to what extent the daily monitoring sheets had been reviewed monthly by the Student's teacher and/or the Autism Consultant in order to monitor progress and assess the effectiveness of these strategies. Therefore, a violation of 511 IAC 7-27-7(a) b) is found.
3. Finding of Fact #8 indicates the Parent did not provide any specific information regarding incidents of when the Student is unaccompanied by school personnel when outside the classroom. Finding of Fact #8 also indicates per telephone conversations with the Teacher of Record and a classroom paraprofessional that the School has provided an instructional assistant "anytime [the Student] leaves the classroom." Because the Complainant was unable to provide specific information regarding when or to what extent the School failed to implement the Student's IEP with respect to this issue, it is unable to be concluded whether a violation has been found. Therefore, based on the facts presented, 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 South Madison Community School Corporation and the Hancock-South Madison Joint Services shall:

1. Implement the Student's BIP with respect to the "Rule Book" and "behavior decrease techniques". A copy of the "Rule Book", as well as, documented dates and instances when the "behavior decrease techniques" have been implemented will be submitted to the Division by February, 11, 2008.
2. Submit copies of the daily monitoring sheets dated between January 1, 2008-March 31, 2008, to the Division by the 11th day of each month with the first submission due February 11, 2008. Monthly documentation by the Student's teacher and/or the Autism Consultant reviewing the daily monitoring sheets for progress and assessing the effectiveness of these strategies shall be submitted to the Division by the 11th day of each month with the first submission due February 11, 2008 and the last due on April 11, 2008.
3. Convene the CCC to revise the Student's IEP and BIP. Submit the Student's revised and completed IEP, including the BIP to the Division by February 18, 2008.