

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-314-2008
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	December 17, 2007
DATE OF REPORT:	January 16, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	April 11, 2008

**COMPLAINT ISSUES:**

Whether the Indiana School for the Deaf and the MSD Washington Township 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 seatbelt on the bus used for field trips.

**FINDINGS OF FACT:**

1. The Student, 13 years old, is a student with a hearing impairment, and has been determined eligible for special education and related services.
2. The Student's IEP dated May 31, 2007, indicates that the Student is to have a seat belt on the bus "when being transported to and from school." Although the IEP does not specifically state that the Student will also have a seat belt on the bus that transports students to field trips and athletic events off campus, the School has acknowledged that seat belts should be available to the Student on the buses, mini-vans, and mini-buses when the Student is being transported to field trips or athletic events.
3. At the time this complaint was filed there had been no field trips thus far during the 2007-2008 school year. However, there have been five athletic events held off campus occurring on: September 12, October 11, and December 6, 11, and 13, 2007. The Student is a member of the football team and Girls basketball team. The Student did not attend the event held on September 12, 2007. The School acknowledges that the Student was provided transportation to the athletic events held on October 11, and December 6, 2007, without a seat belt. The School states that the Student did have a seat belt on a new mini-bus to the events on December 11, and 13, 2007, but there is no documentation indicating that a seat belt was provided.
4. The School states that corrective action has been taken to ensure that a seat belt will always be available by instructing the athletic director to reserve and assign only the mini-bus with a seat belt for the Student for all athletic events and field trips. However, no documentation has been provided to show whether this corrective action has been implemented and complied with.

**CONCLUSION:**

Findings of Fact #2 and #3 indicate that the School failed to provide a seat belt for the Student when transporting the Student to at least two off campus athletic events. 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 Indiana School for the Deaf and the MSD Washington Township shall:

Submit documentation indicating that the voluntary corrective action described in Finding of Fact #4 above has been implemented and complied with by the Athletic Director to the Division no later than **February 22, 2008.**