

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-317-2008
COMPLAINT INVESTIGATOR:	Ann Speide
DATE OF COMPLAINT:	January 14, 2008
DATE OF REPORT:	February 13, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	April 16, 2008

COMPLAINT ISSUES:

Whether the Indianapolis Public Schools 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 the Student transportation under 511 IAC 7-21-7 and 511 IAC 7-28-1(o).

FINDINGS OF FACT:

1. The Student, thirteen years old, is identified as a Student with a traumatic brain injury and has been determined eligible for special education and related services.
2. The Complainant has alleged problems associated with the Student's related services, specifically involving Special Transportation. She alleged that there have been several dates which the School bus did not pick up the Student on time or at all. Further, the Complainant has expressed health and safety concerns due to the Student's bus attendant allegedly either not being present or not being attentive to the Student's special needs.
3. The Student's case conference committee meeting convened on September 11, 2007 to add a transportation addendum to the Student's individualized education program (IEP) dated January 18, 2007. The Transportation Attachment, dated September 11, 2007, concluded that a bus attendant was required for the Student. Further, the Attachment stated that the Student would need assistance getting on and off the bus and would require "curb to curb" supervision.
4. The IPS Assistant Director of Special Education stated that the bus attendant is a separate individual from the bus driver but that the responsibility of a bus attendant does not include helping a student on and off the bus. However, Transportation Concerns in the Student's IEP, dated September 11, 2007 and January 11, 2008, specify that the Student will need assistance getting on and off the bus.
5. The Transportation Log Sheet indicates that per a Special Education Student Changes Form, dated September 28, 2007, the Student would need an attendant. However, there was no indication that the Student received an attendant prior to September 28, 2007.
6. The Transportation Log Sheet indicates that the School bus was not at the Student's stop on October 10, 2007, and another bus was sent to pick up the Student.
7. The Transportation Inquiry form, dated October 26, 2007, indicates that the School bus did not pick up the Student on October 26, 2007.
8. On December 18, 2007, the Student's case conference committee meeting convened to review and

revise the Student's IEP. It was indicated in Section 17 of the IEP that Special Transportation would be a Related Service to be initiated on December 18, 2007. Due to the Student suffering from seizures primarily in the morning, it was determined that beginning on January 7, 2008 the Student's school day would be from 9:15-2:30. It also stated that the Transportation Service would include "curb to curb." However, while the Transportation Attachment did state that the Student would require a bus attendant due to seizure activity, it did not specify that the Student would require aid getting on and off the bus or require "curb to curb" assistance.

9. On January 7, 2008, the bus did not arrive to pick up the Student, and the Student's mother took her to school.
10. On January 8, 2008, the bus did not arrive to pick up the Student. The Complainant contacted the School, and another bus was sent out to pick up the Student. The Complainant then filed a Transportation Issue Form with the School notifying them that the bus was not arriving on time.
11. On January 9, 2008, the Complainant acknowledges that the bus arrived on time, and has daily as of January 31, 2008.
12. The Student's case conference committee meeting convened on January 11, 2008. The purpose of the case conference committee was to revise the Student's IEP by adding transportation concerns. The Transportation Attachment details that the Student will need assistance getting on and off the bus and would require "curb to curb" supervision. It further states that the Student has a seizure disorder that may impact transportation.
13. IPS has contracted with First Student Bus, a student transportation provider, to provide transportation services to some IPS students, the majority of who are special needs students. The Student was assigned to a First Student bus prior to January 10, 2008, but as of January 10 she was re-assigned to an IPS provided bus.
14. IPS acknowledges problems with its transportation department and indicates that the entire department was recently audited by a group of transportation directors from across the nation.

CONCLUSIONS:

Finding of Fact #3 indicates that per the Transportation Attachment for the Case Conference Report, dated September 11, 2007, the Student would require a bus attendant. Finding of Fact #5 indicates that an attendant was not provided for the student prior to September 28, 2007. Further, Findings of Fact #6 and #7 state that the assigned bus did not arrive to pick up the Student on October 10 and 26, 2007. Therefore, because the Student's Transportation Attachment indicated that she required a bus attendant, and the Student was not provided an attendant on September 28, 2007, nor was she picked up by the School bus at all on October 10 and 26, 2007, the School failed to implement the Student's agreed upon IEP.

Finding of Fact #8 indicates that Special Transportation is a Related Service as detailed on the Student's December 18, 2008 IEP, and that due to seizure activity the Student's school day should be from 9:15-2:30 beginning on January 7, 2008. Finding of Fact #9 and Finding of Fact #10 indicate that the Student was not picked up by the School bus at all on January 7, 2008 or on time on January 8, 2008. Therefore, because the Student's IEP indicated that she required a shortened school day and would need the Related Service of Special Transportation, the IEP should have been implemented by providing the Student this service. When the School bus did not pick up the Student on January 7, 2008 or on time on January 8, 2008, the School failed to implement the Student's agreed upon IEP.

As a result, a violation of 511 IAC 7-27-7(a) is found with respect to the School failing to provide the Student's Special Transportation Service on the dates of: September 11-September 28, 2007, October

10 and 26, 2007, and January 7 and 8, 2008.

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 Indianapolis Public School Corporation shall:

1. Submit to the Division documentation (e.g., a transportation log related to the Student's transportation services as stated in the Student's IEP) ensuring that the Student is being picked up by her assigned bus on time on a daily basis and that the Student has an attendant with her on the bus in the morning and afternoon each day as stipulated in the Student's IEP. This documentation should be submitted to the Division on a weekly basis beginning with the week of February 25, 2008 and through the week ending March 28, 2008.
2. The School shall reimburse the parent for any days the parent had to provide transportation for the Student. The School shall submit documentation with respect to the reimbursement **no later than March 28, 2008.**