Indiana Department of Education **Division of Exceptional Learners**

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-335-2008
COMPLAINT INVESTIGATOR:	Bobbie Ritz
DATE OF COMPLAINT:	February 22, 2008
DATE OF REPORT:	March 20, 2008
REQUEST FOR RECONSIDERATION:	Yes/Report not changed
DATE OF CLOSURE:	April 29, 2008

COMPLAINT ISSUES:

Whether the Rush County Schools and the Centerville-Fayette-Rush Special Services for Exceptional Learners 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 extra time on any transition with respect to a staffing change.

511 IAC 7-23-1(p) by disclosing personally identifiable information about the Student to other individuals not authorized to receive such information.

FINDINGS OF FACT:

1. The Student, 8 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 Student's annual case review was convened on October 19, 2007. The Complainant alleges the Student's IEP states the Student needs extra time on any transition. A staffing change was made for the Student in early February 2008, and the Complainant alleges the school staff did not help the Student make the transition. Transition primarily with respect to academics was discussed during the October 19, 2007 CCC meeting as stated in the case conference notes. However, the IEP is not specific regarding the Student needing extra time with respect to a staffing change which was unforeseen at that time.

3. The CCC reconvened on December 7, 2007, and created an IEP addendum. Again, transition was discussed primarily with respect to academics as indicated in the CCC notes. However, the IEP addendum is not specific regarding the Student needing extra time with respect to a staffing change which was unforeseen at that time.

4. The Complainant did not sign to grant permission to implement the programs with respect to the October 19, 2007 IEP or the December 7, 2007 IEP Addendum.

5. The Principal indicated in Parent/Staff notes dated February 8, 2008, "I explained to [the Complainant] that the new aide we had selected had been a substitute for [the current aide] in that classroom several times in the past and that we had felt that [the Student] was familiar with this person and that the transition would be minimal."

6. The TOR/TOS stated in a letter addressed to "To Whom It May Concern" dated March 3, 2008, a new assistant was placed in her classroom to take the place of the current assistant. The TOR/TOS indicated it was explained to the Student on several occasions that the current

assistant would no longer be in this classroom.

7. The Complainant alleges there was a breach in confidentiality when a substitute teacher was speaking specifically about the Student's disability in public. The School provided documentation indicating the subject has worked as a substitute within the building on 15 (fifteen) occasions during this school year, but not in the classrooms in which the Student attends. The Complainant did not provide additional documentation regarding this issue.

8. The Superintendent and Director of Special Education indicated in the Letter of Response dated February 27, 2008, that student records at the School are housed in confidential files and maintained in a secured location, as outlined in the Policy and Procedure Manual. Substitute teachers do not have access to this information. Updated procedures are provided to staff annually.

9. In an e-mail from the Corporation Director of Special Needs, to the Special Education Staff dated August 29, 2007, the staff was reminded to be cognizant of confidentiality, review the School manual, and share the information with paraprofessionals as well.

10. The Principal indicated in Parent/Staff Notes dated February 18, 2008, he met with the subject in question and the subject denied saying anything about the Student. She was adamant that she had not breached confidentiality. The subject also noted she had worked in the School for a long time and knew that student information was private.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the Student's IEP is silent with respect to transition when a change of staff occurs. Findings of Fact #5 and #6 indicate School staff did attempt to assist the Student when the staff change occurred by explaining it to the Student and hiring a person the Student was familiar with. Therefore, a violation of 511 IAC 7-27-7(a) is not found.

2. Findings of Fact #7, #8, #9 and #10 indicate a breach of confidentiality did not occur. Therefore, a violation of 511 IAC 7-23-1(p) is not found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.