

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-339-2008
COMPLAINT INVESTIGATOR:	Brenda Alyea
DATE OF COMPLAINT:	February 29, 2008
DATE OF REPORT:	March 28, 2008
REQUEST FOR RECONSIDERATION:	April 11, 2008/No changes
DATE OF CLOSURE:	April 28, 2008

COMPLAINT ISSUES:

Whether the M S D Pike Township violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically with respect to the Student's behavioral intervention plan (BIP) on the following dates:

- a) the November 6, 2007 behavioral incident;
- b) the December 12, 2007 behavioral incident;
- c) the January 11, 2008 behavioral incident;
- d) the January 15, 2008 behavioral incident;
- e) the January 18, 2008 behavioral incident;
- f) by failing to allow the Complainant to attend the field trips on February 8 and 14, 2008; and
- h) the February 28, 2008 behavioral incident.

FINDINGS OF FACT:

1. The Student, 10 years old, is identified as Other Health Impairment, and has been determined eligible for special education and related services.
2. The Complainant asserts that the School has failed to implement the Student's Behavioral Implementation Plan (BIP) on specific dates and failed to allow the Complainant to attend field trips.
3. According to a summary of daily behavior logs provided by the School, the Student has a BIP that includes targeted behaviors: appropriate interaction with peers and task completion. Each behavior has multiple warnings, multiple positive rewards that are available daily, and consequences. School attendance is also a goal.
4. According to the summary of daily behavior logs provided by the School concerning the November 6, 2007 behavioral incident involving highly disruptive behavior, school staff provided two warnings during Class I, three warnings during Class II, with three warnings being the threshold for the Student to go to a resource room for a time-out. The Student's behavior escalated to verbal involvement toward others and physical involvement with objects. The Complainant eventually was reached; the complainant took the student home.
5. According to the summary of daily behavior logs provided by the School concerning the December 12, 2007 behavioral incident for highly disruptive behavior, school staff provided three warnings, and the Student went to the resource room for time-out. The Student's behavior escalated to physical involvement with objects and verbal involvement with others. The Student was suspended.

6. According to the summary of daily behavior logs provided by the School concerning the January 11, 2008 behavioral incident, the Student refused to go to the assigned room. Per the BIP the Student was given time and space in order to make a choice. The Student's behavior escalated to both verbal and physical involvement with objects to others. The Student went home for the remainder of the day.
7. According to the letter of complaint, the Complainant refers to a field trip that occurred January 15, 2008. According to the letter of response provided by the School, there was no field trip that day.
8. According to documentation provided by the School concerning the January 18, 2008 behavioral incident, per the BIP, the Student received three warnings, and was sent to the resource room for time out. The period of time in the resource room was successful and the Student went to lunch and recess with peers. After returning to the regular classroom, three additional warnings were given for disruptive behavior. The Student returned to the resource room, was unable to make choices and the Complainant was called.
9. According to the letter of complaint, the Complainant asserts that the School did not allow the Complainant to attend field trips on February 8 and February 14, 2008. According to documentation provided by the School, there was no field trip on February 8, 2008. There was a field trip scheduled for February 14, 2008 and the Student was scheduled to attend. The Student's IEP does not require the Complainant to accompany the Student on field trips. According to School documentation, no parents were accompanying the class on this field trip; and adult support staff for the Student was to be provided. The Complainant arrived without notice at the school to attend the field trip and was told by the principal that parents were not attending. The Complainant removed the Student from school and did not allow the Student to attend the field trip.
10. According to documentation provided by the School concerning the February 28, 2008 behavioral incident, a new BIP was developed and activated at the Case Conference Committee meeting held on February 26, 2008. The Student had earned points in the morning, but had two warnings that required him to report to the office time-out area. He was provided the cue that he could return to his regular resource room by verbalizing how to treat others. The Student escalated verbally, several times during the day, but did de-escalate. The Complainant picked the Student up early for an appointment.
11. According to school records, the Complainant left a voice mail message on the principal's telephone line on February 29, 2008, indicating that the Student was going to be withdrawn from M S D Pike Township Schools. The Complainant gave the school written notice of withdrawal and removed the Student's personal belongings on March 3, 2008.

CONCLUSIONS:

Findings of Fact #s 3 – 6, 8 and 10 indicate that the Student had a BIP as part of the Student's Individualized Education Program and the Plan was followed in multiple environments. Finding of Facts #s 7 and 9 indicate that either no field trip occurred on the date to which the Complainant referred nor was there a compelling reason per the IEP for the Complainant to accompany the Student on the date of the field trip. Therefore no violation of 511 IAC 7-27-7(a) is found.

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