

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** CP-343-2008  
**COMPLAINT INVESTIGATOR:** Brian Simkins  
**DATE OF COMPLAINT:** March 12, 2008  
**DATE OF REPORT:** April 11, 2008  
**REQUEST FOR RECONSIDERATION:** No  
**DATE OF CLOSURE:** June 26, 2008

**COMPLAINT ISSUES:**

Whether the Indianapolis Public Schools violated:

511 IAC 7-23-1(f) by failing to comply with a request from a parent to inspect and review the student's complete educational record.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to implement the behavioral intervention plan (BIP) during an incident on February 26, 2008.

**FINDINGS OF FACT:**

1. The Student, 10 years old, is identified as a student with an emotional disability, and has been determined eligible for special education and related services.
2. A memorandum dated February 22, 2008, and signed by the Student's Teacher of Record, indicates that the School acknowledged the Complainant's request for the Student's cumulative record on file at the school building, and lists each item in the file copied and attached to the memorandum for the Complainant (parent) to pick up. The Complainant signed the memorandum indicating that she received the file on March 4, 2008. The Complainant alleges that she specifically requested a copy of the Student's entire educational record, not just the cumulative record on file since the Student has been attending his current school. There is no documentation indicating when the Complainant made the request or what specifically the Complainant requested.
3. During the course of the 2007-2008 school year the Student has been suspended six times for a total of 13 days of out-of-school suspension. In general, the Complainant does not agree with the School's decisions to suspend the Student, and alleges that the BIP is not being implemented. It is with respect to a behavior incident that occurred on February 26, 2008, that the Complainant could specifically allege a particular time when the BIP was not implemented, specifically by not redirecting the Student.
4. The Student's most recent BIP was developed on February 11, 2008. In the section of the BIP describing behavior reduction strategies, the BIP indicates that "redirection" is a part of the overall strategy. The BIP does not prohibit the School from suspending the Student. Personnel working with the Student are to recognize possible triggers, which are described in the BIP, and then pull the Student aside to redirect his behavior in a positive direction. Also included in the BIP is a crisis management plan that should be followed when the Student disrupts the classroom or causes disruptions in the hallways. The plan requires that the Student be removed and sent to an isolated room away from peers. The Complainant is to be

contacted, and possibly the police. The described behaviors include physical aggression.

5. On February 26, 2008, while in class, the Student got in a fight with another classmate. The teacher removed the other student from class. The other student indicated that his leg was punctured and was sent to the school nurse. Other students who witnessed the fight stated that the other student started the fight, and that the Student stabbed the other student in the leg in retaliation. The Student was soon after sent to the school security officer's office. The Teacher of Record met the Student there after learning what had happened. The Student admitted stabbing the Student after sharpening his pencil. The Student returned to class. The Complainant was notified on February 26, 2008 that the Student was suspended from school for this incident for four days beginning on Wednesday, February 27, 2008, and returned to school on March 4, 2008.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that a copy of the Student's cumulative record on file at the school building was provided to the Complainant. However, there is no documentation indicating what the Complainant requested and when the request was made. Therefore, a de minimus violation of 511 IAC 7-23-1(f) is found because it is difficult to determine whether the School simply did not fulfill the request or whether there was a miscommunication or misunderstanding about what the Complainant was requesting resulting in an honest mistake.
2. Findings of Fact #3 through #5 indicate that the School followed the Student's BIP with respect to the incident that happened on February 26, 2008. Findings of Fact #4 and #5 show that school personnel followed the crisis management plan. Therefore, 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 Indianapolis Public Schools shall:

Provide the Complainant with a copy of the Student's entire educational record. Submit to the Office of Special Education documentation indicating that the Complainant has received the file no later than **May 16, 2008.**