

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1563.00
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: April 25, 2000
DATE OF REPORT: May 25, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: June 14, 2000

COMPLAINT ISSUES:

Whether the MSD Perry Township and the RISE Special Services violated:

511 IAC 7-12-1 and 511 IAC 7-13-1(e) with regard to the school's alleged failure to implement the student's IEP, specifically, failing to provide a full-time early childhood special education program of at least 12.5 hours per week.

FINDINGS OF FACT:

1. The Student is five years old and attends special services pre-school at a local elementary school (the "school"). He is eligible for special education as a student with a learning disability.
2. The Student's afternoon special services pre-school class begins at 12:30 PM and is scheduled to dismiss at 3:00 PM. The class is held Monday through Friday at the school.
3. According to the local school district's transportation office, busses for the special services pre-school students arrive at the school at 2:50 PM and depart between 2:55 and 3:00 PM. One of the pre-school teachers confirmed that the busses arrive between 2:45 and 3:00 PM. The actual time that the bus departs from the school each day has not been recorded.
4. The local special services district director and the special services pre-school teacher confirm that the final ten minutes of class are scheduled (beginning at 2:50 PM) daily as time for students to clean up and prepare for dismissal. They also confirm that organization, following directions, and daily living skills are appropriate educationally and developmentally for pre-school children. This part of the instructional program is designed to take approximately ten minutes.
5. The Student's IEP has a behavior plan that addresses walking in line appropriately and following directions by responding to a teacher's request appropriately, with the overall goal of improving social/behavioral skills to a five-year-old level.

CONCLUSION:

Findings of Fact #2 through #5 indicate that the Student is being provided with a full-time early childhood special education program of at least 12.5 hours per week as called for in the IEP. A violation of 511 IAC 7-12-1 and 511 IAC 7-13-1(e) is not found.

The Department of Education, Division of Special Education requires no corrective action based

on the Findings of Fact and Conclusions listed above.