

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1819.01
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: October 31, 2001
DATE OF REPORT: November 30, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: December 12, 2001

COMPLAINT ISSUES:

Whether the Centerville-Abbingdon Community Schools and the East Central Special Services violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically failing to provide transportation for the student.

511 IAC 7-21-7(d) by requiring the parent of a student with a disability to provide transportation for the student.

FINDINGS OF FACT:

1. The Student is eight years old and attends a local elementary school (the "School"). She is eligible for special education and related services as a student with multiple disabilities.
2. The Student's IEP, dated February 23, 2001, indicates that the Student requires transportation and that the parent chooses to provide that transportation. The parent signed the IEP indicating her agreement. The parent is reimbursed for mileage at the current rate established by the Internal Revenue Service.
3. In September 2001, the Complainant called the School requesting the Student be transported by bus with an aide trained, in the event of an emergency, to administer the Student's medication. However, the case conference committee has not convened, and no changes have yet been made to the Student's IEP regarding transportation, although the School has made efforts to employ an aide for transportation purposes. The parent continues to provide the Student's transportation.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the Student's current agreed-upon IEP reflects the parent's choice to provide transportation for the Student and that the School is reimbursing the parent for that transportation. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 reflects that the Complainant no longer wishes to provide transportation for the Student, but the School has not yet made other arrangements for the Student to be transported to school. As a result, the parent has been required to continue to provide transportation. Therefore, a violation of 511 IAC 7-21-7(d) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above:

The Centerville-Abbingdon Community Schools and East Central Special Services shall:

1. convene the case conference committee and revise the Student's transportation services so that the parent is no longer responsible for providing the Student's transportation. A copy of the CCC Report and IEP are to be submitted to the Division no later than December 14, 2001. Transportation services shall be immediately provided in accordance with the Student's IEP.
2. submit an assurance statement that when a parent, who is transporting a student with a disability, requests to be relieved of that responsibility, the school will immediately convene a case conference committee and make other transportation arrangements. The assurance statement shall be submitted no later than December 14, 2001.

DATE REPORT COMPLETED: November 30, 2001