

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2136.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	May 24, 2004
DATE OF REPORT:	June 15, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 9, 2004

COMPLAINT ISSUES:

Whether the School City of Hammond violated:

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

FINDINGS OF FACT:

1. The Student is twelve years old and eligible for special education and related services as a student with autism spectrum disorder.
2. The Student's one-on-one aide resigned on April 8, 2004. The Complainant alleges there were many instances when the Student did not have a one-on-one aide. The Student's IEP, dated March 17, 2003, indicates the Student requires a one-on-one aide because of "behaviors related to Autism," and to help the Student transition and stay on task throughout the day. The March 17, 2003, IEP was written for the 2003-2004 school year. In the "Benchmark Update: Report for Parent/Guardian," the teacher indicated in writing, with regard to the fifth reporting period, that the Student had a difficult time adjusting to the Student's aide leaving, and to ease the transition, the Teacher spent three weeks working one-on-one with the Student while the Teacher's student teacher assumed responsibility for the daily lessons. When necessary, the Student and the Teacher would work in the media center after a lesson was taught by the Student Teacher. The Teacher wrote that potential candidates for the Student's aide position were being interviewed. The Teacher acknowledged in a memorandum to the Director, dated June 7, 2004, that the Student was without a one-on-one aide for five days, May 10-14, 2004. At this time, the Student Teacher had finished her assignment at the School and the other aide was assisting a new aide. The Student's new aide began employment on May 17, 2004, and has seven years of experience with Autism.

CONCLUSION

1. Finding of Fact #2 indicates the School failed to provide the Student a one-on-one aide as required in the Student's IEP. Therefore, a violation of 511 IAC 7-27-7 (a) is 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 School City of Hammond shall:

reconvene the CCC to consider whether and to what extent compensatory services are needed to make up for the education missed during the five days the Student was without a one-on-one aide. Submit to the Division no later than September 17, 2004, a copy of the CCC notes and IEP.