

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2200.05
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: December 20, 2004
DATE OF REPORT: February 8, 2005
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: April 5, 2005

COMPLAINT ISSUES:

Whether the Porter County Education Interlocal violated:

511 IAC 7-21-4(a) by failing to offer a full-time early childhood special education program to any student, specifically by failing to offer or provide an early childhood special education program consisting of at least 12.5 hours a week.

511 IAC 7-27-9(e) by failing to ensure the availability of a continuum of placement options.

On January 19, 2005, the Associate Superintendent extended the deadline for this report to February 9, 2005.

FINDINGS OF FACT:

1. This complaint was filed on behalf of all early childhood students, ages 3 – 5 (designated 3 –5A), who have been identified as having a disability and determined eligible for special education and related services.
2. The special education planning district (the Interlocal) currently serves 248 students with disabilities ages 3 through 5.
3. Of these 248 students with disabilities aged 3-5, 123 are students with communication disorders who receive services designated as “speech/language services only.” These students are served in a variety of locations and receive services ranging from consultation to direct therapy services. Eligibility, service location and amount of service is determined by the case conference committees.
4. There are 125 students with disabilities, aged 3-5, served by the Interlocal, in programs other than those designated “speech/language services only.” Of these 125 students with disabilities aged 3-5:

Five (5) are served in the local YMCA program with consultation services provided by the Interlocal.

Two (2) receive services at the local YMCA program AND the centralized program at the SELF center.

Ten (10) attend a community preschool in addition to classes at the SELF center.

Six (6) students receive consultation services in other settings.

The remainder, 102 students, receive their special education services at the SELF center.

5. The amount of service provided to each early childhood student with a disability is determined by the case conference committee. Early childhood students with disabilities receive the following amounts of service:

Six (6) students receive consultation services

Twenty-two (22) students receive five (5) hours of service per week

Fifty-two (52) students receive seven and one-half (7.5) hours of service per week

Twenty-five (25) students receive ten (10) hours of service per week.

Twenty (20) students receive twelve and one-half (12.5) hours of service per week.

6. Case Conference Committee decisions for early childhood students with disabilities served by the Interlocal may be reviewed and changed through a reconvening of the CCC. Between August and January of the 2004-2005 school year, the CCC for each of eight (8) early childhood students with disabilities reconvened and changed the length of the student's instructional services.
7. The Interlocal's early childhood program for students with disabilities is housed in the Special Education Learning Facility (SELF). The SELF facility also houses classes for elementary and secondary level students with disabilities, related services offices, administrative offices, and the YMCA preschool and child care programs which serve students with and without disabilities
8. The Interlocal and the YMCA have entered into a partnership that allows the Interlocal to provide early childhood students with disabilities experiences with non-disabled peers. The PALS (Playing and Learning Side by Side) is a program that creates a schedule of shared playtimes and other readiness activities between special education classes and YMCA classes, with joint supervision and team teaching. The Interlocal has also entered into an agreement with the local Head Start program to collaborate in providing services to children ages three through five who qualify for special education services and live within the geographic territory served by the Interlocal.

CONCLUSIONS:

1. Finding of Fact #5 indicates that early childhood students with disabilities served by the Interlocal receive varying amounts of special education and related services, ranging from consultation services to full time early childhood special education services of twelve and one-half (12.5) hours per week. Therefore, no violation of 511 IAC 7-21-4 (a) is found.
2. Findings of Fact #2, #3, and #4 indicates that early childhood students with disabilities served by the Interlocal receive services in a variety of settings ranging from community preschools to integrated programs with the YMCA and Head Start, to center-based programs. Therefore, no violation is found with regard to 511 IAC 7-27-9(e).

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

Discussion: Though no violations were found with regard to 511 IAC 7-21-4(a) and 7-27-9(e), the Interlocal is directed to increase efforts to provide early childhood services through a broader array of program service

locations. Contact with Sheron Cochran, Early Childhood Consultant, Division of Exceptional Learners (317-232-0567) is strongly recommended as a source of technical assistance in this area and other areas of quality early childhood programming. Progress will be monitored through the Continuous Improvement Monitoring (CIM) process and more frequently if determined necessary.

The Interlocal is reminded that full-time special education for students in early childhood special education programs shall be at least 12 ½ hours per week and shall include programs designed primarily for students without disabilities. A placement less than full-time, or in a restrictive environment, must be based on the student's individual needs as determined by the case conference committee.