

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2214.05
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: February 14, 2005
DATE OF REPORT: March 11, 2005
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 9, 2005

COMPLAINT ISSUES:

Whether Franklin Township Community School Corporation and RISE Special Services violated:

7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide a male aide as required.

FINDINGS OF FACT:

1. The Student has been identified as having multiple disabilities and has been determined eligible for special education and related services. The Student's parents have guardianship of the Student, who is over 18 years of age.
2. The Student's IEP calls for "one-on-one assistance in and out of the classroom," as well as "verbal and physical assistance." The IEP does not call for a male aide, nor does it give specific instructions for the School to provide an aide to the Student.
3. A male aide assisting the Student resigned from his position, which he had held since the beginning of the school year, effective on January 14, 2005. A second male aide served the Student for one week, from January 18 through January 21, 2005. The position was unfilled from January 24 through February 2, 2005 (8 school days). A third male aide served the Student on February 3 and 7, 2005, then resigned (missed 1 school day). The position was unfilled a second time from February 8 through February 15, 2005 (6 school days). A fourth male aide began serving the Student on February 16, 2005, and is continuing to provide assistance to the Student.
4. During times when the School did not have a male aide in place, the School utilized a substitute or reassigned staff to provide coverage necessary to meet the student's needs.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that, although the IEP does not require a male aide for the Student, the School has provided one except when resignations and vacancies occurred. The position was vacant for a total of 15 instructional days due to resignations. Finding of Fact #4 indicates that the School had other ways to provide assistance as specified in the IEP to the Student during these periods. Therefore, a violation of 511 IAC 7-27-7(a) is not found.

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