

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-241-2008
COMPLAINT INVESTIGATOR:	Bobbie Ritz
DATE OF COMPLAINT:	July 31, 2007
DATE OF REPORT:	August 30, 2007
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	January 29, 2008

COMPLAINT ISSUES:

Whether the Sunman-Dearborn Community School Corporation and the Ripley-Ohio-Dearborn Special Education Cooperative violated:

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

FINDINGS OF FACT:

1. The Student, 5 years old, is identified as a student with autism spectrum disorder, a communication disorder, and an other health impairment, and has been determined eligible for special education and related services.
2. The Student is transitioning into the one-half day kindergarten program offered by the school corporation. At the April 30, 2007 and May 14, 2007, CCC meetings, the Parents of the Student requested transportation for the Student to and from school. The School agreed to transport the Student to School due to the fact that the School is also providing transportation to a sibling of the Student at the same time. However, the School is requiring the Parents to be responsible to transport the Student home from School.
3. A Transportation Plan became part of the Student's IEP at the April 30, 2007 CCC meeting. The Transportation Plan listed transportation as a related service. The Transportation Plan stated transportation will be provided only from home to School by the School and the Parent will be responsible to transport the Student from School to home.
4. The parents' signed the April 30, 2007 and May 14, 2007 IEPs with CCC notes indicating the School denied transportation from School to home with the Parents in disagreement. These discussions did not end in resolution.

CONCLUSIONS:

1. Finding of Fact #3 indicates transportation as a related service for the Student. Related services means those services that are supplementary to the Student's instructional program and are required for the Student to benefit from special education. 511 IAC 7-28-1(o)(2) indicates that transportation shall be provided by the School or the Student's parent, if willing, in which case the parent is entitled to reimbursement. Because transportation was included as a related service for the Student, the School must provide transportation both to and from school. 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 Sunman-Dearborn Community School Corporation and the Ripley-Ohio-Dearborn Special Education Cooperative shall:

1. Provide transportation for the Student to and from School effective September 10, 2007. By September 10, 2007, the School shall make a written offer to the Parent to reimburse the Parent for providing transportation for 17 days from School to home, at a rate that is no less than the per mile rate at which employees of the school corporation are reimbursed for travel. Documentation of compliance shall be submitted to the Division **no later than September 24, 2007.**