

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-297-2008
COMPLAINT INVESTIGATOR:	Brenda Alyea
DATE OF COMPLAINT:	November 8, 2007
DATE OF REPORT:	November 28, 2007
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	January 29, 2008

COMPLAINT ISSUES:

Whether the Mooresville Consolidated School Corporation and the West Central Joint Services violated:

511 IAC 7-21-3(c) by failing to provide instructional days of the same length as the instructional days of nondisabled student in the same school building.

511 IAC 7-27-7(a) by failing to implement the Students' individualized education program (IEP) as written, specifically by failing to provide the number of minutes of direct instruction within the general education setting.

FINDINGS OF FACT:

1. The Student, 13 years old, is identified as a student with Autism Spectrum Disorder, primary, Communication Disorder and Moderate Mental Disability, secondary and tertiary, and has been determined eligible for special education and related services.
2. The IEP, dated October 5, 2007, under the topic Least Restrictive Environment, requires a box to be checked indicating the answer to the question, "Will the student attend a Standard School Day?" The box is checked yes.
3. The Special Transportation Form, under the topic "Transportation Needed" requires a box to be checked indicating the answer to the statement, "The student's needs require an adjusted instructional day." The box is not checked. The form also has a box immediately under the question with space for information under the heading "Specify." There is no information in the box.
4. The IEP notes indicate that the transportation issue was discussed during the October 5, 2007 Case Conference Committee meeting and the parent stated that the Student was arriving home at 2:40 pm and must be leaving school early. The teacher stated that the Student was leaving five minutes early to get to the bus. The public agency representative stated that the issue would be discussed with the Director of Transportation.
5. The IEP indicates that the Student will receive 495 minutes of Direct Instruction in Physical Education and Music. The two classes are listed together on the content area of the Recommended Services form and there is no delineation of time. Music is the last class of the day for the Student and the mother would like for the Student to have as much time as possible with same aged peers. The school had expressed safety concerns with the Student

navigating a crowded hallway at the end of the school day and had been delivering the Student to the bus early.

6. The official hours of operation of the school attended by the Student are 7:30 am through 2:34 pm.

CONCLUSIONS:

1. Findings of Fact # 2 through # 4 establish that the School failed to provide the Student with a Standard School Day from October 5, 2007 through November 8, 2007, as required by the IEP dated October 5, 2007. Therefore, a violation of 511 IAC 7-21-3(c) is found.
2. Finding of Fact # 5 indicates that the Student is to receive 495 minutes of direct instruction in Physical Education and Music. Findings of Fact # 2 through # 6 establish that the School failed to provide the number of minutes of direct instruction within the general education setting as required by the IEP dated October 5, 2007. 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 Mooresville Consolidated School Corporation and the West Central Joint Services shall reconvene a Case Conference Committee meeting on or before December 14, 2007, to determine the nature and amount of compensatory services and provide a copy of the IEP to the Division. The Mooresville Consolidated School Corporation and the West Central Joint Services shall hold a meeting addressing transportation and the instructional school day with the following persons in attendance: Director of Transportation, Director of Special Education, Principal. Documentation of this meeting including date, signatures of persons present and topic discussed shall be submitted to the Division no later than December 17, 2007.

