

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1644.00
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	October 23, 2000
DATE OF REPORT:	November 21, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	January 29, 2001

COMPLAINT ISSUES:

Whether the MSD of Lawrence Township violated:

511 IAC 7-17-36 and 511 IAC 7-18-2 with regard to the school's alleged failure to provide the student who is at least three years of age, but less than twenty-two years of age, and has been identified as disabled, a free appropriate public education, specifically, not allowing the student to attend school because there is no paraprofessional to assist the student.

511 IAC 7-27-7 and 511 IAC 7-27-8(a)(1) and (2) with regard to the school's alleged failure to implement the student's *individualized education program* (the "IEP") as it is written, specifically, failing to provide the student a paraprofessional in the classroom and failing to provide speech therapy.

511 IAC 7-27-4(a)(3) with regard to the school's alleged failure to convene the case conference committee upon the request of the parent.

511 IAC 7-27-4(a)(4) with regard to the school's alleged failure to convene the case conference committee when a change of placement is proposed or to be considered.

511 IAC 7-27-4(c) with regard to the school's alleged failure to have the case conference committee revise the student's *IEP*.

During the course of the investigation, additional issues were identified which are:

Whether the MSD of Lawrence Township violated:

511 IAC 7-29-9 with regard to the school's failure to ensure that the student's placement was in the least restrictive environment.

511 IAC 7-27-10 with regard to the school's failure to convene the case conference committee to determine homebound instruction as the least restrictive environment appropriate for the student in order to benefit from special education.

FINDINGS OF FACT:

1. The student (the "Student") is 15 years old and is in the 10th grade at the School. The Student is eligible for special education and related services as a student with autism and a communication

disorder.

2. The *IEP* written on May 1, 2000, identifies the Student's placement for the 2000-01 school year as special education instruction for the entire instructional day in a general education setting. The *IEP* states that the Student "needs one on one assistance to complete most tasks." The *IEP* also includes several annual goals and short-term instructional objectives, and identifies the speech/language pathologist as one of several persons responsible for implementing it. The *IEP* states that speech/language services are to be integrated 40 minutes each week.
3. The first day of the 2000-01 school year was August 22, 2000. The complainant was called that day to pick up the student at School after her instructional assistant (the "IA") quit earlier.
4. Handwritten notes by the School's Department Chair indicate that on August 21, 2000, the Complainant was called to pick up the Student. The Department Chair then wrote that at 3:45 that day she called the Complainant and told the Complainant that the "IA quit, [Student] cannot return to school until we hire another-parent must come in for a c. conf. to write a transition plan-set up C.C. 8/24 @ 8:00."
5. The case conference committee (the "CCC") met on August 24, 2000. The CCC notes state "[Student] has had to stay home until another IA is hired and trained and a transition plan designed to meet her needs." A transition plan was written at the CCC. The *IEP* was not revised, nor was there any discussion with regard to the provision of educational services to the Student.
6. The Student's teacher of record (the "TOR") completed a *Homebound Request* form on September 14, 2000. The form requests that homebound instruction ("Homebound") begin as soon as possible for all classes and that homebound instruction is to end "when student returns to [School]."
7. The Complainant stated that Homebound began on or about September 12, 2000.
8. The local director of special education (the "Director") acknowledged that the Student was not provided an IA as indicated in the *IEP*. However, as of October 25, 2000, an IA was hired.
9. The Director acknowledged that speech language services were not provided to the Student as indicated in the *IEP*.
10. The Complainant reported that on or about October 12, 2000, she made the request to the School's department chairman for a CCC meeting.
11. Handwritten notes from the Student's teacher of record indicate that on October 12, 2000, the Complainant wanted a CCC meeting. The notes also state that the Complainant reported that Homebound was not working.
12. The Director reported that numerous attempts have been made to schedule a CCC meeting. It has been difficult getting all required participants together as Thursdays are the best day for the Complainant.
13. A *Notice of Case Conference/Case Review Committee Meeting* was sent to the Complainant on October 24, 2000, with a scheduled meeting date of November 9, 2000.
14. The Director reported that the CCC met on November 9, 2000, and adopted the goals written in the May 1, 2000 *IEP* for implementation in the Homebound setting, and that a plan to transition the Student back into School was developed. Further, an IA was hired and is on staff and the Homebound teacher is going to be working with the Student's TOR and the IA. A plan was also

developed in the event that the IA is absent.

CONCLUSIONS:

1. Findings of Fact #3, #4, #5, #6, and #7 indicate that an interruption of services occurred with regard to providing the Student a free appropriate public education. A violation of 511 IAC 7-17-36 and 511 IAC 7-18-2 occurred.
2. Findings of Fact #3, #4, #5, #6, and #8 indicate that the Student's *IEP* was not implemented as written, specifically, providing an IA and speech therapy. A violation of 511 IAC 7-27-7 and 511 IAC 7-27-8(a)(1) and (2) occurred.
3. Findings of Fact #10, #11, #13, and #14 indicate that the CCC did not convene in a timely manner upon the request of the Complainant. A violation of 511 IAC 7-27-4(a)(3) occurred.
4. Findings of Fact #3, #4, #5, #6, and #7 indicate that the CCC did not convene when a change of placement was proposed or considered for the Student. A violation of 511 IAC 7-27-4(a)(4) occurred.
5. Findings of Fact #3, #4, #5, #6, #7, and #14 indicate that the CCC did not convene to revise the Student's *IEP* when a change of placement was proposed or considered. A violation of 511 IAC 7-27-4(c) occurred.
6. Findings of Fact #2, #3, #4, #5, #6, #7, and #8 indicate that the Student was unilaterally placed on Homebound for administrative convenience until another IA was hired and trained. A violation of 511 IAC 7-27-9 occurred.
7. Findings of Fact #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, and #14 indicate that the Student's unilateral placement from the School to Homebound was done without the CCC's consideration of the Student's needs and where those needs could be met in the least restrictive environment. A violation of 511 IAC 7-27-10 occurred.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Lawrence Township shall:

- 1.a. conduct an inservice training with all professional personnel at the School regarding the requirement to provide students who are at least three years of age, but less than twenty-two, and who have been identified as disabled, a free appropriate public education. A copy of the inservice training agenda, along with a sign-in sheet of attendees, by name and title, shall be submitted to the Division no later than December 18, 2000.
- 1.b. reconvene the CCC no later than December 18, 2000, to discuss the need for compensatory services for the interruption of services that occurred between August 24, 2000, and September 12, 2000. A copy of the *CCC Summary/IEP* shall be submitted to the Division no later than January 2, 2001, indicating the discussion and determination of compensatory services.
- 2.a. discuss the need for compensatory speech therapy services at the reconvened CCC meeting (Corrective Action #1b.). A copy of the *CCC Summary/IEP* shall be submitted to the Division no

later than January 2, 2001, indicating the discussion and determination of compensatory services.

- 2.b. conduct an inservice training with all professional personnel at the School regarding the requirement to implement student *IEPs* as written. A copy of the inservice training agenda, along with a sign-in sheet of attendees, by name and title, shall be submitted to the Division no later than December 18, 2000.
3. submit a statement assuring that CCC meetings shall be convened in a timely manner when requested by parents. A copy of the assurance statement shall be signed by the Director and the School's Department Chair and submitted to the Division no later than December 18, 2000.
4. conduct an inservice training with all professional personnel at the School regarding the requirement to convene a CCC meeting when a change of placement is proposed or considered. A copy of the inservice training agenda, along with a sign-in sheet of attendees, by name and title, shall be submitted to the Division no later than December 18, 2000.
5. conduct an inservice training with all professional personnel at the School regarding the CCC's requirement to convene in order to revise student *IEPs* when a change of placement is proposed or considered. A copy of the inservice training agenda, along with a sign-in sheet of attendees, by name and title, shall be submitted to the Division no later than December 18, 2000.
- 6.a. conduct an inservice training with all professional personnel at the School regarding the least restrictive environment and the delivery of special education and related services. A copy of the inservice training agenda, along with a sign-in sheet of attendees by name and title, shall be submitted to the Division no later than December 18, 2000.
- 6.b. review the School's written policies and procedures ensuring that all students with disabilities are educated with nondisabled students to the maximum extent appropriate. A statement signed by the Director and the School's Department Chair assuring that said policies and procedures shall be adhered to, in addition to a copy of the written policies and procedures shall be submitted to the Division no later than December 18, 2000.
7. submit a statement assuring that Homebound instruction will be provided to students as an option if the CCC determines that it is the least restrictive environment appropriate to enable a student to benefit from special education. The assurance statement shall be signed by the Director and the School's Department Chair and shall be submitted to the Division no later than December 18, 2000.