

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1665.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: December 8, 2000
DATE OF REPORT: December 22, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: January 22, 2001

COMPLAINT ISSUES:

Whether the Indianapolis Public Schools violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:

- a. failing to provide a one-to-one instructional assistant as required; and
- b. failing to follow the plan for de-escalating the student's behavior (i.e., notifying appropriate school personnel and the parent) when the student becomes disruptive at school.

FINDINGS OF FACT:

1. The student is twelve years old, attends the fifth grade, and has been determined eligible for special education due to an emotional handicap and a mild mental handicap.
2. The student's IEP dated May 11, 2000, reflects the following:
 - a. under the heading "Related Services" it is recommended an assistant be assigned to the student;
 - b. the frequency of the service (an assistant) is to be provided upon request and at specified times during the instructional day;
 - c. page 5 indicates a classroom assistant needs to be available to:
 - (i) greet the student and ascertain if he has taken his medicine;
 - (ii) call the parent if the morning dosage needs to be given at school;
 - (iii) "shadow" the student until the medication takes effect;
 - (iv) remove the student from the classroom when he becomes frustrated or agitated; and
 - (v) follow the student when he leaves the classroom on his own.
 - d. under the section, Crisis Management Plan, of the Behavior Support Plan, it indicates to remove the student from the situation and contact the parent.
3. The planning district's special education supervisor reports in his written response to the Division, "After talking with staff at [the student's] school I have discovered that, while an assistant is available for that classroom, the specifics for assistance and the plan for de-escalation of behavior have not been consistently followed. We have addressed the situation by increasing one-on-one assistant support time and reviewing the behavioral support expectations with all faculty and staff serving [the student] at [the student's school]. I have also requested that a meeting be arranged during the first week of January, 2001 for [the student] and [the parent] to meet with [the student's] teacher, classroom assistant, and his counselor to clarify questions and concerns, as well as the

need for an updated behavioral analysis for [the student].”

4. The parent states she is satisfied with the recommendations proposed by the school and is not interested in compensatory services for the student.

CONCLUSIONS:

1. Findings of Fact #2 and #3 reflect the school failed to provide the student with a one-on-one assistant as required, and failed to follow the plan for de-escalating the student's behavior when the student became disruptive at school. Therefore, a violation of 511 IAC 7-27-7(a) is found.

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

CORRECTIVE ACTION:

1. Submit to the Division no later than January 24, 2001, a written summary of the meeting to be convened the first week of January, 2001.
2. Send a memorandum to all appropriate school personnel advising them of the requirements specified in 511 IAC 7-27-7(a). Submit a copy of the memorandum to the Division no later than January 24, 2001, with a listing of all personnel (name and title) to whom the memorandum was sent.
3. Submit to the Division no later than January 24, 2001, an assurance statement that indicates the school will ensure the student's IEPs are implemented as written.