

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1858.02
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	January 22, 2002
DATE OF REPORT:	February 20, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 13, 2002

COMPLAINT ISSUES:

Whether the East Noble School Corporation violated:

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

- a. failing to provide occupational therapy (OT); and
- b. failing to provide physical therapy (PT).

FINDINGS OF FACT:

1. The student is fifteen years old, attends the eighth grade, and has been determined eligible for special education due to orthopedic and other health impairments.
2. The student's IEP dated February 26, 2001, specifies that the student will receive OT one time per week for 30 minutes. The director acknowledges that the student has not received OT services during the 2001-2002 school year because the school had been unable to locate and employ an OT. Besides the student, twenty-one other students within the school corporation have not received OT services since the beginning of the 2001-2002 school year. Documentation of the school's attempts to locate an OT was provided to the Division and confirms that the school made a concerted effort to locate and employ an OT. The school employed an OT on a full-time basis on February 11, 2002.
3. The parent contends that the student did not receive PT services from the beginning of the 2001-2002 school year until around mid-November 2001. The student's IEP dated February 26, 2001, specifies that the student will receive PT one time per week for 30 minutes. The school could not provide PT for the student until a referral or order was received authorizing the school to provide such services. On September 28, 2001, the school received a physician's prescription indicating that it was medically necessary for the student to receive PT. According to PT logs, the student has received PT on a weekly basis for at least 30 minutes since October 3, 2001, except for two occasions when he attended field trips and on one occasion when school was dismissed early.

CONCLUSIONS:

1. Finding of Fact #2 establishes that the school failed to provide the student with OT as specified in the student's IEP dated February 26, 2001. Therefore, a violation of 511 IAC 7-27-7(a) is found. Although a violation is found, no corrective action is required at this time. Corrective action from a

previous complaint investigation requires the school to submit documentation to the Division, once an OT has been employed, to verify that compensatory services have been offered to all students within the school corporation who have been affected by the school's inability to employ an OT. The director reports that she will be contacting the appropriate complaint investigator to determine a date for submitting the corrective action documents to the Division.

2. Finding of Fact #3 reflects that upon receipt of the physician's prescription, the school has provided PT services to the student as specified in the IEP dated February 26, 2001. Therefore, no violation of 511 IAC 7-27-7(a) is found.

DATE REPORT COMPLETED: February 20, 2002