

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1924.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	May 29, 2002
DATE OF REPORT:	June 28, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	August 7, 2002

COMPLAINT ISSUES:

Whether the Gary Community Schools violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to implement identified behavior strategies to address the student's behavior, instead relying on corporal punishment.

FINDINGS OF FACT:

1. The student (Student) is 12 years old, is in the 6th grade, and is eligible for special education and related services as a student with an other health impairment.
2. The school corporation defines corporal punishment as a "disciplinary measure used only as a last resort."
3. The Complainant alleges on May 23, 2002, a classroom teacher paddled the student for inappropriate behavior. The School acknowledges that corporal punishment was administered by a classroom teacher as a last resort after the Student refused to comply with the teacher's directives. The IEP dated February 14, 2002, and reviewed on March 6, and April 29, 2002, does not include a behavioral intervention plan. The February 2002, IEP does include a modifications page stipulating that the Student will receive verbal and positive reinforcement. No restrictions with regard to discipline were included in the IEP.

CONCLUSIONS:

1. Findings of Fact #2 and #3 establish that the Student was subjected to corporal punishment while at school. The February 14, 2002, IEP does not include a behavioral intervention plan, or restrictions pertaining to discipline. Therefore, no violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.