

**Indiana State Educational Agency
CP-012-2021
September 29, 2020**

Indiana Connections Academy

Complainant investigation report

Complaint issues

1. Was a case conference committee (CCC) meeting scheduled at a mutually agreed upon date, time, and place? 511 IAC 7-42-2(a)
2. Did Indiana Connections Academy (the School) provide a free appropriate public education (FAPE) to the Student by providing access to the curriculum daily since enrollment? 511 IAC 733-2(a)
3. Where the Student was newly enrolled and received special education services from another school within the state, did the School, in consultation with the Student's parent, immediately provide the Student with a FAPE, including services comparable to those described in the Student's individualized education program (IEP) from the previous school, until the School either: adopted the Student's IEP from the previous school; or developed, adopted, and implemented a new IEP that met the applicable requirements of this rule? 511 IAC 7-42-8(e)

Findings of fact

1. The Student has been determined eligible for special education and related services.
2. On August 6, 2020, the Student enrolled at the School.
3. Prior to enrollment, the Student was receiving special education services from another school within the state.
4. The first day of the 2020-2021 school year at the School was August 6, 2020. The School is entirely virtual and utilizes Connexus as the School's learning platform. The Student was able to access Connexus starting on August 6, 2020, however the Student did not utilize the learning platform until August 10, 2020.
5. The parent contacted the School's technical support team through Webmail on August 13, 2020 to notify the support team that the Student's laptop had locked him out. The technical support team attempted to contact the parent by phone the following day, but the phone number was not a working number. The technical support team member provided their phone number and hours of operation for the parent to obtain technical support through a Webmail message.

6. Between August 13, 2020 and August 23, 2020, School personnel acknowledged the Student was unable to access his school issued computer. In working to address the concerns of the parent, the School expressed that school administrators and teachers cannot access the computers or remote in and that the technical support team is best able to assist by phone with a computer access issue.

7. The School's Handbook requires that caretakers contact technical support for repairs and follow all instructions for repair as directed by those representatives. In addition, the School's "What is a Learning Coach" resource document notes that learning coaches (caretakes / parents) are expected to speak to teachers and school staff by phone and return calls.

8. The Student accessed Connexus on August 13, 2020; August 17, 2020; August 18, 2020; August 19, 2020; and August 20, 2020 through other devices. The Student completed a total of 14 lessons and 8 assessments in various classes during that timeframe.

9. On August 24, 2020, the parent confirmed via Webmail that the Student was able to log-in and use the school issued computer.

10. The School attempted to hold case conference committee (CCC) meetings on August 11, 2020 at 3:30 p.m. via conference call, August 21, 2020 at 3:00 p.m. via Live Lesson meeting room, and September 2, 2020 at 12 p.m. via Live Lesson meeting room. The parent confirmed via phone or webmail the three scheduled meetings ahead of the meeting dates. The parent then requested the CCC meetings scheduled on August 7, 2020 and August 21, 2020 be continued. On September 2, 2020, the parent participated in a CCC meeting.

11. The Student's IEP from the previous school within the state included the following special education and related services: writing services in the general education setting (16 times per month, 30 minutes a session), social skills services in the general education setting (12 times per month, 10 minutes a session), work completion services in the general education setting (12 times per month, 10 minutes a session), and services to address following directions in the general education setting (12 times per month, 10 minutes per session). The IEP also required services in the special education setting to address mathematics (16 times per month, 30 minutes a session) and verbal/physical aggression (12 times per month, 10 minutes a session). The Student was required to have occupational therapy (OT) 2 times per month for 20 minutes a session.

On August 6, 2020, the Student's teacher of record (TOR) hosted a Live Lesson to welcome back students that had social skills services in their IEPs but the Student did not attend. The TOR sent a message to the Student and Student's parent via Webmail that she would be scheduling 1:1 touch-base sessions and learning support Live Lessons for social skills beginning the week of August 24, 2020. The Student had a Live Lesson to address social skills with his TOR on August 25, 2020 but did not attend at the appropriate time. The Student had an opportunity to make up the lesson missed on August 25, 2020 through a touch-base Live Lesson with the Student's TOR on August 26, 2020 and did not attend. Student attended a Live Lesson touch-base session with the Student's TOR on August 27, 2020. The Student participated in Live Lessons on August 27, 2020 and August 28, 2020 with an elementary learning support teacher to work on mathematics.

An occupational therapist scheduled a Live Lesson for the Student on August 31, 2020, but the Student did not attend.

Conclusions

A case conference committee (CCC) meeting must be scheduled at a mutually agreed upon date, time, and place. 511 IAC 7-42-2(a). FF #10 documents three occasions where a CCC meeting was scheduled by the School and confirmed by the parent. FF #10 also documents that the parent requested to continue two of the meetings and attended the third meeting scheduled on September 2, 2020. The School attempted to schedule conferences various dates, times, and through different platforms (conference line by phone or Live Lessons meeting rooms). The School also sought confirmation from the parent after suggesting the various dates, times, and platforms. The CCC meetings were scheduled at mutually agreed upon dates, times, and places. Therefore, no violation of 511 IAC 7-42-2(a) is found.

Public school corporations, charter schools, and other public agencies shall provide a free appropriate public education to students who: are at least three (3) years of age through the school year in which the students become twenty-two (22) years of age, unless a CCC determines that a student will leave school earlier; are identified as disabled under Article 7; have not completed high school graduation requirements and received a high school diploma; and are not parentally-placed in a nonpublic school. 511 IAC 7-33-2(a). FF #6 demonstrates that the Student was unable to access the curriculum using his school issued computer between August 13, 2020 and August 23, 2020. FF #8 shows that despite the computer issue, the Student had access to the curriculum through Connexus on other devices. FF #9 demonstrates that the Student's access to the school issued computer was resolved as of August 24, 2020. The student had access to the education provided virtually through outside devices. Therefore, no violation of 511 IAC 7-33-2(a) is found.

Where a student is newly enrolled and received special education services from another school within the state, the new school, in consultation with the Student's parent, must immediately provide the Student with a FAPE, including services comparable to those described in the Student's individualized education program (IEP) from the previous school, until the School either: adopted the Student's IEP from the previous school; or developed, adopted, and implemented a new IEP that met the applicable requirements of this rule. 511 IAC 7-42-8(e). FFs #2- #4 reveal that the Student enrolled at the School on August 6, 2020, the first day of school, and was receiving special education services from another school within the state. FF # 11 outlines the special education and related services included in the Student's IEP from the previous school. FF #12 documents that the School did not immediately provide the Student with a FAPE, including services comparable to those described in the Student's IEP format he previous school. Rather, the School began offering special education and related services the week of August 24, 2020. Between August 10, 2020 and August 24, 2020, the Student did not receive special education and related services. Based on FF #11, the Student therefore missed writing services in the general education setting (8 times per 2 weeks, 30 minutes a session), social skills services in the general education setting (6 times per 2 weeks, 10 minutes a session), work completion services in the general education setting (6 times per 2 weeks, 10 minutes a session), and services to address following directions (6 times per 2 weeks, 10 minutes per

session). The Student also did not receive services in the special education setting to address mathematics (8 times per 2 weeks, 30 minutes per session), and verbal/physical aggressions (6 times per 2 weeks, 10 minutes a sessions). The Student also should have received 1 time per 2 weeks a 20 minutes session of occupational therapy. Therefore, a violation of 511 AIC 7-42-8(e) is found.

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

The School shall

Conduct an in-services training to address the requirements of 511 IAC 7-42-8(e). A presentation to address the requirements of 511 IAC 7-42-8(e) shall be developed by the School and a copy of the presentation must be provided to the Complaint Investigator no later than November 27, 2020. Upon approval by the Complaint Investigator, the presentation should be administered to all special education administration and special education teachers no later than December 18, 2020. A sign-in sheet for the in-service training shall be submitted to the Complaint Investigator by December 25, 2020.

Provide the Student the special education and related services that the School failed to offer between August 10, 2020 and August 24, 2020 (see Conclusion #3). In total, the School shall provide: 240 minutes of writing services; 60 minutes of social skills services; 60 minutes of work completion services; and 60 minutes of services to address following directions. The School shall also provide 240 minutes of mathematics services; 60 minutes of services to address verbal/physical aggression and a 20 minutes session of occupational therapy. In consultation with the Student's parent, documentation related to when the services will be provided (dates, times, and platforms) and how the Student can access the services is due to the Complaint Investigator by November 27, 2020. Should the parent decline services, the School must document that and provide the Complaint Investigator documentation of the parent's decision by November 27, 2020. Documentation regarding the completion of the services is due by March 1, 2021.

DATE REPORT COMPLETED: September 29, 2020