

Complaint investigation report

Tippecanoe School Corporation
Indiana State Educational Agency
CP-019-2022

Complaint issues

1. Did the Tippecanoe School Corporation (School) implement the Student's individualized education program (IEP) as written? Specifically, on September 2, 2021 did the School: provide an accommodation sheet to the Student's substitute teacher; use reminders as described in the behavior intervention plan (BIP) when the Student's mask was not worn properly; and complete an "ABC" form when an office referral was made for the Student? Also, did the School refer the Student to the School's Board Certified Behavioral Analyst (BCBA) for assessment upon the Student having three behavioral incidents during the instructional year? 511 IAC 7-42-8(b).

Findings of fact

1. The Student has been determined eligible for special education and related services.
2. One of the accommodations found in the Student's IEP is that when a substitute teacher is in place for an instructional day, the School will ensure the teacher receives a sheet listing the Student's accommodations. Another accommodation found in the IEP is that when the Student receives an office referral due to behavior, the teacher that made the referral will complete an "additional form to explain incident as far as setting, antecedent, consequence, and behavior." The school is supposed to provide the Student's parent a written explanation of the behavioral incidents that lead to office referral within two school days of the incident.
3. Incorporated into the Student's IEP is a BIP with numerous strategies for when the Student exhibits certain behaviors. In particular, there are de-escalation techniques for when the Student refuses to follow instructions from teachers. One in particular states the Student has access to a "de-escalation location as needed and access to office for times of stress/sensory overload." For replacement behaviors, there are BIP strategies to redirect the Student, which include using color-coded post-it notes to give the Student notice that his behavior needs to change.
4. If the Student has more than three behavioral incidents "that result in a disciplinary action of any type", the IEP states the School's BCBA will re-assess the Student's BIP and provide guidance on replacement behaviors and positive interventions.
5. In an email dated August 9, 2021, the BCBA emailed the Student's new teacher of record (TOR) emphasizing the need to meet with the Student's teachers so they are familiar with the

Student's BIP and accommodations. Two days later, the School's special education director sent a follow up email to the TOR emphasizing the need for the Student's teachers to be aware of the Student's IEP and that she is available to assist as needed.

6. On September 2, 2021, a substitute teacher was present for one of the Student's classes. The substitute teacher asked the Student to pull his mask up and the situation escalated. The substitute teacher asked for assistance from school administrators and the Student was brought to the school administration office to de-escalate. The Student remained in the office for the remainder of that class period. The post-it notes were not used as a strategy during the incident.

7. On September 8, 2021, the case conference committee (CCC) convened to revise the Student's IEP. During the meeting the recent substitute incident was reviewed and the CCC discussed different strategies to better address the Student's behaviors. This included using non-verbal prompts with post-it notes in lieu of verbal prompts. The TOR stated she would reiterate to the Student's teachers the protocol for when a substitute teacher is in place for classes.

8. The Student's disciplinary record notes the September 2, 2021 incident, but there are no other recorded disciplinary actions for the 2021-2022 instructional year. While the Student had other behavior incidents in the month of September, they did not result in discipline.

9. No documentation was provided showing the substitute teacher received an accommodations sheet for the September 2 incident.

Conclusions

1. Article 7 requires an IEP must be implemented as written. 511 IAC 7-42-8(b). Finding of Fact (FF) #2 shows the Student has certain accommodations when a substitute teacher is present for a class, specifically that the teacher is provided a sheet showing accommodations and behavior interventions. FF #6 shows an incident where the Student had a substitute teacher and was pulled from the classroom due to a behavior incident involving a face mask. FF #6 shows the Student was removed for the duration of the period and FF #3 shows that taking the Student to the office to de-escalate is a strategy found in the Student's BIP. FF #6 shows the post-it system was not implemented as a strategy. While substitute accommodations were discussed earlier in the instructional year and at a CCC meeting held after the September 2 incident, as shown in FFs #5 and #7, no documentation was shown demonstrating that the substitute teacher was provided the sheet as evidenced in FF #9. FF #8 shows that apart from the September 2 incident that the Student did not have any other disciplinary actions that would require a review by the BCBA. Because the School did not demonstrate that substitute teacher accommodations were followed, a violation of 511 IAC 7-42-8(b) is found.

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

1. The School must develop a tracking sheet for the Student that details when the BIP or the Student's accommodations are provided on a daily basis. At a minimum, the sheet must include when substitute teachers are provided the sheet described in FF #2 and when specific BIP strategies are implemented. The tracking sheet should be made available to the Student's parent at least on a weekly basis and can be in a paper format or through a shared online application such as a Google Docs or Sheets. A draft version of this tracking sheet shall be provided to the complaint investigator for approval no later than November 12, 2021. Upon the complaint investigator approving the tracking sheet, the Student's TOR will provide the sheet to the Student's teachers with instructions on how to document BIP strategies and when provided to a substitute teacher. The School shall provide the complaint investigator tracking sheets completed by the Student's teachers no later than December 3, 2021.

DATE REPORT COMPLETED: October 27, 2021

Patrick Rhodes, Complaint Investigator