

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2072.04  
COMPLAINT INVESTIGATOR: Sally Cook  
DATE OF COMPLAINT: October 27, 2003  
DATE OF REPORT: November 26, 2003  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: March 8, 2003

**COMPLAINT ISSUES:**

Whether the North Adams Community Schools and the Adams-Wells Special Services Cooperative violated:

- 511 IAC 7-27-3(a) by failing to ensure that the case conference committee (CCC) participants include at least one of the student's general education teachers.
- 511 IAC 7-27-7(d) by continuing to implement an individualized education program (IEP) for a period of more than twelve months.
- 511 IAC 7-27-7(a) by failing to implement the student's IEP as written, specifically, by not:
  - a. reducing the student's work load to main points; and
  - b. providing progress reports.
- 511 IAC 7-27-4( c) by failing to utilize the CCC to develop, review, or revise and IEP for the student.
- 511 IAC 7-25-6 by failing to conduct a reevaluation of the student.
- 511 IAC 7-26-2(d) by failing to ensure that all professional and paraprofessional staff serving the student received specialized inservice training in the area of autism spectrum disorder.

**FINDINGS OF FACT:**

1. The Student is thirteen years old and is eligible for special education and related services due to autism spectrum disorder and a communication disorder.
2. During the 2002-2003 school year, the Student had participated in related arts (RAS) classes in the general education environment. RAS classes include health, physical education, tech ed, home economics, art, and music. The individualized education program (IEP) developed for the 2003-2004 school year called for the Student's continued participation in RAS classes in the general education environment. The Student's case conference committee (CCC) convened on May 19, 2003. No general education teacher was in attendance at the CCC meeting.
3. The Student's CCC reconvened on August 20, 2003. The art teacher participated in this meeting, as a representative of general education RAS teachers. The Student's CCC met again on August 29, 2003. The RAS teachers participated, one at a time, in that CCC meeting.
4. During the Student's CCC meeting on May 19, 2003, the School proposed, and the CCC discussed, the Student's IEP to be initiated May 19, 2003, and to continue during the 2003-2004 school year until May 19, 2004 (Current IEP). As compared to the previous IEP (2002-2003 IEP), the Current IEP established new goals and objectives. The Current IEP continued, without change, the Student's identified disability under 511 IAC 7-26 and the Student's placement in a special education classroom for 270 minutes daily with speech/language services for two twenty-minute sessions per week. Since

May 19, 2003, the School has not continued implementing the 2002-2003 IEP. Since May 19, 2003, the School utilized the Current IEP and later incorporated revisions agreed upon in subsequent CCC meetings.

5. The Student's 2002-2003 IEP and the Current IEP required several accommodations in RAS classes, including the following: reduce work load to main points/idea; adjust grading scale/effort; tests read/oral response; peer assistance as available.
6. In the beginning of the 2002-2003 school year, and again in the beginning of the 2003-2004 school year, the Teacher of Record met with the RAS teachers, as a group. The RAS teachers are scheduled to meet as a team at 12:30 p.m. daily. These meetings provide opportunities for the teacher of record to share information about students' strengths and needs, to convey information about students' IEPs including accommodations, and to provide consultation to general education teachers.
7. As the School sent the Student's work home and did not retain copies, the School is unable to provide examples of written work for which the Student was afforded the accommodations specified in the Student's IEPs. The School has submitted brief reports from RAS teachers that mention oral testing and peer assistance as well as modifications such as having the Student create a collage of pictures in lieu of a research paper.
8. The School acknowledges that progress reports, other than report cards including interim report cards, were not sent to the Complainants during the 2002-2003 school year. After the fact, the Teacher of Record noted end-of-year progress for the objectives under each IEP goal.
9. The Student's Current IEP requires a progress report to be shared with Complainants every 4 ½ weeks, corresponding to the dates of general education interim reports and report cards. Only an interim report card was provided at the end of the first 4 ½ weeks of the 2003-2004 school year. At the time of the first report card of the 2003-2004 school year, the Teacher of Record provided a copy of each IEP goal page, with progress noted for each objective (except those objectives for which instruction has not yet started). In addition, the RAS teachers have provided weekly reports regarding time on task and other issues.
10. The IEP that was offered for consideration during the CCC meeting on May 19, 2003, had been written before the CCC meeting. The CCC notes reflect that the CCC addressed a variety of topics, particularly regarding RAS classes. The Complainants requested additional time to review the IEP. Complainants requested another CCC meeting to continue discussions.
11. The CCC reconvened August 20 and 29, 2003, to address concerns raised by the Complainants. Some accommodations, goals, and additional reporting suggested by the Complainants were added to the Current IEP. CCC meetings have continued, most recently a CCC meeting held November 18, 2003, that will continue on a date to be scheduled.
12. On August 28, 2001, the Student's CCC discussed the Student's triennial re-evaluation that was due to be completed by September 1, 2002. On the same date, the Complainants signed a printed form entitled 36 Month Re-Evaluation: Plan (Plan). The Plan described the scope of the triennial evaluation and identified the team member assigned, as follows: record review by the school psychologist; parent interview by the teacher of record; general education teacher(s) interview by the teacher of record; special education teacher self-interview by the teacher of record; and student interview by the teacher of record. The Complainants' signatures indicated agreement with the following statement: "I have helped devise this plan for re-evaluation and agree to it. I understand that this will be completed in the next twelve (12) months." The printed form offers four other options, including a parental

request/consent for standardized testing. The Complainants did not choose this option. The conference notes for the CCC meeting on May 22, 2002, also refer to the re-evaluation, as a reminder that it would be completed as planned by September 1, 2002.

13. The Parents received a Notification dated August 22, 2002, informing them that the re-evaluation had been completed and that a CCC meeting or a meeting with a representative of the special services cooperative would be arranged upon parental request. The Multidisciplinary Evaluation Team Report of Re-Evaluation was enclosed.
14. During the CCC meeting on August 29, 2003, the Complainants inquired about re-evaluation and were informed that re-testing was not needed because the School was not questioning the Student's eligibility or identification. During the CCC meeting, the Complainants signed and gave to the assistant director a Permission for Educational Evaluation for achievement testing and speech/language assessment. The requested testing was completed within sixty instructional days from August 29, 2003.
15. On November 18, 2003, the Student's CCC agreed to conduct a comprehensive re-evaluation of the Student within thirty days, including testing/assessment in addition to the achievement testing and speech/language assessment previously requested.
16. The Student's Teacher of Record's training in autism began with workshops on November 15, 1995, and March 7, 1996, at which the presenters were staff persons of the Institute for the Study of Developmental Disabilities of which the Indiana Resource Center on Autism is a part. The Teacher of Record continued training in autism through independent study, including books from the library of the special services cooperative. More recently, on September 6, 2002, the Teacher of Record attended the "Autism Awareness" program sponsored by the ICASE Roundtable. On September 5, 2003, the paraprofessional assigned to the Student's special education classroom attended the "Autism Awareness" program. On March 22, 2002, the Student's speech/language pathologist attended programs on "Autism: Social Skills, Counseling" and "Autism: Environmental Issues."
17. On October 7, 2003, information about autism was shared with general education students and staff, in four presentations of 20-25 minutes each. The Student's RAS teachers did not participate in these information sessions.

## **CONCLUSIONS:**

1. Finding of Fact #2 indicates that a general education teacher was a required member of the Student's case conference committee (CCC), but that on May 19, 2003, the CCC did not include at least one of the Student's general education teachers. Therefore, a violation of 511 IAC 7-27-3(a) occurred. However, Finding of Fact #3 indicates that appropriate corrective action had been taken with respect to subsequent meetings of the CCC, prior to the filing of the Complaint.
2. Finding of Fact #4 indicates that the School has not continued to implement an IEP for a period of more than twelve months. Therefore, no violation of 511 IAC 7-27-7(d) occurred.
3. a. Findings of Fact #5, #6, and #7 indicate that, with respect to the accommodation of reducing the Student's work to main points, the School has not documented implementation of the 2002-2003 IEP or the Current IEP, as written. Therefore, a violation of 511 IAC 7-27-7(a) occurred with respect to the implementation of an accommodation.

b. Finding of Fact #8 indicates that, during the 2002-2003 school year, the Student's parents were not regularly informed, at least as often as parents are informed of their nondisabled students' progress, of the Student's progress toward the annual goals and the extent to which that progress was sufficient to enable the Student to achieve the goals by the end of the twelve month period. Finding of Fact #9 indicates that partial corrective action has been taken since the beginning of the 2003-2004 school year. Therefore, a violation 511 IAC 7-27-7(a) occurred with respect to progress reporting.

4. Findings of Fact #10 and #11 indicate that the CCC process has been utilized to develop, review, or revise the Student's IEP. Therefore, no violation of 511 IAC 7-27-4( c) occurred.
5. Findings of Fact #12 and #13 indicate that a triennial re-evaluation was completed by September 1, 2002, in accordance with 511 IAC 7-25-6 (d), (f), (g), (i) and (j). Findings of Fact #14 and #15 indicate that the additional evaluation requested by the Complainants was conducted within the timeline and further testing has been scheduled as requested. Therefore, no violation of 511 IAC 7-25-6 occurred.
6. Finding of Fact #16 indicates that the special education professional and paraprofessional staff serving the Student have received training in autism. Although Finding of Fact #7 indicates that the Student's teacher of record has been a consultant and resource person to the Student's general education teachers, and the general education teachers have been informed of their specific responsibilities related to implementing the Student's IEP, Finding of Fact #17 indicates that the Student's current general education teachers have not received training in autism. Therefore, a violation of 511 IAC 7-26-2(d) occurred.

**The Department of Education, Division of Exceptional Learners requires the following corrective actions based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

North Adams Community Schools and the Adams-Wells Special Services Cooperative shall:

1. By December 15, 2003, develop and implement procedures for documenting implementation of the Student's accommodations in general education classes.
2. By December 15, 2003, develop and implement procedures for monitoring sending of progress reports to the Complainants.
3. By January 30, 2004, arrange for the Student's general education teachers to receive training in autism. This training may focus on the Student's unique needs, but must be sufficiently broad to prepare the general education teachers for other students with disabilities in the autism spectrum.

Documentation of compliance shall be submitted to the Indiana Department of Education, Division of Exceptional Learners, by February 6, 2004.