

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2315.06
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: March 17, 2006
DATE OF REPORT: April 12, 2006
REQUEST FOR RECONSIDERATION: yes/revised – May 15, 2006
DATE OF CLOSURE: June 13, 2006

COMPLAINT ISSUES:

Whether MSD of Washington Township violated:

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

FINDINGS OF FACT:

1. The Student, 15 years old, has been identified as having a hearing impairment and a communication disorder, and has been determined eligible for special education and related services.
2. The Student's IEP dated November 22, 2005, calls for closed captioning for all video presentations viewed by the Student in class. The IEP indicates that course material presented via uncaptioned video "will not be reviewed, tested, or discussed prior to the opportunity for (the Student) to see a captioned version of the video or be presented the information in the same quantity and quality as the other classmates without being penalized."
3. The Student is enrolled in an honors biology class. On March 1, 2006, the Student's Science Teacher had the students in her class view an online computer program relating to the study of mitosis. The program allows a student to view visual depictions of cell divisions, to learn about qualities of various cells, and to see how cell division impacts human and animal life. The lesson includes pictures and captioned words to highlight main ideas, as well as an audio portion that can be turned on or off. The student can proceed from slide to slide at his or her own pace.
4. Besides the online computer program, the Science Teacher presented the information on mitosis in various other formats: labs on DNA replication, worksheets, a closed-captioned video on mitosis and meiosis, a chart that was included with a reading assignment and reviewed in class, quizzes, and various lectures. Additionally, the Science Teacher allows students who want more support to have after-school tutoring every Thursday. The teacher explains whatever material a student is not understanding. There is a late bus available for students who stay for this tutoring. The teacher estimated that the Student had come in for after-school tutoring only once, in the fall, though the Complainant alleges the Student has been at tutoring other times and did not find it helpful.
5. The Student was assessed on cell reproduction. None of the material on the test came exclusively from the computer program. The Student earned a 78% on the test, which is about the average of his other tests in the class. The Student had a B- in the class for the third nine-week period.

6. When apprised of the Complainant's concern regarding the computer program, the ~~TOR~~ Special Education Department Chair explained the computer program to the Complainant and offered an opportunity for her to view it, to talk to the Science Teacher about her concerns, and to receive information about other formats provided to the Student to access the same information. However, the Complainant did not take advantage of the ~~TOR's~~ offer Special Education Department Chair's offer.

CONCLUSIONS:

Finding of Fact #4 indicates that the Science Teacher presented the information on the computer program in multiple formats in the same quantity and quality presented to other classmates before the Student was assessed on the unit. 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.