

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2323.06
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: April 11, 2006
DATE OF REPORT: May 9, 2006
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: June 13, 2006

COMPLAINT ISSUES:

Whether Western School Corporation and Kokomo Area Special Education Cooperative violated:

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

- a) Allow the student extra time to finish assignments;
- b) Accept oral answers in place of written answers;
- c) Provide a computer to complete written work;
- d) Reduce course material to basic concepts;
- e) Use manipulatives for teaching and testing.

FINDINGS OF FACT:

1. The Student, 11 years old, has been identified as having a mild mental disability and an orthopedic impairment, and has been determined eligible for special education and related services.
2. The Student's IEP dated February 23, 2006, includes the following accommodations: extra time to finish assignments, but no more than double; oral answers accepted in place of written answers; a computer offered to the Student for the completion of written work; and the reduction of course material to basic concepts. Additionally, the IEP calls for the use of 3-D manipulatives in regular classroom and standardized testing. The Complainant alleged that the General Education Teacher who teaches geography and science has not implemented these accommodations. The IEP also calls for the Student to have a scribe for all written work.
3. The Complainant alleged that the Student was not being given extra time on assignments. The General Education Teacher provided a letter to respond to the allegations of the complaint. The teacher explained that the Student is given extra time to complete assignments every day, and that he has never been penalized for a late paper or incomplete work. The Student is allowed time throughout the nine-week grading period to complete and turn in assignments for that grading period, but receives no credit if the work is turned in during a different grading period.
4. The General Education Teacher reported that oral answers are accepted in place of written ones, including testing situations. The Student answers questions orally to an aide, and the aide marks the Student's responses on a sheet for the teacher to review. The Student's aide also reads questions to him. The Student provides the answers, and the aide types the answers on the computer. The Complainant acknowledged that this is supposed to happen, and that she did not have any information to suggest that oral answers were not being accepted and that an aide was not reading to the Student.

5. The School provided samples of modified lessons and tests. The lessons included basic science concepts related to the solar system, the phases of the moon, the sun, and other lessons. According to the General Education Teacher, these were basic notes from the teachers' manual, and were not passed out to nondisabled students. Tests provided to the Division indicate that the Student was not required to answer questions requiring higher-order thinking skills; these questions say "excused" by them.
6. The General Education Teacher reported that the Student has taken part in science experiments, and pages explaining basic experiments were provided for the investigation. The Student has a calculator available to him for tests. While manipulatives are not widely used in geography and science, they are available in the resource room. No documentation has been presented to indicate the use of manipulatives in testing.
7. As of April 26, 2006, the Student's grades in science for each nine-week grading period were C-, B, C, and C+. For geography, the Student had C's in all four grading periods. These were slightly worse than grades in other subjects, but comparable to nine-week grades in his language class.
8. The School and the Complainant decided that the Student should participate in geography and science in a special education classroom. In April 2006, the IEP was adjusted to reflect that change.

CONCLUSIONS:

Findings of Fact #2 through #4 indicate that the School has not failed to implement the Student's IEP by failing to accept oral answers in place of written answers, provide a computer for written work, and reduce course material to basic concepts. No documentation was provided regarding allowing the Student extra time to finish assignments or using manipulatives in testing. Therefore, a violation of 511 IAC 7-27-7(a) is not found regarding accommodations (b), (c), and (d); however, a violation is found regarding the provision of extra time to finish assignments and the use of manipulatives for teaching and testing.

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

CORRECTIVE ACTION:

Devise a log or other tracking system to track the implementation of student accommodations, including the use of manipulatives in teaching and testing, as well as a method of determining how to communicate to the Complainant the due dates of assignments. Provide a copy of the system, with a one-week record of its use with the Student, to the Division by June 16, 2006.