

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2329.06  
COMPLAINT INVESTIGATOR: Joe Bear  
DATE OF COMPLAINT: May 1, 2006  
DATE OF REPORT: May 30, 2006  
REQUEST FOR RECONSIDERATION: n/a  
DATE OF CLOSURE: July 17, 2006

**COMPLAINT ISSUES:**

Whether Muncie Community Schools and Delaware-Blackford 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 provide the following accommodations in math class:

- (a) Extended time to complete assignments;
- (b) Use of a calculator and fact sheets;
- (c) Reduced assignments in math;
- (d) Testing accommodations, including extended time, small group testing, and use of a calculator.

**FINDINGS OF FACT:**

1. The Student, 13 years old, has been identified as having a learning disability and determined eligible for special education and related services.
2. The Student's April 25, 2005, IEP, which is in effect through June 2006, states that the Student may have the following accommodations: extended time to complete assignments; the use of calculators and fact sheets; and reduced assignments in math until completed. Additionally, the IEP calls for the Student to receive extended time, small group testing, and the use of a calculator during state and district wide assessments.
3. The Complainant alleged that the Math Teacher on several occasions did not offer the Student extra time to get assignments completed, and that the Student was given a failing grade for having incomplete work. Assignments are due the next day unless stated otherwise; however, the Math Teacher acknowledged that an "open-ended" arrangement exists regarding how much time the Student has to complete assignments, and that she has never refused an assignment despite it being late. The Math Teacher requires that the Student complete at least 50% of an assignment to receive credit.
4. The Student received an "F" in math during each of the nine-week periods during the 2005-2006 school year. The Student's progress reports indicate that 54 math assignments were not turned in by the Student during the four grading periods (as of May 18, 2006), although the number of missing assignments has been reduced recently with the use of an assignment tracking sheet and consequences for failing to use it.

5. The Student has access to a calculator in the math class. If the Student needs help, he has the option of using a fact sheet. When the class is working on particular skills, like multiplication, the teacher acknowledged that she prefers that the Student use a fact sheet.
6. No documentation has been provided regarding reduced assignments. The Math Teacher stated that when the Student works on an assignment in math class, he is not penalized for uncompleted work. The teacher pointed to the wording of the IEP, which says that assignments “may” be reduced.
7. The Student received ISTEP+ testing in the resource room, which allowed for testing in a small group. The Student passed both sections of the ISTEP+ exam. The Teacher of Record, who led the resource room, acknowledged that extended time and the use of a calculator were available to the Student.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates the accommodations that may be provided to the Student, as well as the accommodations required for state and district wide testing. Findings of Fact #3 through #7 indicate that the School has provided a calculator, fact sheets, and testing accommodations in accordance with the IEP, but has not documented that accommodations (a) and (c), extended time and reduced assignments, were provided. Therefore, a violation of 511 IAC 7-27-7(a) is found.

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

#### **CORRECTIVE ACTION:**

Develop a system for tracking the implementation of extended time and reduced assignments, such as adding a section for these accommodations to the assignment tracking sheet. Provide a copy of the new system to the Division by July 7, 2006.