

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 2332.06  
COMPLAINT INVESTIGATOR: Brian Simkins  
DATE OF COMPLAINT: May 5, 2006  
DATE OF REPORT: June 2, 2006  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: September 20, 2006

**COMPLAINT ISSUES:**

Whether the Monroe County Community School Corporation 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) schedule the Student in a resource room period;
- (b) read tests to the Student;
- (c) allow the student to have extra time on tests;
- (d) provide after school tutoring; and
- (e) provide Wednesday morning tutoring.

**FINDINGS OF FACT:**

1. The Student, 16 years old, is identified as a student with a learning disability, and has been determined eligible for special education and related services.
2. The Complainant specifically alleges that the Student is to be scheduled for a resource period. However, the Student's IEP dated June 3, 2005, and a subsequent revision dated November 8, 2005, indicates that the Student is allowed to go to a resource room to have tests read for the elective classes the Student is taking. The Student's schedule is such that the traditional academic courses are taught in a self-contained setting, while elective courses are taught in the general education environment.
3. The Complainant specifically alleges that the Student did not have portions of the ISTEP+ examination read to her when it was administered during the fall of 2005. The Student's IEP requires that tests be read to the Student. The ISTEP+ Program Manual states that a student may not have portions of the reading comprehension assessment read to them. With regard to other portions of the ISTEP+ exam, the School provided the following accommodations: small group, extended time, reading of allowable tests, and the use of a calculator.
4. The Complainant could not specify which other classroom tests were not read to the Student. The Student's IEP allows the Student to utilize a resource room to have tests read if the Student is struggling. The School cannot document whether and to what extent the Student has utilized the resource room to have tests read to the Student.
5. The Student's IEP allows the Student to have extra time taking tests. The Complainant could not specify the test(s) or the classes in which the Student is not receiving extra time to take tests. According to the Teacher of Record, special education students in self-contained classrooms

automatically receive all the time necessary to complete tests and quizzes. The Student's general education teachers state that extra time has been provided, but no documentation is provided to indicate whether and to what extent time taking tests has been modified.

6. Neither the Student's IEP dated June 3, 2005, nor the subsequent revision dated November 8, 2005, indicate that the Student is to receive before or after school tutoring. The Teacher of Record set up a special education ISTEP+ remediation class period for the third trimester of the 2005-2006 school year that the Student attends. Additionally, the School has a voluntary, school-wide tutoring program. Students may receive academic help on Wednesday mornings before school, and ISTEP+ remediation after school on Mondays and Thursdays. Both parties acknowledged that the Student has not been taking advantage of these opportunities to the fullest extent possible.

## **CONCLUSION:**

Findings of Fact #2 through #6 address whether the Student's IEP has been implemented as written, specifically:

- (a) Finding of Fact #2 indicates that the Student's IEP does not require that the Student be scheduled in a resource period, but is allowed to go to a resource room for extra help;
- (b) Finding of Fact #3 indicates that the Student did have allowable portions of the ISTEP+ exam read. Additionally, Finding of Fact #4 indicates that the School cannot document whether and to what extent the Student utilized the resource room to have other tests read to the Student;
- (c) Finding of Fact #5 indicates that the School cannot document whether and to what extent the Student was allowed to have extra time taking tests;
- (d) Finding of Fact #6 indicates that neither the Student's IEP dated June 3, 2005, nor the revision dated November 8, 2005, require after school tutoring; and
- (e) Finding of Fact #6 also indicates that the Student's IEP does not require Wednesday morning tutoring.

Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to the School not implementing the Student's IEP with regard to having classroom tests read to the Student and for the provision of extra time taking tests if needed.

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

## **CORRECTIVE ACTION:**

The Monroe County Community School Corporation shall:

Convene a meeting including, but not limited to, the Student's Teacher of Record, the School's Case Conference Coordinator, the Director of Special Education, and any other relevant school personnel working with the Student in order to determine how to document that the Student's IEP is being implemented as written with respect to the provision of the Student's accommodations. Copies of the meeting's agenda, notes and handouts, and an attendance sheet shall be submitted to the Division no later than September 8, 2006. In addition, the School shall also submit to the Division no later than September 8, 2006, documentation indicating that the Student's accommodations have been implemented for at least three instructional days.