

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-150-2007
COMPLAINT INVESTIGATOR: Alexandra Curlin
DATE OF COMPLAINT: November 27, 2006
DATE OF REPORT: December 22, 2006
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: February 2, 2007

COMPLAINT ISSUES:

Whether the Carmel Clay Schools and the Hamilton-Boone-Madison Special Services Cooperative violated:

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

- (a) by failing to convene a case conference committee meeting after each six (6) week grading period;
- (b) by failing to provide full support for the Student¹ and
- (c) by failing to place the Student in the Teacher of Record's (TOR) classroom during the resource period

511 7-27-2 Cc) by failing to provide adequate notice of the November case conference committee (CCC) meeting.

FINDINGS OF FACT:

1. The Student, eleven years old, has been identified as having an autism spectrum disorder and a communication disorder and is eligible for special education and related services.
2. The Student's IEP that was in effect when the complaint was filed was developed on May 24, 2006 and revised on August 23, 2006.
3. The Parent alleges that the [P calls for the case conference committee (CCC) to convene every six weeks. The notes of the May24 IEP indicate that the Student's placement in basic math and language classes 'will be evaluated after the first six weeks of school, and evaluation will continue on an on-going basis.'
4. On August 23, 2006, the CCC reconvened and adopted an addendum to the IEP. The August addendum indicates that basic math and language arts will be dropped and that the Student will participate in general education math and language arts with modifications.
5. The May 24 calls for, in part, the following accommodations in instruction, homework, and testing: small group testing outside class; read pads aloud in all subjects/tests & quizzes (more for focus and concentration and reducing impulsiveness to put down any answer because of frustration); cues to

¹ The issue was revised to better reflect the concerns of the complainant.

redirect [Student] to stay focused and on task; reduced multiple choice and word banks for quizzes and tests; oral responses allowed to check for knowledge and appropriate grade given when open-ended questions given; teacher may reduce work/homework or differentiate curriculum at their discretion — content not change; (Student) will take all tests in Resource Room; Resource time as needed @ [Student's] request; [Student] will be pulled out for all tests & quizzes — there is NO option.”

6. Additionally, the May 24 IEP calls for the Student to have the support of resource staff in general education classes. The Parent alleges that while the Student is being pulled out of class for tests and quizzes, if the Student has a question, the instructional assistants say that he can do the problem himself and does not need any help.
7. The School acknowledges that instructional assistants (IA) do pull the student out of class for tests and quizzes. The IA reads the question to the Student and makes sure that he understands what is being asked and the proper way to proceed in answering. Once assured of understanding, the IA works with other children with similar accommodations.
8. According to the IEP and the School, the Student likes to have constant reinforcement during every step of his work. When the Student gets to a portion of work that he does not understand immediately, he asks the IA for help. The IA reassures him that he can do the work and does not need help. When finished working with other students, the IA then checks back with the Student to help him again.
9. Neither the Student's May 2006 IEP nor the August 2006 addendum indicate that the Student is to be placed in the TOR's classroom for resource class. The notes in the December 2006 IEP indicate that the Student “works with a different resource teacher other than his teacher of record [and that the] other resource teacher focuses on math and writing goals.”
10. A CCC meeting was to convene on November 17. That meeting was cancelled and the School scheduled a CCC meeting for November 21. The Complainant alleges that she did not receive adequate notice for this meeting and was unable to prepare for it. The following communication was sent to the parent regarding the November CCC meeting:
 - a. 11/7: E-mail from TOR to Parent asking for input for draft EP
 - b. 11/9: E-mail from TOR to Parent informing Parent that Teacher is trying to get dates for a CCC meeting for everyone from the School
 - c. 11/10: E-mail from TOR to Parent asking if November 17 would be a good day for the conference
 - d. 11/10: E-mail from Parent to TOR asking when she would hear back regarding IEP revisions
 - e. 11/13: E-mail from TOR to Parent asking whether she could attend a CCC meeting on November 17
 - f. 11/14: E-mail from TOR to Parent asking if parent received November 13 e-mail (See, “e” above)
 - g. 11/22: E-mail from TOR to Parent asking parent to choose dates after November 29 for a CCC meeting.
11. The notes from a phone conversation between the TOR and the Complainant on November 20 indicate that the Parent was available for a conference on November 21 and November 27 and that the TOR was going to send the CCC notice form home as well as the parent rights if the conference could be arranged for November 21. A conference could be convened and notice was sent home with the Student on November 20.
12. The School convened the CCC on November 21, but the Complainant did not come and the meeting was cancelled. On November 29, the Teacher called the Complainant and the Complainant

acknowledged that she was not receiving e-mails from the Teacher. A new date of December 4, 2006 was set for another CCC meeting.

CONCLUSIONS:

1. With regard to a violation of 511 AC 7-27-7(a):
 - a. Findings of Fact #3 and #4 indicate that the CCC was to re-evaluate the Student's placement in basic math and language after six weeks but in August 2006, the CCC decided to remove the Student from basic language and math. Therefore, no violation of 511 AC 7-27-7(a) is found;
 - b. Finding of Fact # 7and #8 indicate that the Student is receiving the required assistance in the IEP, therefore no violation of 511 AC 7-27-7 (a) is found; and
 - c. Finding of Fact #9 indicates that the IEP does not require that the Student is in the TOR's class for resource, therefore no violation of 511 AC 7-27-7(a) is found.
2. Findings of Fact #9 through #12 indicate that though a lot of information regarding the scheduling of the CCC meeting was sent to the parent via e-mail, the parent did not receive much of this information. Therefore a violation of 511 IAC 7-27-2(c) is found.

CORRECTIVE ACTION:

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

Carmel Clay School Corporation and Hamilton Boone Madison Special Services Cooperative shall:

Reconvene the Student's conference to clear any misunderstandings about what is required in the Student's IEP and determine the best way to communicate with the Parent. Compliance with this corrective action should be sent to the Division no later than February 1, 2007