

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: CP-172-2007  
COMPLAINT INVESTIGATOR: Brian Simkins  
DATE OF COMPLAINT: January 12, 2007  
DATE OF REPORT: February 9, 2007  
REQUEST FOR RECONSIDERATION: n/a  
DATE OF CLOSURE: March 16, 2007

**COMPLAINT ISSUES:**

Whether the Indiana School for the Deaf and the MSD Washington Township violated:

511 IAC 7-27-4(c) by failing to utilize the case conference committee to develop the Student's individualized education program (IEP), specifically by failing to develop a more challenging level of math instruction.<sup>1</sup>

**FINDINGS OF FACT:**

1. The Student, 12 years old, is identified as a student with a hearing impairment and autism-spectrum disorder, and has been determined eligible for special education and related services.
2. Notes from the Case Conference Report/IEP dated November 16, 2006 state, "The SAT 10 supports [the Student] needing a more challenging level of instruction in Math. Should she be provided enrichment or instruction at a higher level? We want to be sure she is able to apply the concepts she has learned and is not moved to a higher level without being able to apply the skills. The school psychologist will be meeting with the math teacher for follow-up on this issue and determine what will best meet [the Student's] needs."
3. After discussions with the Student's math teacher, the School Psychologist met with the Parent on December 11, 2006, to discuss math instruction. An e-mail exchange between the Parent and the School Psychologist indicates that the Parent wants to have one-on-one instructional assistance provided to the Student during math class rather than be moved up to 7<sup>th</sup> grade math, and the School wants to provide supplemental enrichment work in mathematics.
4. An e-mail exchange between the School Psychologist and the Math Teacher dated December 21-22, and 27, 2006, indicate that the decision was made to provide the Student with more challenging alternative assignments. In an e-mail from the Parent to the Advocate dated January 10, 2007, the Parent indicates that nothing is being done about the Student's math instruction. An e-mail from the Middle School Supervising Teacher to the Parent dated January 11, 2007, asks the Parent to participate in a meeting between the Student's math teacher and teacher of record to further discuss the Student's math instruction.

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<sup>1</sup> During the course of the investigation it was determined that, although the complaint investigation originally included 511 IAC 7-27-7(a), 511 IAC 7-27-4(c) was relevant to the facts herein.

5. In an e-mail exchange between the Parent and school personnel dated January 16-17, 2007, the Parent indicates that the supplemental enrichment assignments are “busy work” and not challenging. In an e-mail to the School Psychologist and the Supervising Teacher dated January 18, 2007, the Parent reiterates her request for a certified math teacher to provide one-on-one math instruction. In an e-mail from the Math Teacher to the Parent dated January 18, 2007, the Math Teacher states that she will speak with the curriculum director to see about obtaining alternate materials for math enrichment. In a follow-up e-mail to the Parent dated January 19, 2007, the Math Teacher states, “You can expect to see some enrichment work coming home any time, depending on the skill. Thanks for your patience.”

## **CONCLUSION:**

Findings of Fact #2 and #3 indicate that, although the case conference notes dated November 16, 2006, are not clear as to what is to be put in place with respect to providing more challenging math instruction to the Student, the School failed to act on putting something in place within a reasonable amount of time. Findings of Fact #4 and #5 indicate that, as of two months following the case conference committee meeting held on November 16, 2006, there still were problems with regard to what is to be done about providing the Student with more challenging math instruction. Therefore, a violation of 511 IAC 7-27-4(c) is found. The case conference committee is the appropriate forum for further consideration of what the Student shall receive, when, by whom, and with what resources. If the case conference committee cannot resolve disagreements about what is appropriate, then such disagreements must be resolved through the due process procedures at 511 IAC 7-30-1 (mediation) or 511 IAC 7-30-3 (due process hearing).

**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 Indiana School for the Deaf and the MSD Washington Township shall:

Convene the Student’s case conference committee to determine what exactly shall be done with respect to the goal of providing the Student with a more challenging level of math instruction. The case conference shall also determine whether and to what extent the Student may need compensatory instruction in mathematics. A copy of the Case Conference Report and revised IEP shall be submitted to the Division no later than **March 16, 2007.**