

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-194-2007
COMPLAINT INVESTIGATOR: Kylee Bassett
DATE OF COMPLAINT: March 19, 2007
DATE OF REPORT: April 17, 2007
REQUEST FOR RECONSIDERATION: n/a
DATE OF CLOSURE: May 17, 2007

Whether the Fort Wayne Community Schools and the Fort Wayne Community Schools violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically by not:

- (a) providing notes;¹
- (b) providing carbonless/copy of notes of general education students for Student's use;
- (c) providing reading instruction daily for 5 to 15 minutes; and
- (d) providing weekly progress reports to the parent regarding the Student's language arts/reading goal and objectives².

FINDINGS OF FACT:

1. The Student is a thirteen-year-old seventh grade student identified with a learning disability, and has been determined eligible for special education and related services.
2. The Student participates in the general education curriculum and maintains A's and B's.
3. According to the Student's IEP dated October 24, 2006, the Student was to be provided notes. This accommodation was denoted with a "√" next to the phrase "provide notes." In addition, the Student was to be provided carbonless/copy of a general education student's notes. This accommodation was denoted with a "√" next to the phrase "Notetaking assistance: carbonless/copy of notes of regular student." There was no further explanation regarding the specifics of this accommodation. The School provided a few examples of math notes and social studies notes that were provided to the Student.
4. The Complainant stated in her letter that the DIBELS reading program was explained to her at the October 24, 2006 CCC meeting, and it was explained that the Student would receive daily reading instruction and the Complainant would be provided with weekly progress reports. The Student's IEP dated October 24, 2006 indicated that the Student had an annual goal to improve reading, which included five reading objectives. The language arts/reading goal/objectives were developed using information from a DIBELS assessment. The DIBELS specialist participated in the October 24, 2006 CCC to assist in developing appropriate goal/objectives for the Student. The School provided a copy of

¹ Upon investigation, the issue was changed to better reflect the allegations.

² Upon investigation, the issue was changed to better reflect the allegations. The allegation regarding the School's failure to follow the language arts/reading goal and objectives is reflected in (c) and (d) regarding the failure to provide the amount of services and providing weekly progress reports.

the Student's DIBELS assessment for October 2006 and March 2007. The assessment indicated that the Student has made progress in the objectives identified in the IEP.

5. The Student's IEP dated October 24, 2006 stated that the Student would "receive fluency training using DIBELS assessment for 15 minutes each day." The School acknowledged that the reading instruction was provided with the exception of the following days: 3 weather delays (February 5, 7, and 17, 2007), 1 personal illness day when TOR was absent, and 3 days when behavioral issues arose during the period that required the TOR's attention. The School acknowledged that 105 instructional minutes were missed.
6. The Student's IEP indicated that the parent would be informed weekly regarding the Student's progress in reading. The School acknowledged that this was not done. The School provided a copy of the Student's DIBELS assessment for October 2006 and March 2007. The assessment indicated that the Student has made progress in the objectives identified in the IEP
7. A CCC was held on March 28, 2007 to address the allegations in this complaint. The School provided a copy of the IEP. With respect to the notetaking accommodations, the IEP stated that "[c]opies of teacher notes will be provided for [the Student] when notaking is required in class . . . [, and the TOR] will be responsible to check that the notes are being provided." The IEP stated that the Student "will receive 10 hours of compensatory reading instruction including fluency training and weekly monitoring using DIBELS assessment." In addition, the Student's reading instruction will be monitored by using DIBELS assessment weekly and progress will be provided to the parent.

CONCLUSIONS:

1. Findings of Fact #3 through #7 address whether the Student's IEP was implemented as written.
 - a. Finding of Fact #3 indicates that the IEP dated October 24, 2006 allows for notetaking accommodations. The School provided minimal documentation on how this accommodation was implemented. However, Finding of Fact #7 indicates that the CCC meeting convened on March 28, 2007 adequately addressed this issue. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no corrective action is necessary.
 - b. Finding of Fact #4 indicates that the Student was to be provided instruction using DIBELS assessment. Finding of Fact #4 indicates the Student was assessed in October 2006 and March 2007, and the Student has made progress with respect to the reading goal and objectives. Therefore, no violation of 511 IAC 7-27-7(a) is found.
 - c. Finding of Fact #5 indicates that the Student was to receive 15 minutes of reading instruction daily. The School acknowledges that the Student missed a total of 105 instructional minutes. Finding of Fact #7 indicates that the School will be providing 10 hours of compensatory services for the missed reading instruction. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no corrective action is necessary.
 - d. Finding of Fact #6 indicates that the Student's parent was to be informed weekly of the Student's progress. The School acknowledges that the parent was not informed weekly. Finding of Fact #7 indicates that the School will be providing weekly assessments of the Student and such assessment will be provided to the parent on a weekly basis. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no corrective action is necessary.

The Department of Education, Division of Exceptional Learners requires no further corrective action based on the Findings of Fact and Conclusions listed above.