

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-220-2007
COMPLAINT INVESTIGATOR:	Paul Ash
DATE OF COMPLAINT:	May 21, 2007
DATE OF REPORT:	June 15, 2007
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	July 13, 2007

COMPLAINT ISSUES:

Whether the Indiana School for the Deaf (ISD) violated:

511 IAC 7-23-1(p) with regard to the sharing of confidential student-specific information to unauthorized individuals.

FINDINGS OF FACT:

1. The student (the "Student") is a 6th grade student with a disability who receives special education and related services at the Indiana School for the Deaf (the "School").
2. The complainant alleges breaches of confidentiality involving two teachers at the Indiana School for the Deaf. The Language Arts teacher is alleged to have told another student, in front of the class, that the "Student" was being evaluated for specific issues and a case conference was being held to determine how to label her. The teacher of Mathematics is alleged to have told the class that the "Student" was moved to another class section because the "Student" was not able to function well enough to do the work and had to be moved down to a lower level class. No specific dates of the alleged breaches are provided by the complainant.
3. The December 2006 report submitted by the School indicates the School interviewed the teacher of the Language Arts shortly ("within a week") after the complainant alleged, on or about December 4, 2006, a breach of confidentiality occurred on or about November 16, 2006. The Language Arts teacher denied the allegations and reported she, "would never do such a thing and confirmed that such actions would be inappropriate."
4. On December 12, 2006, the School followed-up on the interview of the teacher referenced in FOF #3 by interviewing four (4) students who were in the Student's class the day the alleged breach of confidentiality occurred. Documentation submitted by the school suggests the date of the alleged breach was November 16, 2006, as this was the day the student was in the case conference.
5. The interviews with the four (4) students, identified as students A-D, found:
 - Student A- Reported teacher only said Student was in a case conference when asked why student was not in class. When asked if teacher said anything else besides student was at a case conference, student said "No."
 - Student B- This student said students were asking the teacher why the Student was not in class. This student said the teacher signed "CC" meaning "case conference" but did not say why she was at a case conference.

Student C- This student was asked whether the teacher told why the student was not in class. This student said the teacher said only that the Student was in a case conference, did not tell anything else, and continued with the lesson.

Student D- This student reported the teacher did not say anything about the whereabouts of the Student when class began. One student then asked where the Student was and the teacher said she was in a case conference. Student D was asked if the teacher told the class anything else about the student to the class and Student D said "No."

6. Documentation provided by the School indicates the School conducted an interview with the Math teacher on or about March 22, 2007, in response to a complaint to the School filed by the Student's mother. The supervisor asked the Math teacher if she told anyone about the reasons the Student was moved to a different Math 6 class. The teacher said she did not tell anyone about the Student's move. One student asked the teacher why the Student was moved to another Math class and the teacher said the student would have to ask the Student. The interview report notes the teacher emphasized she would never tell anyone the reasons why the Student was moved or anything in regard to students per confidentiality requirements (e.g. FERPA is noted in the interview report).

7. The School provided documentation of interviews with two (2) students who were enrolled in the Student's math class. The interview investigation report is undated, but apparently took place on or about March 22, 2007, in response to the complaint to the school filed by the Student's mother. These students are identified as Student A and Student B.

Student A- Student A was asked if he/she had any recollection of what the teacher may have told the class about the Student moving to another Math class. Student A reported that a few students asked why the Student was not in the class and the teacher told them the Student moved to a different class. Student A said the teacher did not say anything else and resumed teaching the class.

Student B- Student B was asked his/her recollection of what was told the class about the Student moving to a different Math class. Student B said a few students made inquiry of the teacher and the teacher said the Student moved to Mr. X's class. Student B said the teacher did not reveal anything else about the Student's move to a different class. The teacher continued working a math problem on the board after being asked the question by the students. Student B also shared that other students privately discussed possible reasons for the Student's move to another class, but this was done in private without the teacher's knowledge. Student B also reportedly does not know why the Student moved to a different classroom.

CONCLUSIONS:

Finding of Fact #3 indicates the School interviewed the Language Arts teacher to investigate the Complainant's allegation of a breach of confidentiality. Findings of Fact #4 and #5 indicate that four (4) students in the Language Arts class were interviewed with regard to the alleged breach of confidentiality. Finding of Fact #6 indicates the Language Arts teacher was interviewed, and Finding of Fact #7 indicates two (2) students in the Math class were interviewed in regard to the alleged breach of confidentiality. Findings of Fact #3, #4 #, #5, #6 and #7 indicate the teachers and students report that no breach of confidentiality occurred. As the principal parties and witnesses all report no breach of confidentiality, no violation is found.

CORRECTIVE ACTIONS:

As no violation is found, there is no corrective action ordered.