

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-139-2007/2370.07
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: October 16, 2006
DATE OF REPORT: November 14, 2006
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: January 12, 2007

COMPLAINT ISSUES:

Whether the South Henry School Corporation and the New Castle Area Programs for Exceptional Children violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to utilize the student's agenda book and by not implementing a check-out procedure.

FINDINGS OF FACT:

1. The Student, 11 years old, is identified as other health impaired, and has been determined eligible for special education and related services.
2. The Student's IEP dated May 17, 2006, indicates that the Student's assignments and completed work will be monitored by the Student's general education teacher (the "Teacher"). It also indicates that a timeline for completion of major projects or papers will be established, that the parents and the Teacher of Record are to be notified if the Student fails to turn in work, and under "Other Strategies" the IEP states: "check-out system with teacher." The IEP does not specifically address the utilization of an agenda book in the accommodation section.
3. During the 2005-2006 school year the Student utilized a Daily Agenda Book to ensure that homework assignments would come home and be completed. The case conference notes dated May 17, 2006, indicate that the Complainants thought the agenda book was being under-utilized. The notes also record the School Counselor's opinion in agreement with the Complainants. The notes further indicate that notification would be sent home for long-term projects; that the parents will sign the agenda book and send it back to school each day; that the effectiveness of the agenda will be evaluated after the first two weeks of school; and that the check-out procedure at the end of the school day includes the Student's backpack. The procedure is an extra step to ensure the Student is indeed bringing home the required assignments to complete.
4. The School acknowledges that the case conference committee did not specifically discuss and determine who was to sign, record information about assignments, and monitor the accuracy of the agenda book, and how the parents were to be notified of incomplete or missing work.
5. The Student has missed several assignments and served after-school detention on October 11, 2006, for not handing in assignments. The Daily Agenda Book was used by the Student to record assignments and signed by either the Teacher or Teacher of Record 8 out of 13 school days in August

2006; 17 out of 20 days in September 2006; and 6 out of 10 days (up to the last school day before this complaint was filed). The Student is struggling academically and the Complainants allege that it is because the School will not check to make sure the Student is bringing the required school work home each day and notifying them when assignments are not completed. There is no documentation indicating whether and to what extent a "check-out" system was implemented by the School and whether the effectiveness of the use of the agenda was evaluated after the first two weeks of school.

CONCLUSION:

Findings of Fact #2 through #5 indicate that the School has failed to implement the Student's IEP as written, specifically by: failing to consistently utilize the Student's Daily Agenda Book; failing to consistently implement a "check-out" system at the end of the school day; and by failing to evaluate the use of the Daily Agenda Book after the first two weeks of school. Findings of Fact #2 through #4 also indicate that the Student's IEP does not clearly describe what is to be done in order to implement these accommodations. Case conference reports and IEPs have to have sufficient clarity so that both the parent and school personnel know what services a student is to receive, from whom, and with whatever resources are necessary. Therefore, a violation of 511 IAC 7-27-7(a) is found.

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 South Henry School Corporation and the New Castle Area Programs for Exceptional Children shall:

Convene the Student's case conference committee to better determine how the Student, school personnel working with the Student, and the parents will ensure that the Student is improving his organizational skills and completing assignments on time. The revised IEP shall explain in more detail about how the agenda book and the check-out system is to be implemented when, by whom, and with what resources. If the case conference committee decides to do additional things or try new something new, then that must also be clearly reflected in the revised IEP. A copy of the Case Conference Report and revised IEP shall be submitted to the Division no later than December 22, 2006.