

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP -113-2007/2344.07
COMPLAINT INVESTIGATOR: Alexandra Curlin
DATE OF COMPLAINT: July 10, 2006
DATE OF REPORT: August 15, 2006
REQUEST FOR RECONSIDERATION: yes - September 15, 2006 not revised
DATE OF CLOSURE: September 15, 2006

COMPLAINT ISSUES:

Whether the Indiana Department of Education violated:

511 IAC 7-21-9(a) by not providing an electronically accessible version of the Indiana Statewide Testing for Education Progress (ISTEP) test.

An extension of time was granted on August 8, 2006 to August 23, 2006.

FINDINGS OF FACT:

1. The Student is nine years old and has been identified as having an other health impairment and communication disorder and is eligible for special education and related services.
2. The Student has a degenerative disability wherein he has very limited motor strength. Consequently, the Student uses a lot of assistive technology to accomplish scholastic tasks.
3. Part of the assistive technology used by the Student includes a laptop computer, a Mimio device when board work is being done, a name stamp, a foot stool, and scanning software.
4. All of the work the Student has in which he must write, is scanned into his laptop using the scanning software and the work is done by the Student on the laptop. The laptop is equipped with a "light touch" keyboard to accommodate the Student's motor weakness.
5. The case conference committee (CCC) decided that the Student is to participate in statewide testing, specifically the Indiana Statewide Testing for Education Progress (ISTEP) test.
6. The accommodations listed in the IEP for ISTEP during the Math and Language Arts portions are: extended time as needed, multiple sessions as needed, breaks as needed, one-on-one testing as needed, use of the Student's laptop with grammar, spell check and internet turned off, access to scanning and scanning software for an electronic format as the Student uses on a daily basis.
7. There is no electronic version of ISTEP.
8. The 2005-2006 ISTEP Program Manual allows for the use of a word processor and does not prohibit the use of scanning the ISTEP test into the word processor if the Student requires this accommodation. The Manual also allows for the use of extended time, multiple sessions, breaks, one-on-one testing, and computer generated responses.

CONCLUSIONS:

Findings of Fact #7 and #8 indicate that despite the fact there is no electronic version of ISTEP, the Department of Education allows the accommodations necessary for the Student to be able to participate in ISTEP testing. Therefore, no violation of 511 IAC 7-21-9 is found.

DISCUSSION:

Though scanning of the ISTEP is not prohibited by the Department of Education, the ISTEP file created for the use of the test must be destroyed immediately after the testing window in accordance with the protocol required by the Department of Education.

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