

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: CP-292-2008  
COMPLAINT INVESTIGATOR: Bobbie Ritz  
DATE OF COMPLAINT: November 1, 2007  
DATE OF REPORT: January 11, 2008  
REQUEST FOR RECONSIDERATION: No  
DATE OF CLOSURE: March 31, 2008

**COMPLAINT ISSUES:**

Whether the Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically by failing:

- a) to provide picture supports of the classroom schedule;
- b) to provide pictures of classmates;
- c) to provide picture check lists to build responsibility for personal belongings;
- d) to provide a bathroom pass for the Student;
- e) to provide the an assistant for the Student during pull-out therapies;
- f) to utilize tray activities during large group instruction;
- g) to provide the parents work samples in the occupational therapy binder;
- h) to provide visuals/action from "No More Letter of the Week" program;
- i) to contact parents regarding behavioral concerns;
- j) to provide an overview of weekly lesson plans to the parents and the applicable team members;
- k) to provide a duplicate set of all books at home;
- l) to utilize a slant board when needed;
- m) to provide a high speed scanner;
- n) to provide Novell client for the Student to connect to school network;
- o) to provide "label paper", "magnetic paper," "Hi Write materials," and "peel stickers";
- p) to provide Type to Learn New Keys;
- q) to scan into the computer the "Reading is Fun" workbooks;
- r) to provide "I Can Read" workbooks with respect to Book G;
- s) to install "Mighty Math Carnival Countdown"
- t) to provide a disc for "Boardmaker"
- u) to provide Office 2000 & Essential Skills; and
- v) to provide staff members with the necessary training for the utilization of the software/hardware.

511 IAC 7-23-1(p) by failing to obtain parental consent prior to inviting a representative from a teacher organization to participate in the case conference committee meeting in which personally identifiable information at the Student is disclosed.<sup>1</sup>

On November 28, 2007, an extension of time was granted until December 21, 2007, due to the additional issue being added and the extensiveness of the issues. On December 20, 2007, an

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<sup>1</sup> During the course of the investigation, the issue was added.

additional extension of time was granted until January 11, 2008, due to the need for clarification and school personnel being unavailable to interview during winter break.

#### **FINDINGS OF FACT:**

1. The Student, seven years old, is identified as a student with a mild mental disability and a communication disorder, and has been determined eligible for special education and related services.
2. The case conference committee (CCC) convened on August 29, 2007 and developed an IEP for the Student. The implementation dates specified in the IEP are August 29, 2007 through May 27, 2008. The Complainant agreed with the services recommended and gave written permission for the plan to be implemented on September 9, 2007.
3. The Student's IEP dated August 29, 2007, indicated "[the Student] will have the following supports available in the classroom to assist with transitions within the classroom and location transitions: timed warnings, object prompts, picture supports of classroom schedule so she can see what is next. Sign cards for days of the week and months of the year to use with calendar time. Other supports are: verbal re-direction, physical prompts, (light touch, hand offered)."
4. The School provided twelve photographs of picture supports used in the classroom along with a written explanation. The School claims the Student utilizes several visual schedules. One is a picture support of the classroom schedule that hangs from the side of the Student's desk and another is a communication schedule that goes home with the Student at the end of the day. Various school activities include the following: "Today is \_\_\_", "In writing I \_\_\_", "In Math I \_\_\_", "Today I read \_\_\_", "In Language Arts I \_\_\_", "I played with \_\_\_", "My special was \_\_\_", "I worked with \_\_\_", "It is time for \_\_\_", "I am using my \_\_\_ voice", "Free choice", "Questions to ask", "I need \_\_\_", "I am \_\_\_", "The date is \_\_\_", "The month is \_\_\_", "The weather is \_\_\_", "Wash hands", and "Bathroom." The Complainant alleged that this accommodation was not in place for the Student when the complaint was filed, but stated that after the complaint was filed the picture supports were created. The School provided no documentation that this accommodation was implemented as required by the IEP.
5. The Student's IEP dated August 29, 2007, indicated "Pictures of classmates will be provided to [the Student] so that she can identify them by name along with updated information in regard to activities the family can work on at home."
6. In order to implement the accommodation in Finding of Fact #5, the Principal composed a letter (undated) to the parents of the children in the Student's classroom asking permission for their child's picture to be used for the purpose of this Student's IEP. The permission slips were to be returned to the School by November 5, 2007. The School indicated on November 13, 2007 that the pictures of the students with permission granted were currently being added to the Student's communication folder. For those parents who gave permission to have their students' pictures used for the Student's IEP, the General Education Teacher indicated that the accommodation is currently in place. The Principal acknowledged that this accommodation was not in place at the time the complaint was filed. The Complainant acknowledged that this accommodation was made available on or about November 13, 2007.
7. The Student's IEP dated August 29, 2007, indicated "the Student will require assistance with care of personal items, i.e. backpack, lunch box, coat, hat, mittens. Reminders should be given to build responsibility for her personal belongings. Picture checklists shall be made to help her in this area (name labels and a backpack picture for where to hang backpack, same

with coat, picture checklist of things to take home, etc).”

8. The School submitted a photograph of the picture checklist. The checklist includes words and pictures for the following: “hang, coat, mittens, hat, back pack, wagon, chair, desk, check, and calendar.” The School provided no documentation with respect to how and when this accommodation was implemented as required by the IEP. The Complainant alleged that this accommodation was not in place for the Student when the complaint was filed, but acknowledges that this accommodation was made available after the complaint was filed.
9. The Student’s IEP dated August 29, 2007, indicated “This year we will provide a girl bathroom pass to hang in the classroom along with the ones that the other students turn. [The Student] will be taught to get her pass and take it to the Teacher’s Assistant to request to use the bathroom.”
10. The School submitted a photograph of the Student’s individual bathroom pass that hangs along with the bathroom passes for the boys and girls in the class. The School indicated that the original pass was lost (for an undetermined amount of time), but indicated that a new one was made for the Student. The Complainant alleged that Student’s bathroom pass has not been in place when the complaint was filed. However, there was no allegation that the Student was prohibited from using the restroom.
11. The Student’s IEP dated August 29, 2007, indicated “[The Student’s] assistant will accompany her to all pull-out therapies and remain with [the Student] at all times.” The Student’s pull-out therapies include: speech, physical therapy, and occupational therapy.
12. The Student’s Speech Therapist, Physical Therapist, and the Occupational Therapist each indicated the Student’s Teacher Assistant or designated Learning Resource Center (LRC) substitute was present for all therapy sessions with the exception of the October 24, 2007 p.m. Speech therapy session, which the Complainant attended. The School provided limited documentation with respect to the specific attendance of the teacher assistant at therapy sessions. However, all communication logs from therapists, teachers, and the teacher assistant make (limited) reference to who attended the therapy session with the Student. The Complainant alleged there was one therapy session where the assistant did not attend the session, but was unable to provide a date or any other specifics.
13. The Student’s IEP dated August 29, 2007, indicated “Tray activities will be used to support large group instruction, i.e. during storytime, when questions are asked. [The Student] will be offered a choice board of picture/word selections so she can be a participant since she has limited speech. This will enable and encourage [the Student] to participate in answering questions and provide solid visuals to the verbal teaching that is being done during large group instruction. Another example would be for tray manipulatives to be presented after the teacher covers word families, log, hog, dog, etc. to emphasize and provide hands on what is changing. This should be applied to math concepts, etc. Visuals should be provided if needed for instructions on work, i.e. color, cut, paste to remind [the Student] of the order of the task to be completed.”
14. The Special Education Teacher indicated, in a telephone conversation, that there have been limited tray activities. The School provided no documentation with respect to the implementation of this accommodation as required by the IEP.
15. The Student’s IEP dated August 29, 2007, indicated “A three ring binder will be kept with a section for each therapist to record notes for the parents regarding her therapy session. The therapist binder, TA [teacher’s assistant] notebook and teacher notebook will travel with [the

Student] daily. The OT [occupational therapy] and PT [physical therapy] binders will include work samples to share with parents.”

16. The Occupational Therapist provided eight copies of the Student’s written work that the therapist kept aside for reference. The Complainant acknowledged regular notes being received from the Occupational Therapist; however, the Complainant received only two work samples of the Student for the first semester.
17. The Student’s IEP dated August 29, 2007, indicated “Visuals/actions from ‘No More Letter of the Week’ program will be used to provide [the Student] with a sign to use for letter sounds until she is able to say them all. These actions will provide her with a visual sign for the letter sound. This practice should be used in the classroom and therapies.”
18. The Special Education Teacher and General Education Teacher indicated the “No More Letter of the Week” program is not being used with the Student this school year as indicated in the IEP. The Complainant alleged that the “No More Letter of the Week” program was not utilized in the classroom or therapy sessions with the Student the previous school year or this school year.
19. The Student’s IEP dated August 29, 2007 indicated “Parents will be contacted regarding any behavior concerns and an appropriate response will be discussed. Note: Waiting a week to discuss concerns is too long. Please address these daily.”
20. During the Parent-Teacher conference on October 4, 2007, the General Education Teacher discussed the Student’s behavior with the Complainants. The Complainants allege that the Parent-Teacher conference was the first notification of any behavior problems being presented. Due to the limited amount of time, it was noted that this matter would be further discussed at a CCC meeting that the Complainants requested to be scheduled.
21. Communication logs have been kept between the Complainants and therapists, Special Education Teacher and Teacher’s Assistant. All of the communication logs indicate praise and areas of behavioral concern regarding the Student. The physical therapy log is dated from August 14-October 26, 2007. The occupational therapy log is dated from August 14-November 5, 2007. The speech therapy log is dated from August 14-November 5, 2007. The Special Education Teacher log is dated from August 14-November 6, 2007. The Teacher’s Assistant log is dated from August 14-November 7, 2007.
22. The Student’s IEP dated August 29, 2007, indicated “An overview of weekly lesson plans (newsletter, overview of concepts to be taught (phonics/math), themes, highlighted stories) will be sent home in advance and a copy will be provided to the Student’s team (OT, SLP, Personal Assistant, Special Education Teacher, PT). This will enable the material to be covered at home in advance of class and give the therapists a chance to plan their sessions accordingly. Copies/samples of core materials will be included with the weekly lesson plan overview and sent to parents and applicable team members.”
23. The School provided an example of a weekly lesson plan for both math and language arts that was sent to the Complainants for the week of November 19 – 21, 2007. No other documentation was submitted by the School with respect to other lesson plans developed for the Student. The Complainant alleged that this accommodation was not in place for the Student when the complaint was filed, but acknowledged that the School had improved with respect to this issue after the complaint had been filed.
24. The Student’s IEP dated August 29, 2007, indicated “A duplicate set of all school books will be

provided for home use with [the Student]. (Note: The Houghton Mifflin Math Indiana book has already been sent home for summer work.)”

25. The School provided a list of the school books that were sent home for the Student’s use. The list of books included: Science, All Together Social Studies, Small Book Series, Math, and Reading Series 1.1-1.6. The School did not provide documentation with respect to the dates the books were provided to the Complainants for the Student’s home use. The Complainant acknowledged that the math book was in his possession from the previous school year, but all other school books were sent home with the Complainant on October 25, 2007, after a meeting between the Complainant and the Principal.
26. The Student’s IEP dated August 29, 2007, indicated “A slant board will be provided for use when needed in therapies and the classroom. [The Student] tends to tire when writing causing her head to rest on her arm. When she begins to use this position, a slant board may be necessary to continue the activity.”
27. The Lending Library Loan Agreement Form indicated that the slant board was checked out of the Bartholomew Special Services Cooperative (BSSC) Lending Library on August 13, 2007, by Assistive Technology staff and was delivered to the School in the General Education Teacher’s classroom. The General Education Teacher and the Complainant stated that the slant board is available and is located on the Student’s computer table when not in use.
28. The Student’s IEP dated August 29, 2007, indicated “Specific technical support information regarding computer/keyboard/mouse/printer/scanner/software, etc. will include: high speed scanner.”
29. Because the high speed scanner is located at the School’s administration building, the Complainant is concerned that it is not readily available for technical support. Additionally, the Complainant alleged that one of the purposes for the high speed scanner is to copy the general education curriculum materials for the Student’s use and does not feel it is possible if located at a different building. The School acknowledged that the high speed scanner is located at the School’s administration building and has mainly been used to scan the *I Can Read* books to download onto the Student’s computer and can be used for the next book series, *Reading Is Fun*, when the Student meets that skill level.
30. The Student’s IEP dated August 29, 2007, indicated “Specific technical support information regarding computer/keyboard/mouse/printer/scanner/software, etc. will include: Novell client installed (Student will be able to connect to school network).”
31. Usernames and passwords for Novell Client for this Student were provided and are available to use at home through workstation as well. A picture of the installed software was included from the Student’s computer. The Assistive Technology staff indicated Novell is available to the Student and the family has access at home as well. The Complainant acknowledged that the School has been in compliance.
32. The Student’s IEP dated August 29, 2007, indicated “Specific technical support information regarding computer/keyboard/mouse/printer/scanner/software, etc. will include: Label paper, Magnetic Paper, Hi Write materials, Peel Stickers (upper and lower case).”
33. The Occupational Therapist included examples of the Student’s handwriting utilizing the Hi-Write materials in the upper and lower case. No other documentation was provided with respect to the Student’s use of “label paper,” “magnetic paper,” “Hi-Write materials,” and “peel stickers.” The Complainant alleged that he has not received any of the Student’s work at

home, indicating that these accommodations are being used.

34. The Student's IEP dated August 29, 2007, indicated "Specific technical support information regarding computer/keyboard/mouse/printer/scanner/software, etc. will include: Type to Learn New Keys." In addition the Student's IEP dated August 29, 2007, included Type to Learn New Keys Jr. under the same category.
35. The School acknowledged that the Type to Learn New Keys is not loaded on the Student's computer. Although the School has available both programs, only the Type to Learn New Keys Jr. program is installed on the Student's computer due to her skill level.
36. The Student's IEP dated August 29, 2007, indicated "Specific technical support information regarding computer/keyboard/mouse/printer/scanner/software, etc. will include: *Reading is Fun* (workbooks)."
37. The Complainant alleges the workbook pages have not been scanned into the computer. According to the School, the pages do not need to be scanned because they are available through the workbook, which consists of activities which include: cutting, pasting, and circling that cannot be completed via a computer.
38. The Student's IEP dated August 29, 2007, indicated "Specific technical support information regarding computer/keyboard/mouse/printer/scanner/software, etc. will include: *I Can Read* (workbooks)."
39. The Complainant alleges that Book G is blank and editing is needed for the other books for reading/picture errors. According to the School, the workbook pages are supplemental to the reading series and are available without scanning.
40. The Student's IEP dated August 29, 2007, indicated "Specific technical support information regarding computer/keyboard/mouse/printer/scanner/software, etc. will include: *Mighty Math Carnival Countdown*."
41. The Assistive Technology staff acknowledged that she had misplaced the *Mighty Math Carnival Countdown* but it was later located and installed on the Student's computer. The School indicated that the program was loaded onto the Student's computer on October 25, 2007. The School also provided the printed desktop screen indicating the program was installed on the Student's computer. The Complainant acknowledged that it was installed on October 25, 2007.
42. The Complainant alleges there is no disc available to use the Boardmaker program. The Student's IEP dated August 29, 2007, did not include the Boardmaker program. The Assistive Technology staff indicated the Boardmaker program is used to make the picture checklists for the Student. Although the Boardmaker program was not included in the Student's IEP, the Special Education Teacher had this program and shared it with the Student. The Complainant acknowledged that it was available on October 28, 2007.
43. The Student's IEP dated August 29, 2007, indicated "Specific technical support information regarding computer/keyboard/mouse/printer/scanner/software, etc. will include: Office 2000 (home or school use) and Essential Skills (Super Phonics and Phonemic Awareness) (available only when connected to school network)."
44. The School indicated that Microsoft Office/Word 2003 was installed on the Student's computer which is actually a newer version of the Office 2000 program. The School provided the printed

desktop screen of Microsoft Office/Word 2003 indicating the program was installed on the Student's computer. The Complainant alleged Office 2000 did not work properly and was correctly installed on the Student's computer on November 28, 2007. However, the Complainant acknowledged that Microsoft Office/Word 2003 was available for the Student's use when the complaint was filed. In addition, the Complainant did not allege that Office 2003 prevented the implementation of the Student's IEP. The Assistive Technology staff indicated, per a phone interview, that Essential Skills is an essential phonics skills program called *Phonemic Awareness*. The School also provided the printed desktop screen indicating the program was installed on the Student's computer. The Complainant alleged that the Essential Skills program was not available for the Student at the time the complaint was filed.

45. The Student's IEP dated August 29, 2007, indicated "Staff members (general education and special education) will receive the necessary training in the utilization of the appropriate software/hardware. In addition, the IEP indicated "[Assistive Technology staff] will also provide the necessary training to staff with existing or new software. The School has access to additional training from the Patins staff." The case conference notes, dated August 29, 2007 and attached to the IEP, included that "Mom would also like to be involved in the training of Kurzweil and Pic Writer."
46. According to the School's Assistive Technology staff, staff members (including the following: LRC teacher, one-on-one TA, Special Education Teacher and General Education Teacher) were provided the necessary training for the utilization of the software/hardware. However, no documentation was provided with respect to when the trainings took place. The Student's mother had not been included in trainings as of this date.
47. On December 11, 2007, the Complainants notified the Principal via e-mail that "Effective today [the Student] will be placed in a private school setting. We will continue to receive special education consultation and services from BCSC pursuant to 20 U.S.C. 1412(a)(10). Until such time that a case conference committee can be arranged, please ensure that her therapists (less LRC teacher) are available for pull-out services as specified in her current IEP."
48. In an e-mail dated December 11, 2007, to the Complainants from the Special Education Coordinator, the School issued the following response, "[The Principal] indicated that you have withdrawn [the Student] from [the School] effective today. He also indicated that you were requesting some services to continue for [the Student]. With [the Student] being withdrawn from [the School], we need to schedule a case conference to discuss possible services for [the Student] at a private school. In order to facilitate a case conference, please provide me some dates and times, as well as the name of the private school so that I can invite the appropriate school representative. I realize that there have been differences in the issues you have raised in regard to [the Student's] educational program. The School still believes that a re-evaluation focused on achievement and potential would be very helpful in updating goals, services and accommodations for [the Student]. If you are interested, I am available to sit down and discuss these with you. An alternative available to us is mediation, where we could request a mediator to assist us in trying to find a solution to your issues. Please let me know if you are interested in a meeting or mediation. Since [the Student] is no longer a [School] student you should direct all your communication to me."
49. The Complainant acknowledged that the Student is currently being home schooled per a telephone conversation with the complaint investigator on December 11, 2007.
50. On December 11, 2007, the School requested possible meeting dates and times from the Complainant to convene the CCC to discuss special education services for the Student in the home schooling setting. The Complainant has not provided possible meeting dates and times

to the School and the Student is not receiving special education and related services at this time.

51. A Case Conference/Annual Case Review Notification Letter dated November 12, 2007, indicated an Indiana State Teacher Association (ISTA) Uniserve Director was invited to the CCC meeting scheduled on November 20, 2007. The Director of Special Education notified the School staff and the Columbus Education Association (CEA) president by e-mail dated November 20, 2007, that a CEA representative could not attend the case conference. The ISTA Uniserve Director did not attend the scheduled CCC meeting.

## **CONCLUSIONS:**

1. Findings of Fact #2 through #46 address whether the Student's IEP was implemented as written.
  - a. Findings of Fact #3 and #4 reflect that picture supports were created for the Student for use in the classroom. The School was unable to provide documentation with respect to when this accommodation was implemented with respect to the Student's IEP initiation date of September 9, 2007 (Finding of Fact #2). Therefore, a violation of 511 IAC 7-27-7(a) is found. However, the School has initiated self-correction and no further corrective action is necessary.
  - b. Findings of Fact #5 and #6 address the Student's accommodation with respect to pictures of classmates. Finding of Fact #6 indicates that the School acknowledged that this accommodation was not in place when the complaint was filed; however, the accommodation was implemented on or about November 13, 2007. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no further corrective action is necessary.
  - c. Findings of Fact #7 and #8 address the Student's accommodation with respect to picture checklists for the Student to build responsibility for personal belongings. Finding of Fact #8 indicates the School failed to provide documentation with respect to when and how this accommodation was implemented. However, the Complainant acknowledged that this accommodation was in place after the complaint was filed. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no further corrective action is necessary.
  - d. Findings of Fact #9 and #10 address the Student's bathroom pass. Documentation from the School indicates that the School provided a bathroom pass for the Student. The School acknowledges that the Student's original pass was lost (for an undetermined time period), but a new pass is in place. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no further corrective action is necessary.
  - e. Findings of Fact #11 and #12 address the Student's assistant accompanying her during pull-out therapies. The School provided limited documentation with respect to the attendance of the assistant at therapies. Therefore, a violation of 511 IAC 7-27-7(a) is not found.
  - f. Findings of Fact #13 and #14 indicate that the School has failed to document the implementation of the use of tray activities for the Student. Therefore, a violation of 511 IAC 7-27-7(a) is found.
  - g. Findings of Fact # 15 and #16 indicate the parents were provided work samples in the OT binder. The IEP does not have a predetermined amount of work samples that are to be provided to the Complainant. Therefore a violation of 511 IAC 7-27-7(a) is not found.
  - h. Findings of Fact #17 and #18 indicate the visuals/action from the "No More Letter of the Week" program have not been provided to the Student as indicated in the IEP. Therefore, a violation of 511 IAC 7-27-7(a) is found.
  - i. Findings of Fact #19, #20, and #21 indicate the Complainants have been contacted regarding behavioral issues with the Student during the Parent-Teacher conference

and in the daily communication logs between the Complainants and the Occupational Therapist, Physical Therapist, SLP, and General Education Teacher. Therefore, a violation of 511 IAC 7-27-7(a) is not found.

- j. Findings of Fact #22 and #23 indicate that the School documented one example of a weekly less plan during the week of November 19 – 21, 2007. The School failed to provide documentation with respect to how this was implemented before the complaint was filed; however, the Complainant acknowledged that the School had improved after the complaint was filed. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no further corrective action is necessary.
- k. Findings of Fact #24 and #25 address the duplicate set of school books for the Student's home use. The School failed to provide documentation indicating that the duplicate set of school books was provided to the Student at the initiation date on the Student's IEP. The School and the Complainant agree that all books were provided to the Student by October 25, 2007. Therefore, a violation of 511 IAC 7-27-7(a) is found, but no further corrective action is necessary.
- l. Findings of Fact #26 and #27 indicate a slant board has been made available for the Student's use and has been utilized when needed. There is confusion between the School and the Complainant as to when this accommodation is to be utilized for the Student. The IEP contained ambiguous language (i.e., "when needed") that resulted in misinterpretations and misunderstandings. Where an ambiguity exists in an IEP, the ambiguity will be construed against the School that is responsible for its development and implementation. Therefore, a violation of 511 IAC 7-27-7(a) is found.
- m. Findings of Fact #28 and #29 address the high speed scanner. Finding of Fact #29 indicates that although the high speed scanner is located at the School's administration building, it is available to school personnel to assist the Student. Therefore, a violation of 511 IAC 7-27-7(a) is not found.
- n. Findings of Fact #30 and #31 reflect that Novell Client has been provided for the Student to connect to the School network. The Complainant acknowledges that this accommodation was in place. Therefore, a violation of 511 IAC 7-27-7(a) is not found.
- o. Findings of Fact #32 and #33 address the Student's accommodation with respect to the label paper, magnetic paper, Hi-Write materials, and peel stickers. Although there are a few examples of the Student's work on Hi-Write materials, the School failed to provide documentation with respect to how and when these accommodations were utilized. Therefore, a violation of 511 IAC 7-27-7(a) is found.
- p. Findings of Fact #34 and #35 address the Type to Learn New Keys program. The programs, Type to Learn New Keys and Type to Learn Jr., were called for in the Student's IEP. However, the School acknowledged that Type to Learn New Keys is not installed on the Student's computer. Therefore, a violation of 511 IAC 7-27-7(a) is found.
- q. Findings of Fact #36 and #37 reflect that the *Reading is Fun* workbooks have not been provided to the Student as indicated in the Student's IEP. Therefore, a violation of 511 IAC 7-27-7(a) is found.
- r. Findings of Fact #38 and #39 reflect that the I Can Read workbooks have not been provided to the Student as indicated in the Student's IEP. Therefore, a violation of 511 IAC 7-27-7(a) is found.
- s. Findings of Fact #40 and #41 reflect that the Mighty Math Carnival Countdown, when located, was installed on the Student's computer on October 25, 2007. Therefore, although a violation of 511 IAC 7-27-7(a) is found, the School has self-corrected and no further corrective action is necessary.
- t. Finding of Fact #42 indicates a disc for the Boardmaker program was not included in the Student's IEP. Therefore, a violation of 511 IAC 7-27-7(a) is not found.
- u. Findings of Fact #43 and #44 reflect that Microsoft Office/Word 2003 was installed on the Student's computer which is an updated version of the Office 2000 program.

Therefore, a violation of 511 IAC 7-27-7(a) is not found. Findings of Fact #43 and #44 reflect that the School failed to provide documentation that the Essential Skills program was available for the Student when the complaint was filed. Therefore, a violation of 511 IAC 7-27-7(a) is found.

- v. Findings of Fact #45 and #46 address the training to staff members for the utilization of the Student's hardware/software. The School failed to provide documentation as to who was trained and what training was provided. Therefore, a violation of 511 IAC 7-27-7(a) is found.

2. Finding of Fact #51 indicates that although the CCC meeting was scheduled with the ISTA Uniserve Director invited to attend, the ISTA Uniserve Director did not attend the scheduled CCC meeting. However, the public agency failed to obtain parental consent prior to inviting a representative from a teacher organization in the CCC meeting. Personally identifiable information was included in the Notice of the CCC meeting that was sent to the Uniserv Director. Therefore, a violation of 511 IAC 7-23-1(p) 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 Bartholomew Consolidated School Corporation and Bartholomew Special Services Cooperative shall:

Provide a written memorandum to all relevant special education personnel regarding compliance with 511 IAC 7-23-1(p). The memorandum shall address that only educators with an educational interest in the child can be invited to and attend a case conference, as well as, be provided confidential information regarding a student. A copy of the memorandum and a list of individuals receiving the memorandum, including signature and title, must be submitted to the Division no later than February 1, 2008.

The CCC must convene in the following situations:

- If parents intend to continue to home school the Student, the CCC shall meet pursuant to 511 IAC 7-19-1; or
- If parents intend to enroll the Student in public school, the CCC shall meet to review and revise the Student's IEP with specific attention to detail as to how, when and to what extent the Student's accommodations are to be implemented and documented.