

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-321-2008
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	January 18, 2008
DATE OF REPORT:	February 15, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	April 17, 2008

**COMPLAINT ISSUES:**

Whether the Spencer-Owen Community Schools and the Forest Hills Special Education Cooperative violated:

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

- (a) provide individual assistance with classroom assignments for 30 minutes a day;
- (b) not penalize the student on assignments involving handwriting; and
- (c) review directions and check for understanding.

**FINDINGS OF FACT:**

1. The Student, nine years old, is identified as a student with a communication disorder, and has been determined eligible for special education and related services.
2. The IEP dated May 8, 2007, and the subsequent revised IEP dated October 23, 2007, indicate that the Student is to receive "support" in the general education classroom for 30 minutes a day. The IEP does not specify what 30 minutes of daily support in the general education classroom consists of. The Complainant met with the Student's teachers and the Principal on December 10, 2007, to discuss the implementation of this special education service. According to the School, the individual classroom assistance provided to the Student is part of the daily classroom assistance that is provided to all students in the classroom by the teacher or teacher assistant. There is no documentation indicating whether and to what extent the Student received 30 minutes of daily support in the general education classroom.
3. The IEP dated October 23, 2007, indicates that the Student is to have no handwriting penalty on written work. The Complainant alleges that, included in assignments brought home on January 11, 2008, was a spelling assignment the Teacher had taken off points for the Student's cursive writing. The School acknowledges that this did happen and was in violation of the Student's IEP.
4. The IEP dated October 23, 2007, identifies "review directions/check for understanding" as a classroom adaptation. Although the Student has an IEP goal to "ask a teacher, aide, or peer for assistance as needed" there is no documentation to indicate whether and to what extent this goal has been addressed by ensuring that the Student understands the classroom work that has been assigned.
5. The case conference committee convened on January 22, 2008, to discuss the issues in this complaint and other matters. The case conference committee agreed that the School needs

to specifically document individual assistance the Student receives in class. The case conference committee also agreed that the School needs to specifically document and monitor whether the Student understands her assignments and understands certain concepts. The case conference committee agreed to the development of a chart to document the number of times a day directions are reviewed and the Student understands assignments. The case conference committee also agreed to the development of weekly progress reports to better monitor the Student's progress in each subject. This documentation was to be developed by January 28, 2008, to be implemented immediately, and school personnel working with the Student are to convene a staffing meeting on February 12, 2008, to review the use of the documentation.

## **CONCLUSION:**

Findings of Fact #2 through #5 address whether the School implemented the Student's IEP as written:

- (a) Finding of Fact #2 indicates that the IEP was not specific with respect to what 30 minutes of daily "support" in the general education classroom consists of, and that the School cannot document whether and to what extent individual assistance had been provided. Finding of Fact #5 indicates that the case conference committee agrees that this IEP requirement needs to be documented to ensure that the Student receives at least 30 minutes of individual assistance in the classroom, in addition to general assistance that is available to all students;
- (b) Finding of Fact #3 indicates that the School acknowledges that it failed to implement the IEP when the Student was penalized for handwriting on a spelling assignment; and
- (c) Finding of Fact #4 indicates that the School cannot document whether and to what extent it reviewed directions and checked to make sure the Student understands classroom assignments. Although the Student has an IEP goal to ask for assistance as a strategy for academic improvement, there is no documentation to indicate progress toward that goal. Finding of Fact #5 indicates that the case conference committee agreed to develop a documentation method for ensuring that this classroom adaptation is implemented, and weekly progress reports will be developed and sent home to better monitor progress.

Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to the School's failure to implement the Student's IEP as written.

**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 Spencer-Owen Community Schools and the Forest Hills Special Education Cooperative shall:

Convene the staffing meeting on or about February 12, 2008, as agreed to by the case conference committee on January 22, 2008, to discuss the implementation of the Student's IEP with respect to the above issues. A copy of the attendance sheet, and any notes or materials shall be submitted to the Division no later than **March 21, 2008**.

Submit copies of the Student's weekly progress reports and charts used to check whether the Student understands classroom assignments for the time period January 28, 2008, to March 14, 2008, to the Division no later than **March 21, 2008**.