

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: CP-323-2008
COMPLAINT INVESTIGATOR: Brenda Alyea
DATE OF COMPLAINT: January 25, 2008
DATE OF REPORT: February 21, 2008
REQUEST FOR RECONSIDERATION: N/A
DATE OF CLOSURE: April 3, 2008

COMPLAINT ISSUES:

Whether the Duneland School Corporation and the Porter County Education Services violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide a two-week notice via e-mail to the parents regarding any planned quiz or test.

FINDINGS OF FACT:

1. The student, 18 years old, is identified as a student with a Learning Disability, and has been determined eligible for special education and related services.
2. On the Accommodations form from the Student's Individualized Education Program dated November 27, 2007, # 5 is delineated as follows:

Advance Test or Quiz Notification
[Student's] parents have requested a 2-week advance notification.
Procedure:

 - A) Each Friday, parent will email CHS instructors for the next 2 week's test-quiz schedule. [TOR] should receive a copy of these emails
 - B) By Tuesday of the next week, teachers should email the schedule back to the [parents].
 - C) If a parent initiated email does not receive a teacher reply in the allotted time, then the parents must contact the [TOR].
3. According to documentation of email correspondence, the teacher failed to notify the parents of an impending "quiz/test". The "quiz/test" occurred on Thursday, January 10, 2008. There was no documentation supplied by the school and special education planning district to indicate that a notification email was sent to the parents.

CONCLUSIONS:

Finding of fact #2 indicates that under the current Individualized Education Program, the parents of the Student are to be notified of impending tests or quizzes two weeks prior to the test/quiz date. Although the delineated procedure indicates that the parent will initiate the query concerning tests, the onus of responsibility to meet the stipulation of notification rests with the school and not with the parent in implementing a student's IEP. The school is responsible for IEP development and implementation. 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 Duneland School Corporation and the Porter County Education Services shall:

Send a written memorandum to teachers involved with the Student's Individualized Education Program outlining the requirement of implementing the Student's Individualized Education Program and iterating the specific requirement of test/quiz notification. A copy of the memorandum and a page containing signatures of required recipients should be sent to the Division no later than March 24, 2008.