

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-346-2008
COMPLAINT INVESTIGATOR:	Bobbie Ritz
DATE OF COMPLAINT:	April 10, 2008
DATE OF REPORT:	May 8, 2008
REQUEST FOR RECONSIDERATION:	N/A
DATE OF CLOSURE:	June 6, 2008

COMPLAINT ISSUES:

Whether the Monroe County Community School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP), specifically by failing to provide the following assistive technology services: Kurzweil 3000 and books on tape.

FINDINGS OF FACT:

1. The Student, 9 years old, is eligible for special education and related services as a student with a learning disability and a communication disorder.
2. The Student's IEP dated August 22, 2007, states in the "Modifications/Accommodations/Supports to Meet Educational Needs" category, a computer will be provided for Kurzweil, a computer read aloud program. The IEP states, "School will move quickly and efficiently to get Kurzweil up and running by training staff, scanning material, and implementing for [the Student]." However, in the case conference committee (CCC) meeting notes dated August 22, 2007, the Principal stated that he is in favor of the direct instruction of the SRA Reading Mastery reading program to be used at the School this school year. The School will explore the use of other schools using Kurzweil.
3. The CCC reconvened on December 11, 2007, to review the Student's IEP. In the case conference notes, it is stated that a computer read aloud program, such as Kurzweil, will be used in the presentation of subject matter.
4. A Parent Contact Log was provided by the School from the Special Education Teacher/TOR which described conversations regarding the use of Kurzweil and Kurzweil training on the following dates: September 4, 2007, October 4, 2007, and October 17, 2007. In the telephone conversation on October 17, 2007, the Special Education Teacher/TOR invited the Complainant to attend the Kurzweil training the School was providing on October 24, 2007, in accordance with 511 IAC 7-21-6(g)(6). The Complainant declined the invitation due to the need to be at her place of employment.
5. The School provided a list of attendees at the Kurzweil Training on October 24, 2007, and the school where each attendee is employed. The Student's Special Education Teacher/TOR was in attendance.

6. The School provided the titles of one book that was scanned in order to use for Kurzweil on March 28, 2008, and another scanned after the complaint was filed on April 17, 2008, for the same purpose.
7. The Complainant alleges there were not any books with accompanying books on tape that were sent home with the Student during the 2007-2008 school year.
8. The Student's IEPs dated August 22, 2007 and December 11, 2007 state in the "Modifications/Accommodations/Supports to Meet Educational Needs" category, that during the presentation of subject matter, "books on tape will be used when available." Although the Student's IEP did not specify that books and books on tape were to be sent home, the School provided a list of sixty-one (61) books and books on tape compiled in the second grade reading series that were sent home with the Student during September, 2007. The School stated the books and books on tape were returned to the School in October, 2007. A list of six (6) additional books and books on tape were used with the Student during her reading time in the Learning Center with the Special Education Teacher/TOR from December 4, 2007-April 17, 2008.

CONCLUSIONS:

1. Findings of Fact #2, #3 and #8 indicate the IEPs dated August 22, 2007 and December 11, 2007, contained ambiguous language regarding the implementation of Kurzweil and books on tape that resulted in misinterpretations and misunderstanding between the Complainant and the School. Where ambiguity exists in an IEP, the ambiguity will be construed against the School that is responsible for its development and implementation. IEPs must have sufficient clarity so that both parents and school personnel understand what services a student is to receive. As a result, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Center for Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Monroe County Community School Corporation shall:

Convene a CCC meeting **no later than May 27, 2008**, to revise the Student's IEP for the 2008-2009 school year with specific attention to the inclusion of clear statements of how the Student's accommodations will be implemented. The School shall submit a copy of the CCC report and agreed upon IEP **no later than June 4, 2008**.