

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1585.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: June 14, 2000
DATE OF REPORT: July 12, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: October 13, 2000

COMPLAINT ISSUES:

Whether the Portage Township Schools and the Porter County Education Interlocal violated:

34 CFR 300.347(a)(7) with regard to the school's alleged failure to include in the student's individualized education program (IEP) a statement of how the student's progress toward annual goals will be measured and how the student's parent will be informed of this progress.

During the course of the investigation, an additional issue was identified, which is:

34 CFR 300.344(a)(2) with regard to the school's alleged failure to include in the case conference committee (CCC) meeting at least one general education teacher.

FINDINGS OF FACT:

1. The student is eighteen years old and will be attending the twelfth grade this fall. The student has been determined eligible for special education due to autism and a communication disorder.
2. The IEP dated April 26, 2000, lists annual goals for the student in the areas of social skills, personal management, and communication. There is an evaluation procedure listed for how the student's progress for each annual goal will be measured. However, there is no statement listed as to how the parent will be informed of the student's progress. In a response from the special education planning district to the Division, it was acknowledged that parents might have questions regarding the form utilized by the school to list the annual goal and benchmarks. In an attempt to remedy the situation, a letter was mailed to parents on October 21, 1999, advising them that the student's teacher of record could provide the parent with quarterly or semester progress reports if requested by the parent. In addition, the school's annual goal form has been revised to include the following statements: "Progress on these benchmarks and annual goal will be monitored on an on-going basis. An updated copy of this benchmark page will be provided at the time of the report card." According to the director's written response to the Division, administrative staff have been advised of the policy change, and in-service training has been scheduled for teaching staff this fall.
3. In regards to the least restrictive environment, the IEP states the student will participate in general education for most of the instructional day, with special education instruction or related services provided in a resource room for part of the day. CCC meetings were convened on April 25 and 26, 2000, to develop the student's current IEP. According to the Multi-disciplinary Case Conference Report for these dates, a general education teacher did not attend the CCC meeting that was convened on April 26, 2000.

CONCLUSIONS:

1. Finding of Fact #2 indicates the school did not include in the student's IEP how the student's parent will be informed of progress made towards annual goals. Therefore, a violation of 34 CFR 300.347(a)(7) is found. In addition, attempts to remedy the situation were not properly addressed by the special education planning district. The method and frequency of how the parent will be informed of a student's progress towards annual goals is a CCC decision, and not one that can be made in advance by the school by adding the two statements referred in Finding of Fact #2 regarding the annual goal and benchmarks IEP form.
2. Finding of Fact #3 reflects the school failed to include in the CCC meeting convened on April 26, 2000, at least one general education teacher. Therefore, a violation of 34 CFR 300.344(a)(2) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Portage Township Schools and the Porter County Education Interlocal shall:

1. In-service all appropriate personnel as to the requirements as specified in 511 IAC 7-27-3(a)(3) and 511 IAC 7-27-6(a)(7)(B). Submit documentation to the Division that the in-service training has been completed no later than September 22, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. Develop a written policy that specifies the CCC will determine how and when parents will be informed of a student's progress towards annual goals. The policy should include that parents will be informed at least as often as parents are informed of their nondisabled students' progress, and the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the twelve month period. Submit a copy of the policy to the Division no later than August 11, 2000.
3. Mail a letter to the parents of all students receiving special education in the school district informing them that the CCC determines how and when parents are informed of a student's progress towards achieving annual goals. The letter should offer the parent the option to convene a CCC meeting to discuss and determine how and when the parent will be informed of the student's progress towards achieving annual goals. The letter should include a statement indicating that if the parent does not wish to convene a CCC meeting to discuss this one issue, that the issue will be addressed at the next regularly scheduled CCC meeting. List in the letter a deadline no less than three weeks from the date the letter is mailed for the parent to respond to the option of convening a CCC meeting. The letter should specify who the parent should contact to schedule a CCC meeting and how this individual can be reached. Submit a copy of the letter to the Division no later than August 11, 2000.
4. Submit a letter of assurance to the Division no later than August 11, 2000, stating that the school corporation will provide a general education teacher at all future CCC meetings, if the student is or may be participating in the general education environment.

DATE REPORT COMPLETED: July 12, 2000