

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1630.00  
**COMPLAINT INVESTIGATOR:** Susan Miner  
**DATE OF COMPLAINT:** October 2, 2000  
**DATE OF REPORT:** October 23, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** November 15, 2000

**COMPLAINT ISSUES:**

Whether the Wabash City Schools and the Wabash-Miami Area Programs violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement an agreed upon individualized education program (IEP) as written, specifically, failing to provide identified accommodations (reading subject content and assignments to the student).

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

511 IAC 7-17-72 (5) and (6) with regard to the school's alleged failure to ensure that the teacher of record informed each teacher of his or her specific responsibilities related to implementing the IEP as well as ensuring that supplementary aids and services, program modifications, and supports for school personnel are provided in accordance with the IEP.

**FINDINGS OF FACT:**

1. The student is 13 years old, in grade seven, and has been determined eligible for special education and related services as a student with a learning disability.
2. The most recent case conference for this student was held, at the request of the parent, on September 25, 2000.
3. Page 1 of the discussion section from the September 25, 2000 case conference report states, in reply to the parent's concern whether material from the social studies text was being read to the student, "[The teacher of record] explained that the work is read aloud in class. [The counselor] stated that the social studies text is read aloud."
4. Page 1 of the discussion section from the September 25, 2000 case conference report also states, "[The program coordinator] stated that the assignments need to be read aloud. [The student] will need to record his assignments in his assignment book."
5. Page 1 of the discussion section from the September 25, 2000 case conference report further indicates, "It was stated that the reading of the text in class will be done by: the teacher, the students in the room, or a high school student helper. It was explained that in the inclusion classes there is an instructional assistant to monitor the student reader. Social studies does have tapes of the text available."

6. Page 2 of the discussion section from the September 25, 2000 case conference indicates, “[The student] will come to the LD room 2-3 mornings per week to use the Wynn System to read the Life Skills material from the previous 4 ½ weeks.”
7. Page CC5 of the September 25, 2000 case conference report indicates the student will have access to the following assistive technology: books on tape, computer, and Wynn Computer System.
8. Page 1 of 2 of the discussion section from the August 22, 2000 case conference report indicates that the student will receive all of his modifications while being disciplined in the In-School Suspension room.
9. Page 1 of 2 of the discussion section from the August 22, 2000 case conference report further indicates that the student will use the computer in “E/R and Language classes” and that science, social studies and rotation classes will be graded on a pass/fail basis.
10. The page listing adaptations and modifications from the March 23, 2000 case conference report indicates that the student will be provided with computer support, will use an assignment notebook, will not receive a penalty for spelling, will be allowed to use manuscript instead of cursive writing, directions will be read or taped, the student will receive extra test time, tests and quizzes will be read, student will be allowed to give oral responses as needed, the student will have a modified grading scale, and expectations for handwriting will be adjusted. The adaptations and modifications listed in this case conference report were carried forward to subsequent case conference reports with additions made as noted on the subsequent case conference reports.
11. The teacher of record indicated that the general education teachers have been provided training regarding the provision of the accommodations agreed upon for the student in their classrooms. This training took place, according to the letter of response, during the team time for the teachers on September 4, 6, 11, and 18, 2000. Additional written follow-up was made by the teacher of record after the case conference held on September 25, 2000.
12. The teacher of record also indicated the student may go to the office to seek assistance in having material read to him if no other assistance is available.
13. The student’s mother indicated that they have copies of the social studies text on tape at home.
14. The letter of response indicates that the student, as of October 17, 2000, had not utilized the additional supports put in place for him.

**CONCLUSIONS:**

1. Findings of Fact #3, #4, #5, #6, #7, #8, #9, #10, #12, and #13 indicate the student receives a wide array of adaptations and modifications. The adaptations and modifications have been reviewed and adjusted periodically. Finding of Fact #14 indicates the student does not always utilize the adaptations and modifications available to him. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #11 indicates that the general education classroom teachers have been provided training on the implementation of the adaptations and modifications for this student on several occasions. Therefore, no violation of 511 IAC 7-17-72(5) and (6) is found.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: October 23, 2000