

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | 1993.03 |
| COMPLAINT INVESTIGATOR: | Susan Reimlinger |
| DATE OF COMPLAINT: | January 24, 2003 |
| DATE OF REPORT: | February 21, 2003 |
| REQUEST FOR RECONSIDERATION: | no |
| DATE OF CLOSURE: | April 1, 2003 |

COMPLAINT ISSUES:

Whether the Richmond Community School Corporation violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written.

FINDINGS OF FACT:

1. The Student is 18 years old and eligible for special education and related services as a student with a moderate mental disability and a communication disorder. The Student receives full time special education services in special education classes at the high school level. The IEP that is currently in effect was developed on May 2, 2002, and amended on December 12, 2002.
2. While the Complainant alleges that the objectives in the IEP are not being implemented, the examples of objectives given in the complaint letter are from need statements under present levels of performance. The May 2, 2002, IEP contains two goals. One goal about reading and math contains eight objectives. School documentation submitted includes progress reports from teachers of service, job site reports, weekly charting about reading and math, and the goal page with progress recorded next to each objective, all of which correspond to the School's grading periods as the IEP indicates is when progress is to be reported.
3. The other IEP goal about communication skills contains three objectives, progress on which is noted on the goal page per each grading period. However, at the bottom of the goal page is a note dated May 2, 2002, indicating "mom requests a note of information recorded weekly on skills [Student] is working on currently." There is no documentation that this request has been implemented.
4. The May 2, 2002, IEP initiation date is August 14, 2002, with speech therapy to occur one time per week. An August 28, 2002, note from the therapist indicates that the Student's weekly sessions would occur on Monday mornings. The Director indicates that "district-wide, speech services began on August 29, 2002". Documentation via a calendar indicates that no therapy occurred on seven Mondays that school was in session - September 9, October 21, October 28, November 11, November 25, December 9, and January 13. Three of those dates are due to therapist illness, student illness, and a school-wide hearing screening. No documentation was provided as to the reasons for omission of the remaining four sessions.
5. An IEP addendum was developed at a CCC meeting on December 12, 2002, at which it was determined that the Student "will use a full place value calculator." A note from the math teacher dated February 6, 2003, indicates that the Student "has full access to full place value calculator...", but there is no

documentation that this full access began immediately after the December 12 CCC meeting, nor whether the Student knows how to, or is making, use of the calculator.

6. The May 2 IEP contains an objective under the reading and math goal that includes "usage of computer, typing daily schedule, reading assignments, learning programs." The Director's written response dated January 31, 2003, indicates that a computer program called "Word Q" to assist with sentence structure and everyday communication was just installed "during the week after winter vacation."

CONCLUSIONS:

1. Findings of Facts #3, 4, 5, and 6 indicate that these components of the IEP - weekly progress of speech, delivery of speech services, use of the calculator, and use of the computer - are not being implemented as written in the IEP. Therefore, a violation of 511 IAC 7-27-7(a) is found.

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

CORRECTIVE ACTION:

The Richmond Community School Corporation shall:

1. Send a written reminder to the TOR and the speech-language therapist regarding the IEP component about sending weekly progress notes to the parent. A copy of the written reminder and an assurance statement that the reminder was sent will be submitted to the Division no later than March 7, 2003.
2. Send a written statement to the parent indicating the proposed schedule for delivery of compensatory services for four missed speech-language therapy sessions. A copy of the written statement will be submitted to the Division no later than March 7, 2003. Documentation that the compensatory services were delivered will be submitted to the Division no later than May 23, 2003.
3. Ensure that the IEP is being implemented regarding the plan for use of the calculator and computer by keeping daily records of their use. For two grading periods, the TOR will:
 - 1) gather the daily records, and
 - 2) write an assurance statement describing how the plan for the use of those items was implemented.

Copies of the documents for each of the two time periods must be submitted to the Division no later than April 21, 2003.