

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2099.04
COMPLAINT INVESTIGATOR: Sally Cook
DATE OF COMPLAINT: March 3, 2004
DATE OF REPORT: March 26, 2004
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 20, 2004

COMPLAINT ISSUES:

Whether the Beech Grove City Schools and the RISE Special Services violated:

511 IAC 7-27-6(a)(2) by failing to ensure that the student's individualized education program (IEP) contains a statement of measurable annual goals that describe what the student can be expected to accomplish within a twelve (12) month period, including benchmarks or short term objectives, related to meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum.

FINDINGS OF FACT:

1. The Student is thirteen years old and is eligible for special education and related services due to a learning disability. Since the filing of this Complaint, the Student transferred to a school in a different school corporation that is not within the same special education planning district.
2. The Student's case conference committee (CCC) met on February 6, 2004, to develop, review, and revise the Student's individualized education program (2004 IEP). Full agreement was not reached regarding goals and objectives. The CCC agreed that the teacher of record (TOR) would write "tentative" goals (Draft Goals) based upon the CCC's discussion and would send the Draft Goals home for consideration by the Student's Parents in advance of a reconvened CCC meeting.
3. The Draft Goals were:
The Student "will achieve a 73% or higher in language arts class."
The Student "will achieve a 73% or higher in the math class."
The language arts class and the math class referenced in the goals statements are "adapted" classes that were described in general terms on another page of the IEP. For each of the two annual goals, there were five objectives including, for example, "write a 3 paragraph paper with beginning, middle and ending following the [School's] Writing Process with 75% accuracy."
4. The Student's pre-existing IEP had been developed January 28, 2003 (the 2003 IEP). The goals listed in the 2003 IEP were:
Reading: The Student "will complete reading tasks presented to him with at least 75% accuracy."
Written language: The Student "will attain at least a 70% or higher in this area."
Math: The Student "will attain at least a 70% with all tasks presented to him."
The Statement of Services in the 2003 IEP clarified that the Student was placed in Adapted English and Adapted Math, rather than general education classes in these subject areas. For each of the three

annual goals, there were four objectives listed including, for example, “accurately add, subtract, multiply and divide fractions and mixed numbers 75% of the time.”

5. On February 24, 2004, the Complainants wrote a letter to the TOR expressing their disagreement with the Draft Goals and requesting further comments and revisions by the TOR. The Letter of Complaint was dated the following day. The CCC did not reconvene after February 6, 2004.

CONCLUSION:

1. Findings of Fact #2, #3, and #4 indicate that the 2003 IEP and the 2004 IEP each contain a statement of measurable annual goals that describe what the School believes the Student can be expected to accomplish within a twelve (12) month period, including benchmarks or short term objectives. Findings of Fact #2 and #5 indicate that the 2004 IEP was still in the stage of development as of the date this Complaint was filed. Therefore, no violation of 511 IAC 7-27-6(a)(2) occurred with respect to the goals of the 2003 IEP or the Draft Goals of the 2004 IEP.

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