

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2126.04
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	May 7, 2004
DATE OF REPORT:	June 4, 2004
REQUEST FOR RECONSIDERATION:	yes/withdrawn June 24, 2004/no changes
DATE OF CLOSURE:	August 19, 2004

**COMPLAINT ISSUES:**

Whether Plainfield Community School Corporation and West Central Joint Services violated:

511 IAC 7-25-4(b) by failing to convene the case conference committee (CCC) within 60 instructional days of the date written parental consent is received by certified personnel to conduct an additional evaluation;

511 IAC 7-26-12(c) by failing to provide specialized inservice training in the area of other health impairment (OHI) to professional and paraprofessional staff serving the student; and

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to:

- a. prompt the student to edit written work before it is turned in;
- b. outline charts in different colors on tests;
- c. allow the student to take tests in a quiet area;
- d. provide "LD Excel English" for 45 minutes per day for several days; and
- e. implement the use of assistive technology on written assignments.

**FINDINGS OF FACT:**

1. The Student is fourteen years old and attends the local middle school. The Student is eligible to receive special education as a student with a learning disability.
2. At a November 17, 2003, CCC meeting, a consultant on visual impairments suggested an occupational therapy (OT) evaluation for the Student as a means of providing information the Complainant was seeking. The Complainant consented to the evaluation, completed on November 26, 2003. The Complainant had previously requested a due process hearing. The School gave the results of the OT evaluation to the Complainant prior to the due process hearing on December 11 and 12, 2003, and explained the evaluation results as part of the hearing. A CCC meeting was not convened to discuss the evaluation.
3. The Complainant asserts that specialized inservice training for other health impairment (OHI) was not provided to all staff working with the Student. However, all professional staff members were given a Special Education Information Teacher Packet at the beginning of the 2003-2004 school year, and each teacher signed off as receiving the packet. The Student's teachers signed off as receiving assistance from the TOR to implement the Student's IEP, including training in the areas of ADHD and executive functioning. The Certified Staff Absence Report indicates paraprofessionals' participation in

training on August 28, 2003. Specialized training in OHI is not required, since the Student's primary eligibility category for special education is learning disability.

4. The Complainant reported failure of the School to comply with the Student's IEP in several areas:
  - a. The TOR reported that the Student is prompted to edit written work before it is turned in, as required by the IEP. The School has not shown that this occurred.
  - b. The IEP says that "charts and maps will be outlined in different colors with no same color touching on tests." The School has not shown that this occurred.
  - c. The IEP says that tests will be given to the Student in a quiet area. The School has not shown that this occurred.
  - d. The Complainant asserted that the School failed to provide LD Excel English for 45 minutes per day for several days, as required by the IEP (called language arts inclusion in the IEP). The days mentioned by the Complainant as being missed are September 16, 26, and 29, 2003, and April 19 through 22 and May 4, 2004. While the TOR said that language arts inclusion was done as required, no documentation to this effect was received by the Division.
  - e. Regarding assistive technology, the IEP calls for allowing the use of a Franklin Speller on assignments and tests, except for spelling tests and spelling homework, and allowing written assignments to be done on a word processor, such as the Co Writer or Write Out Loud. Training in the use of assistive technology was provided to the Complainant on March 12, 2003, and the software has been installed at the School for the Student's use. The software is available for the Student to use as she wishes.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that a CCC meeting was not convened to discuss the results of the OT evaluation. Therefore, a violation of 511 IAC 7-25-4(b) has been found.
2. Finding of Fact #3 indicates that specialized inservice training in the area of other health impairment is not required for the Student. Therefore, a violation of 511 IAC 7-26-12(c) has not been found.
3. Finding of Fact #4 indicates that documentation was not received to show compliance with the IEP in the specific areas of concern. Therefore, a violation of 511 IAC 7-27-7(a) has been found.

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

#### **CORRECTIVE ACTION:**

Plainfield Community School Corporation shall:

1. convene the CCC to discuss the results of the OT evaluation completed on November 26, 2003, and to consider what changes, if any, should be made to the Student's IEP as a result of the evaluation. The CCC should clearly define the accommodations, individuals providing them, how they will be provided, and the duration and frequency of accommodations. The CCC will decide whether and to what extent compensatory services are necessary for language arts inclusion services that may have been missed during the 2003-2004 school year. **Send the CCC Report, including information on the OT evaluation, accommodations, and a decision on possible compensatory services, to the Division by September 17, 2004.**

2. send an assurance statement to the Division that all accommodations in students' IEPs will be fully documented and implemented in the future. **Send the assurance statement to the Division by June 18, 2004.**