

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2309.06
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	February 9, 2006
DATE OF REPORT:	March 10, 2006
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	May 26, 2006

COMPLAINT ISSUES:

Whether the Crown Point Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by not providing instruction addressing the Student's identified short-term benchmarks in reading, writing, and mathematics, by failing to utilize charting as a means to evaluate the student's progress, and by failing to modify general education tests.

On February 24, 2006, the Division of Exceptional Learners received a "Request for Mediation" form completed and signed by the Complainant and the School Representative in order to resolve disagreements regarding the provision of special education and related services in accordance with the Student's IEP. On March 1, 2006, the Division received a letter from the Complainant requesting a withdrawal of the scheduled mediation.

FINDINGS OF FACT:

1. The Student, thirteen years old, is a student identified as having multiple disabilities and a mild mental disability, and has been determined eligible for special education and related services.
2. The Complainant has raised allegations that the Student's teacher is not implementing the Student's IEP because the Student has not made adequate progress towards achieving the goals and short-term benchmarks listed in the Student's IEP dated April 7, 2005, (which was revised on September 16, and again on October 18, 2005) and because the Teacher does not have high expectations for the Student.
3. The Student's IEP(s) have specific short-term benchmarks, a few of which the Complainant alleges are not being addressed. With respect to mathematics, the IEP dated October 18, 2005 (similar to the April 7, 2005 IEP in effect for almost half of the first semester), states that:

"[The Student] will compute elapsed time orally throughout her day, on written assignments, and/or during hours while at home."

"[The Student] will solve word problems using different problem solving strategies (such as drawing pictures, graphs.)"

The School's documentation indicates that the Student has completed at least four written assignments with regard to telling time and computing time intervals. The Student received a 100% on all assignments. Documentation also indicates that the Student has completed at least one assignment

wholly devoted to finding solutions to word problems and has completed at least one assignment involving the use of a bar graph and received an 80%.

4. With respect to reading and writing, the Student's IEP states that:

"[The Student] will learn 25 new vocabulary words per grading period and use them in a variety of ways to reinforce comprehension of words."

"[The Student] will use context clues to find the meaning of new words and phrases."

The School's documentation indicates that the Teacher introduced at least 55 vocabulary words. Two nine-week grading periods have been completed. Documentation also indicates that the Student has completed at least one written assignment regarding the use of contextual clues. The Student's assignment was checked for completion and accuracy.

5. Charting appears in the evaluation codes of 11 different benchmarks in the IEP dated April 7, 2005, but the use of charting is not a requirement of the revised benchmarks in the IEP dated October 18, 2005. The School has submitted eight pages of the Teacher's charting. The chart consists of columns and rows indicating the specific benchmark addressed, dates when it was addressed and grades and notes regarding the Student's progress.
6. Modification of some of the Student's general education tests is a "suggested" accommodation in the IEP that is available to the Student for each of the three main annual goals (reading, writing, and mathematics). The Teacher of Record Consultation Log indicates that the Teacher has been consulted on several occasions with regard to modifications. However, the School cannot provide examples of tests that were modified.

CONCLUSION:

Findings of Fact #3 and #4 indicate that the School addressed the Student's short-term benchmarks. The Student may not have achieved the goals and benchmarks in the IEP, but that does not necessarily mean the IEP is not being implemented as written. Therefore, a violation of 511 IAC 7-27-7(a) is not found with respect to short-term benchmarks addressing the Student's vocabulary and mathematics.

Finding of Fact #5 indicates that the Teacher has utilized charting as one evaluation method on several of the Student's benchmarks. Finding of Fact #6 indicates that for each of the Student's annual goals in reading, writing, and mathematics, the Teacher *may* modify general education tests for the Student as a "suggested" accommodation. The School cannot provide documentation with respect to whether and to what extent this has been done. The Student's IEP must have sufficient clarity with respect to the accommodations and modifications provided in the general education setting so that the parent and the School know what the Student is to receive. The Student's IEP leaves it solely to the discretion of the Teacher as to whether tests will be modified without specifying any objective criteria for determining how that decision will be made. Although a violation of 511 IAC 7-27-7(a) is not found with respect to modifying the Student's exams, a violation of 511 IAC 7-27-6 is found as the IEP fails to identify with sufficient clarity whether the Student's tests are to be modified.

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

CORRECTIVE ACTION:

The Crown Point Community School Corporation and the Northwest Indiana Special Education Cooperative shall:

Convene the Student's case conference committee to determine which accommodations and modifications the Student shall be provided in the general education classroom environment and provide sufficient clarity so that both the parent and the school know what is to be provided, when, by whom, and what resources employed. A copy of the Case Conference Report and revised IEP shall be submitted to the Division no later than April 28, 2006.