

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2325.06
COMPLAINT INVESTIGATOR: Joe Bear
DATE OF COMPLAINT: April 12, 2006
DATE OF REPORT: May 9, 2006
REQUEST FOR RECONSIDERATION: yes - not revised/June 12, 2006
DATE OF CLOSURE: June 12, 2006

COMPLAINT ISSUES:

Whether Mill Creek Community School Corporation and Old National Trail Special Services violated:

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

- a) Send assignment e-mails to the parent;
- b) Provide special education and related services in accordance with a student's IEP; and
- c) Provide progress reports to the parent as required.

FINDINGS OF FACT:

1. The Student, 11 years old, has been identified as having an other health impairment (OHI) and has been determined eligible for special education and related services.
2. The Student's IEP dated November 15, 2005, calls for the School to e-mail assignments to the Student's home (but does not state the required frequency), and to provide progress reports regarding the Student's coursework at the end of mid-term and grading periods. Additionally, the Student is to receive the following accommodations: extra time to finish assignments; the use of an organizational binder; the ability to type assignments as necessary; extra time on tests; monitoring of an assignment book; and work sent home with the Student.
3. The School sent e-mails that were exchanged by the Complainant and three teachers from August 30, 2005, through March 29, 2006. The teachers and the Complainant all participated in the e-mail correspondence, but not all teachers participated on a weekly basis. Due to concerns expressed by the Complainant, the School has sent one assignment e-mail from all the teachers for every week since the week of March 13, 2006 (except for the week of April 3, which was spring break). The Complainant acknowledged that she has received these weekly e-mails since that time.
4. The teachers also check and sign an assignment notebook for the Student. The notebook includes homework that he must turn in later in the week. The notebook is also checked at an after-school program in which the Student participates.
5. The Complainant stated a concern about the Student receiving instruction to help him meet his writing goals. Like other students, the Student participates in three all-school writing prompts throughout the year, and these writings are discussed and compared against ISTEP+ scores by a group of teachers. The Student was tested on language usage through NWEA and ISTEP+ testing, and passed the English/language arts portion of the ISTEP+ exam.

6. In addition to the regular curriculum, the Student is assessed weekly on the "Power Standard" of the week. If he does not demonstrate mastery, he receives 30 minutes of remediation daily in math or language arts. The Student has passed the language arts Power Standards that have been used.
7. The School acknowledged that extra time is available to the Student on assignments and tests pursuant to the IEP, but that it has not been needed. He completes his assignments every day, or he has an opportunity to work on them in the after-school program.
8. Teachers at the School conduct "classroom walk-throughs" every day from 9:00-9:30 a.m. This is used as an opportunity to recognize problems that may exist, to observe students up close, and to pinpoint needed remediation.
9. The Complainant signed that she received Mid-Term Cards regarding the Student's progress in his classes for November 16, 2005, and February 14 and March 14, 2006. The Complainant signed Grade Reports regarding the Student's progress on October 19, 2005, and January 4, 2006. The Student's progress was also reviewed at an annual case review meeting on March 30, 2006.

CONCLUSIONS:

Findings of Fact #3 indicates that the teachers have sent a joint assignment e-mail for each week since the week of March 13, 2006. E-mails are supplemented by an assignment notebook that is sent home with the Student. Findings of Fact #5 through #8 indicate that the School has not failed to provide special education and related services in accordance with the IEP, and that instruction and testing are being provided to help the Student meet writing goals. Finding of Fact #9 indicates that the School has sent progress reports to the Complainant as required. Therefore, a violation of 511 IAC 7-27-7(a) is not found.

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