

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | CP-226-2007 |
| COMPLAINT INVESTIGATOR: | Brian Simkins |
| DATE OF COMPLAINT: | May 30, 2007 |
| DATE OF REPORT: | June 29, 2007 |
| REQUEST FOR RECONSIDERATION: | n/a |
| DATE OF CLOSURE: | September 10, 2007 |

COMPLAINT ISSUES:

Whether the Franklin Township Community School Corporation and RISE Special Services violated:

511 IAC 7-25-6 by failing to conduct a re-evaluation of the student every 36 calendar months.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to implement the identified accommodations for homework and assignments.

FINDINGS OF FACT:

1. The Student, 17 years old, is identified as a student with a learning disability, and has been determined eligible for special education and related services.
2. The Student's re-evaluation date was October 7, 2005. Attached to the Case Conference Report and IEP dated February 2, 2005 is a Triennial Re-evaluation Plan. According to this form the case conference committee agreed that the Student did not need to be re-evaluated. The Parent signed the IEP agreeing with the recommendations of the case conference committee.
3. The Student's IEPs dated February 1, 2006, and January 31, 2007 indicate that the Student is to receive the following accommodations: (1) reduced assignments without reducing standards; (2) extended time on assignments as arranged ahead of time between the Student, the Parent, and teachers; and (3) parent contact when falling two days or more behind due to missing or incomplete assignments. The Student's IEP indicates that she has trouble with organizational skills and with completing assignments.
4. Documentation indicates that the Student's teachers knew about the Student's accommodations. On February 5, 2007, the Teacher of Record sent an e-mail to all of the Student's teachers explaining the requirements of the IEP dated January 21, 2007. Statements of explanation from each of the teachers submitted to the Assistant Director of Special Education as part of this investigation further indicate that they all were aware of the required accommodations.
5. The Complainant asserts, because the Student has failing grades, that all of the teachers have not consistently been implementing the required accommodations, particularly since January 31, 2007. There is no documentation indicating whether and to what extent the required accommodations were implemented. However, based on the Teacher of Record's Parent Communication Log, consistent

telephone contact was made or attempted all throughout the 2006-2007 school year in order to update the Parent about missing assignments.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School did not fail to re-evaluate the Student. The case conference committee on February 2, 2005, agreed that no additional information was needed to determine whether the Student continues to be eligible for special education. This was determined before the 36 month re-evaluation date of October 7, 2005. Therefore, a violation of 511 IAC 7-25-6 is not found.
2. Findings of Fact #3 through #5 indicate that the School cannot document whether and to what extent the required accommodations were implemented as written. Finding of Fact #4 shows that the teachers knew what was required with respect to the accommodations. Finding of Fact #5 shows that the Teacher of Record did consistently make telephone contact with the Parent with respect to missing assignments. Therefore, a violation of 511 IAC 7-27-7(a) is found particularly with respect to whether assignments were reduced or extended time on assignments was arranged.

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 Franklin Township Community School Corporation and RISE Special Services shall:

The School shall convene a meeting including the Director of Special Education, the Teacher of Record, and all of the Student's teachers to discuss the required accommodations and determine a simple and efficient way to document the extent to which the accommodations are implemented during the 2007-2008 school year. An attendance sheet, meeting notes, and any other relevant documentation shall be submitted to the Division no later than **September 7, 2007**.