

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	CP-143-2007
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	October 24, 2006
DATE OF REPORT:	November 22, 2006
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	January 12, 2007

COMPLAINT ISSUES:

Whether the East Porter County School Corporation and the Porter County Education Services violated:

511 IAC 7-27-6(a)(2) by failing to state a measurable annual goal and short-term objectives that describe what the student can accomplish within a 12 month period.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide extra time on assignments and tests.

FINDINGS OF FACT:

1. The Student, 16 years old, is identified as other health impaired, and has been determined eligible for special education and related services.
2. The Student's IEP dated January 5, 2006, indicates a goal that states: "Will complete work to turn in to teachers." The criteria for mastery states "70%." The Student is struggling academically and is failing most of his classes largely due to not handing in assignments. The Consultation Log of the Student's Teacher of Record indicates that there have been discussions with the Student about the Student's failing grades and academic difficulties. However, there is no other documentation indicating other attempts to address this goal. The School acknowledges that the goal and the short-term objectives supporting the goal are not sufficiently specific enough to allow school personnel to accurately measure progress.
3. The Student's IEP dated January 5, 2006, indicates that the Student is to receive extra time for tests and assignments by accessing the resource room. The School cannot provide documentation indicating whether and to what extent the Student has utilized the resource room and, if so, whether the Student has received extra time for tests and assignments. The School acknowledges that the Student's IEP needs more specificity regarding the Student's accommodations.
4. The Student's case conference committee convened on November 20, 2006. The Complainant and the School came to an agreement on a revised IEP that specifically addresses the goal of completing assignments. Revised accommodations were also agreed upon.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the Student is failing his classes mostly due to the Student's failure to complete assignments. Other than consultation with the Teacher of Record, the School cannot provide

further documentation indicating other ways the Student's goal has been addressed. Therefore, a violation of 511 IAC 7-27-7(a) is found. Finding of Fact #2 also indicates that the School acknowledges that the goal and short-term objectives supporting the goal are not specific in describing how school personnel can adequately measure progress. Annual goals and short-term objectives should be developed as measurable statements that precisely indicate what the Student is to know and be able to do based on concrete data. Therefore, a violation of 511 IAC 7-27-6(a)(2) is also found.

2. Finding of Fact #3 indicates that the School cannot show whether and to what extent extra time has been provided the Student on tests and assignments. Therefore, a violation of 511 IAC 7-27-7(a) is found. With respect to accommodations, IEPs and case conference reports must have sufficient clarity so that both the parent and school personnel know what services a student is to receive, from whom, and with what resources.

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 East Porter County School Corporation and the Porter County Education Services shall:

Convene a meeting including, but not limited to, the Student's Teacher of Record, Director of Special Education, and any other school personnel working with the Student in order to determine how to document that the Student's IEP is being implemented as written with respect to the provision of the Student's accommodations. Copies of the meeting's agenda, notes, handouts, and an attendance sheet shall be submitted to the Division no later than December 22, 2006. In addition, the School shall also submit to the Division no later than December 22, 2006, documentation indicating the implementation of some of the Student's accommodations (example: sign-in sheet indicating the Student utilized the Resource Room).