

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	CP-276-2008
COMPLAINT INVESTIGATOR:	Sandra Scudder
DATE OF COMPLAINT:	October 10, 2007
DATE OF REPORT:	November 8, 2007
REQUEST FOR RECONSIDERATION:	No
DATE OF CLOSURE:	December 5, 2007

**COMPLAINT ISSUES:**

Whether the Franklin Township Community School Corporation and the RISE 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) provide an instructional assistant for Reading, Language Arts, Social Studies, and Science;
- b) utilize "help cards;"
- c) check planner at the end of each day and ensure assignments and books are in book bag; and
- d) provide e-mails to the parent regarding homework assignments.

**FINDINGS OF FACT:**

1. The Student, 12 years old, is identified as a student with an emotional disability, and has been determined eligible for special education and related services.
2. The IEP dated May 8, 2007, under Supports and Accommodations, states that instructional assistants will be with the Student for support in reading, language arts, social studies, and science classes. The IEP also states, under Accommodations, "Instructional assistant to go into Reading, LA, social studies, and science classroom for educational support."
3. The School submitted a schedule of the Student's instructional day for the 2007-2008 school year and instructional assistants assigned to be with the Student for reading, language arts, social studies, and science classes. The Student's classroom teachers for reading, language arts and science each submitted documentation, dated October 25, 2007, indicating that the Student did not have extra support in the classroom until the fourth week of school. The Student's schedule was changed at that time, and there has been an instructional assistant/teacher with the Student on a daily basis. Documentation, dated October 25, 2007, from the Student's classroom teacher for social studies indicated that the Student has had assistance in the classroom since the first week of school.
4. The IEP dated May 8, 2007, under Accommodations, establishes that "use of mad or 'help' cards for [Student] to use when [sic] frustrated with classroom expectations."
5. In the letter of response dated October 18, 2007, the School stated that the teacher of record (TOR) reported that the Student asks for help with or without the assistance of the "help" cards, and the instructional assistant, special education teacher, and/or general education teacher respond to the Student's requests. No written documentation has been maintained regarding the

use of the “help” cards; however, the TOR is creating a system to document the utilization of this accommodation.

6. The IEP dated May 8, 2007, includes a goal sheet for instructional skills which states “...said planner will be checked by instructional assistant or teacher at the end of the day for verification of correct information. Assistant will also check to make sure assignments and books are in planner and book bag on a daily basis.” This accommodation is also listed in the May 2007 IEP under Accommodations.

The dates of interactions between the Student and the teacher/instructional assistant to check that assignments were listed in the Student’s planner are September 24 through September 27, October 1 through October 4, and October 8 through October 12, 2007. There was no documentation for August 14 through September 21, September 28, October 5, or October 15 through October 17, 2007.

7. Documentation dated October 25, 2007, from the Science classroom teacher stated that science class is the Student’s last class during the school day. The instructional assistant checks the Student’s planner to ensure that all assignments are listed. If the Student has not completed the planner, the instructional assistant enters the missing assignments into the planner. The TOR/instructional assistants receive a copy of the daily assignment sheet for the Student, and are aware of the work that is to be written down in the planner. The Student’s planner listed daily assignments for August 15, through October 17, 2007. Omitted was August 14 - first day of school, September 3 – Labor Day, and October 18 and 19 – Fall Recess.
8. The May 2007 IEP, under Accommodations, states “email [Complainant] homework assignments on a daily basis.” The IEP does not state who will be responsible for sending the e-mails to the Complainant.
9. The Complainant alleged that the e-mails and the Student’s planner did not always list the same assignments resulting in confusion. Comparison of dates of assignments listed in the Student’s planner with dates of meetings with instructional assistants for verification of assignments, and dates of e-mails indicate that the instructional assistant did not meet each instructional day with the Student to check for accuracy with assignments, nor were e-mails listing the Student’s assignments forwarded to the Complainant each instructional day.

- E-mails sent to the Complainant listing the Student’s assignments were dated September 11 through September 13, September 17 through September 21, September 24 through September 28, October 1 through October 3, October 5, and October 8 through October 11, 2007. There was no documentation that e-mails were sent to the Complainant for August 14 through September 10, September 14, October 4, October 12, or October 15 through October 17, 2007.

10. There were discrepancies between the assignments in the Student’s planner and corresponding e-mails forwarded from the School to the Complainant. For instance:

-An assignment page in the planner dated September 12, 2007, lists the spelling assignment as page 31, 1-16; however, the e-mail dated September 12, 2007, lists the spelling assignment as page 32, 1-16; and

-An assignment page in the planner dated September 25, 2007, stated that the Student had no homework for reading; however, the e-mail dated September 25, 2007, listed homework for reading as a test on Thursday, study story map, and vocabulary.

## **CONCLUSIONS:**

1. Finding of Fact #2 establishes the IEP dated May 8, 2007, includes an accommodation stating instructional assistants will be with the Student in reading, language arts, social studies, and science classes for educational support. The Complainant reported in the letter of Complaint dated October 9, 2007, that instructional assistants were not in class with the Student to offer educational support. Finding of Fact # 3 documents that the Student's classroom teachers submitted data indicating that in three of the four classes (reading, language arts, and science), the extra support did not begin until the fourth week of school when the Student's schedule was adjusted to allow this accommodation to occur. Therefore, a violation of 522 IAC 7-27-7(a) is found. However, the Student has received daily assistance from the instructional assistants since the Student's schedule was self-corrected with schedule adjustment; therefore no corrective action will be assigned.
2. Findings of Fact #4 and #5 indicate that the Student requests assistance from adults for help in the classroom with or without the "help" cards. No written documentation had been maintained to support how often the Student used the "help" cards, nor for what purposes. The TOR is creating a system to document the use of this accommodation in the classroom. Therefore, a violation of 511 IAC 7-27-7(a) is found. However, the School has initiated self-correction.
3. Findings of Fact #6 and #7 establish that the instructional assistant assigned to the Student's science class, which is the Student's last class of the school day, checked the Student's planner for daily assignments. If the Student did not have assignments written in the planner, the instructional assistant entered the assignments into the Student's planner. The data submitted by the School documents that the instructional assistant met with the Student on 13 of 45 instructional days. Therefore, a violation of 511 IAC 7-27-7(a) is found.
4. Findings of Fact #8 and #9 indicate that the Student's IEP states that the Student's homework assignments will be e-mailed to the Complainant on a daily basis, but the CCC did not determine who would provide the Complainant with e-mails listing the Student's assignments. Submitted copies of e-mails listing the Student's assignments were e-mailed to the Complainant on 21 of 45 instructional days. Finding of Fact #10 indicates some discrepancies did exist between the assignments listed in the Student's planner and the assignments listed in the e-mails sent home to the Complainant. Therefore, a violation of 511 IAC 7-27-7(a) is found.

**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 the RISE Special Services **shall convene a CCC meeting November 21, 2007** to clarify who will be assigned the responsibility for each of the following accommodations:

- Person responsible for assuring that assignments are in the Student's planner at the end of each instructional day;
- Person responsible for assuring that e-mails will be sent to the Complainant at the end of each instructional day, and that the e-mails correspond to the assignments in the Student's planner; and
- Determine how the Student's utilization of the "help" cards will be analyzed, and who will be responsible for tracking this accommodation. The School has indicated that accommodation was to be discussed at the CCC meeting on October 25, 2007. However, a person must be assigned with the responsibility of assuring that the process occurs.

The School shall submit a copy of the Accommodation page (page 5a) from the IEP including the titles of persons assigned to fulfill the requirements of the May 8, 2007, IEP, specifically, the accommodations. The School shall submit this documentation to the Division **no later than November 28, 2007.**