

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1604.00  
**COMPLAINT INVESTIGATOR:** Jane Taylor-Holmes  
**DATE OF COMPLAINT:** August 3, 2000  
**DATE OF REPORT:** August 30, 2000  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** October 23, 2000

**COMPLAINT ISSUES:**

Whether the Indianapolis Public Schools violated:

511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's *individualized education program* (the "*IEP*") as written, specifically:

- a. failing to send home progress reports;
- b. failing to collect student information on a bi-weekly basis; and
- c. failing to implement annual goal in reading.

511 IAC 7-12-1(k) with regard to the school's alleged failure to ensure the case conference committee identified the student's present level of performance in reviewing the student's *IEP* in November and December of 1999.

During the course of the investigation, an additional issue was identified, which is:

Whether the Indianapolis Public Schools violated:

34 CFR 300.347(a)(7) with regard to the school's failure to include in the student's *IEP* for the 1999-2000 school year a statement indicating how the parent will be regularly notified of the student's progress.

**FINDINGS OF FACT:**

1. The Student is 16 years old and completed the 10<sup>th</sup> grade at the local high school (the "School"). The Student is eligible for special education and related services as a student with a moderate mental handicap ("MoMH").
2. The Student's case conference committee (the "CCC") met for the Student's annual case review (the "ACR") on November 17, 1999, and reconvened on December 2, 1999. Page two of the *IEP* states the Student's present level of performance as "Community Based Instruction." The top of page two has both November 17, 1999, and December 2, 1999 written on it.
3. Each of the goal and objectives pages of the *IEP* includes a section entitled "Present Level of Functioning (Include strengths and challenges)." Each of these sections has been completed and is dated November 17, 1999, and December 2, 1999.
4. Page 1A of the *IEP* includes a section entitled "Parent Input (including any concerns, goals for the

future, student interests, strengths, and preferences, etc.).” Although this section includes a statement that the father would like the Student to learn to read, there are no written goals and objectives in the Student’s *IEP* that address that issue. This section also includes a statement that the father wants data collection sheets sent home bi-weekly, along with *IEP* progress every nine weeks. There are no written goals and objectives in the Student’s *IEP* regarding sending home bi-weekly data collection sheets.

5. Only page three of the five annual goals and objectives pages includes a statement of how the Student’s progress will be determined. It states “employment reports from staff and job evaluation monthly.”
6. Although the local director of special education (the “Director”) reported that progress reports were sent home every nine weeks, per the building procedure, no documentation was provided to indicate that the progress notes were sent to the Complainant every nine weeks.
7. The Student’s *IEP* does not include a statement indicating how the student’s parents will be regularly notified of the student’s progress.
8. The local director of special education (the “Director”) reported that a weekly notebook was sent to the Student’s parents, but there is no duplicate or documentation of this information.
9. The local school corporation conducted an inservice training on August 22, 2000, which addressed the issue of reporting student progress. A copy of a revised *IEP* form was also presented to the inservice training participants. The information presented during the inservice indicates that the participants were informed that progress of special education students must be reported at least as often as the reporting schedule of nondisabled students (each grading period). The revised *IEP* form states “The schedule for reporting the student’s progress toward goals and objectives to parents will be at least as often as the reporting schedule for general education students. There was nothing included in this information indicating that progress may be reported more frequently, as determined by the case conference committee.

#### **CONCLUSIONS:**

- 1.a. Finding of Fact #4 indicates that the parent wanted progress reports sent home every nine weeks; however, there were no goals and objectives written in the *IEP* regarding this issue. Finding of Fact #5 indicates the only mention of progress reports were with regard to monthly employment and job reports. No violation of 511 IAC 7-12-1 occurred with regard to implementing the Student’s *IEP* with respect to providing progress reports to the parent.
- 1.b. Finding of Fact #4 indicates that the parent wanted data collection sheets sent home bi-weekly; however, there were no goals and objectives written in the *IEP* regarding this issue. No violation of 511 7-12-1 occurred with regard to implementing the Student’s *IEP* with respect to collecting student information on a bi-weekly basis.
- 1.c. Finding of Fact #4 indicates that although the parent wanted the Student to learn to read, the *IEP* did not contain any goals and objectives addressing this issue. No violation of 511 IAC 7-12-1 occurred with regard to implementing the Student’s *IEP* with respect to failing to teaching the Student to read.
2. Findings of Fact #2 and #3 indicate that the case conference committee addressed the Student’s present levels of performance when reviewing the Student’s *IEPs* at the November and December 1999 case conference committee meetings. No violation of 511 IAC 7-12-1(k) occurred.

3. Finding of Fact #7 indicates that the Student's *IEP* does not include a schedule for determining student progress or how a parent will be notified of such. A violation of 34 CFR 300.347(a)(7) occurred.

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

**CORRECTIVE ACTION:**

The Indianapolis Public Schools shall:

1. update the information presented at the August 22, 2000 inservice training regarding the requirement to include a statement in the *IEP* indicating how the parent will be regularly notified of student progress. The updated information shall be disseminated to all participants who attended the August 22, 2000 inservice training. A copy of the updated information, and a statement assuring that the case conference will consider each student individually with respect to how parents will be regularly notified of progress, along with a list of all individuals notified by signature and title indicating receipt of the updated/revised information shall be submitted to the Division no later than October 2, 2000.

DATE REPORT COMPLETED: August 30, 2000