

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1627.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: September 28, 2000
DATE OF REPORT: October 26, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: November 16, 2000

COMPLAINT ISSUES:

Whether the New Albany-Floyd County Consolidated School Corporation violated:

511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure that the student's teacher of record:

- (a) monitored the implementation of the student's individualized education program (IEP);
- (b) provided progress reports to the parent;
- (c) made the student's IEP accessible to each of the student's teachers and related service providers; and
- (d) informed each teacher and provider of his/her responsibility for implementing the student's IEP.

511 IAC 7-18-2(a) and 511 IAC 7-17-7 with regard to the school's failure to provide special education and related services at no cost to the parent, specifically requiring the parent to provide envelopes in order to receive copies of the student's progress reports and report cards.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's IEP, specifically, failing to make adequate arrangements for the delivery and receipt of the student's medication as described in the student's IEP.

FINDINGS OF FACT:

1. The student is fifteen years old and attends the tenth grade. He has been determined eligible for special education due to an emotional handicap.
2. The student's teacher of record wrote a response to the director dated October 11, 2000, indicating what monitoring steps she had taken to ensure that the student's IEP was implemented for the 2000-2001 school year. Before the beginning of the school year the teacher of record reports she provided the student's general education teachers with the following information:
 - a. A notification letter to the general education teachers that the student had been assigned to their classroom;
 - b. A list of program modifications from the student's IEP;
 - c. A brief profile of the student, including the student's strengths and weaknesses;
 - d. A summary of preventive techniques to utilize with the student when he is exhibiting a particular type of behavior; and
 - e. A list of general suggestions for working with students identified as having an emotional handicap.

The teacher of record reports in her response to the director that she meets with the student's general education teachers informally on a bi-weekly basis to check on the student's progress and to make suggestions as problems occur. The teacher of record provided three memorandums where she had communicated with the student's general teachers since the beginning of the school year. According to the teacher of record's response, a summary of each case conference committee (CCC) meeting is sent to each of the student's general education teachers, as well as any changes made to program modifications.

3. The IEP dated May 17, 2000, specifies progress reports will be mailed to the parents every two weeks. In the memorandum to the director, the teacher of record advises that progress reports were sent or given to the student or the student's parents on the following dates:
August 31, 2000 (given to parents at a conference)
September 15, 2000 (mailed to parents)
September 22, 2000 (school wide reports were given to the student by each of the student's general education teachers)
October 6, 2000 (mailed to parents)
Progress reports completed for each of the student's classes were provided to the Division for the following dates: August 29, 2000, September 12, 2000, and September 29, 2000.
4. The director provided a written statement signed by each of the student's teachers that indicates each teacher has knowledge of the location of the student's IEP and how to access the IEP when necessary.
5. The parent alleges in her letter of complaint that she has to supply envelopes to the school to have progress reports and report cards mailed to her address. Item #5 on the form SE-8 of the IEP dated May 17, 2000, lists the following information: "Progress reports every two weeks to be mailed to parents in self-addressed stamped envelopes to be provided by parent." There is nothing in the IEP to indicate school personnel advised the parents that they did not need to provide the school with self-addressed stamped envelopes in order to receive the student's progress reports every two weeks. On October 26, 2000, the director stated he did not recall informing the parents that they did not need to provide the school with self-addressed stamped envelopes to receive progress reports more frequently than every six weeks. The duration of the IEP is from May 17, 2000, through May 17, 2001. The parent signed the IEP on May 17, 2000, indicating her approval of the recommendations made by the CCC, and giving consent for the IEP to be implemented.
6. The complainant alleges that at the annual case conference convened in May 2000 it was decided and written in the student's IEP that each week the parent would bring the student's medicine for the next week to the school nurse at 3:00 p.m. The day of the week the parent was to deliver the medication to the school was not mentioned in the complainant's letter. The complainant alleges that the school nurse's work day ends at 2:35 p.m. each day and that no other school personnel are willing to accept the responsibility for receiving the medication each week. Page four of the IEP dated May 17, 2000, lists the following information: "Adderal 30mg (for ADD) 11:30 by health aide." There is no information in the IEP that specifies when the parent will deliver the student's medication to the school or how the school will receive the medication. The director states that the student's medication cannot be administered at school unless the parent signs the Request for Administration of Prescribed Medication form. The director states the school health aide provided the parent with a copy of this form; however, the parent has not returned a signed copy of the form to the school. The director states the issue of the delivery and receipt of the student's medication to the school will be discussed at the next CCC meeting.

CONCLUSIONS:

1. Finding of Fact #2 reflects the school ensured the teacher of record monitored the implementation of the student's IEP. Therefore, no violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.
2. Finding of Fact #3 indicates the school ensured the teacher of record provided to the parents progress reports every two weeks regarding the student's school performance. Therefore, no violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.
3. Finding of Fact #4 reflects the teacher of record made the student's IEP accessible to each of the student's teachers. Therefore, no violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.
4. Finding of Fact #2 indicates the school ensured the student's teacher of record informed each general education teacher of their responsibility for implementing the student's IEP. Therefore, no violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.
5. Finding of Fact #5 reflects the school failed to provide special education and related services at no cost to the parents by requiring the parents to provide to the school self-address stamped envelopes to receive progress reports every two weeks. Therefore, violations of 511 IAC 7-18-2(a) and 511 IAC 7-17-7 are found.
6. Finding of Fact #6 indicates the IEP dated May 17, 2000, does not include information concerning the delivery and receipt of the student's medication at school. Therefore, no violation of 511 IAC 7-27-7(a) is found.

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 New Albany-Floyd County Consolidated School Corporation shall:

1. Send a memorandum to all appropriate school personnel advising them that the CCC determines how frequently parents will be informed of a student's progress made towards annual goals. Include in the memorandum that when the CCC determines progress reports are to be mailed more frequently than at the end of the grading periods, it is the school's responsibility to pay for the mailing of the progress reports in order to provide the student with special education and related services at no cost to the parents. Submit a copy of the memorandum to the Division no later than November 17, 2000, along with a list (by name and title) of individuals who received a copy of the memorandum.
2. Mail a letter to the student's parents advising them that effective November 17, 2000, the school will assume the responsibility for paying the cost of mailing copies of the student's progress reports to the parents every two weeks as specified in the IEP dated May 17, 2000. Submit a copy of the letter written to the parents to the Division no later than November 17, 2000.

DATE REPORT COMPLETED: October 26, 2000

