

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1857.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	January 18, 2002
DATE OF REPORT:	February 15, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 28, 2002

COMPLAINT ISSUES:

Whether the North Daviess Community Schools and the Daviess-Martin Special Education Cooperative violated:

-511 IAC 7-2-7(a) by failing to implement the student's April 24, 2001, individualized education program (IEP) as written, specifically:

- a. failing to provide the student with a daily record of the student's grades; and
- b. failing to utilize the communication notebook to advise the parents of homework assignments.

-511 IAC 7-27-3(a)(3) by failing to include one of the student's general education teachers at the case conference committee (CCC) meeting in November 2001.

FINDINGS OF FACT:

1. The student (Student is 15 years old, is in the 9th grade, and is eligible for special education and related services as a student with a learning disability.
2. The Complainant asserts that the School failed to implement the Student's IEP because it failed to provide the Student with his daily grades. The Student's IEP dated April 24 and May 29, 2001, includes a BIP. One of the interventions in the BIP required the teacher to show the Student his grades at least three times per week and to have the Student sign a form with the grade written on it. The BIP was to be initiated in August 2001. The school acknowledges that this intervention was not implemented consistently.
3. The Complainant asserts that the School failed to utilize a communication notebook informing the Complainant of the Student's homework assignments. The April 24, 2001, IEP includes a classroom accommodation that the Student will fill out an assignment book and be responsible for having the teacher and parents initial it on a daily basis when the homework has been finished and/or turned in. The IEP does not identify a staff person responsible for working with the Student on this accommodation should the Student fail to complete this task. The Complainant reports that the Student did not complete the assignment book as described. The School states that the failure to see that the Student's assignment book was filled out was due to the TOR inconsistently monitoring the IEP.

4. A case conference was convened on November 8, 2001, to review the Student's IEP and the behavior support plan. Although the Student participates in general education classes, no general education teacher attended or participated in the CCC meeting.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School failed to implement the Student's IEP as written as the teacher failed to provide the Student with information on his grades. Therefore, a violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 reflects that the IEP required the Student to complete a daily assignment notebook and obtain teacher and parent initials upon completion. The Student failed to do this, and the TOR failed to monitor the situation. Therefore, a violation of 511 IAC 7-27-7(a) occurred.
3. Finding of Fact #4 establishes that there was not a general education teacher in attendance at the November 8, 2001, CCC meeting. Therefore, a violation of 511 IAC 7-27-3(a)(3) 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 North Daviess Community Schools and the Daviess-Martin Special Education Cooperative shall:

1. send a letter reminding the Student's classroom teachers and the TOR of their responsibility to oversee the Student's completion of the assignment notebook. **A copy of the letter shall be submitted to the Division no later than February 22, 2002.**
2. send a memorandum to all case conference coordinators that a general education teacher needs to present at all case conference if the student is or may be participating in the general education environment. **A copy of the memorandum shall be submitted to the Division no later than February 28, 2001.**

DATE REPORT COMPLETED: February 15, 2002