

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1917.02
COMPLAINT INVESTIGATOR:	Bridget Hand
DATE OF COMPLAINT:	May 16, 2002
DATE OF REPORT:	June 14, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	July 16, 2002

COMPLAINT ISSUES:

Whether the Muncie Community Schools and the Delaware-Blackford Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically:

- a. failing to provide the student with assistance from the resource teacher to make up class work and missing assignments; and
- b. failing to utilize an assignment book to monitor the student's assignments.

FINDINGS OF FACT:

1. The student ("Student") is an eleven-year old, fifth grader, who is eligible for special education and related services as a student identified with a learning disability ("LD").
2. The Student's IEP, dated March 8, 2002, states the Student will be placed in a general education classroom and receive special education and related services provided during the instructional day. The Student was to receive 30 to 40 minutes of resource room services daily. In another section, the IEP states that the Student will receive the following special education services: "1 x per week for 30 – 45 minutes for spelling and supplemental reading instruction. In addition help with make up work." The IEP provides no further description on the make up work assistance to be provided. Although the Complainant asserts that the Student is not receiving assistance finish incomplete assignments, the Complainant could not identify a specific situation in which the school failed to provide assistance.
3. The March 8, 2002, IEP also reflects that the Student will use of daily assignment sheets for incomplete assignments as a special education accommodation. The IEP does not reflect whether it is the Student's or the teacher's responsibility to complete the daily assignment sheet for assignments the Student has not yet completed. Some of the notations on the submitted assignment sheets appear to have been made by an adult and others by the Student. The assignment sheet includes a place for the parent's signature. The school advises the Student was encouraged to make use of these sheets, when the Student did not write the assignments on the sheets the resource teacher attempted to write the assignments for the Student if the Student allowed the resource teacher the opportunity to write on the sheets. The resource teacher is also the Student's teacher of record. The Complainant asserts the assignment sheets were not used properly as the Student's classroom teacher was not consistent in checking them. The IEP does not describe the classroom teacher's role with the assignment sheets, and there is no place on the assignment sheets to indicate the teacher is required to or has checked the sheet.

4. The School reports that every day the Student was present since the March 8, 2002, CCC meeting the resource teacher has worked with the Student to complete missing assignments. Since March 8, 2002, the Student has been absent eight (8) school days, tardy on sixteen (16) school days, and suspended for one (1) school day. The school further advises that they offered the parent the opportunity to have the Student stay after school two afternoons per week to work on assignments with either a tutor or the resource teacher and the Student did not take advantage of this opportunity on a consistent basis and when the Student did stay after school, she refused to work.

CONCLUSIONS:

- 1a. Finding of Fact #2 reflects that the Student was to have daily time in the resource room to work on spelling and reading, as well as to receive assistance in making up assignments the Student had failed to complete. Finding of Fact #4 indicates that school has provided assistance to the Student in making up incomplete assignments and has offered additional opportunities for the Student to receive help with making up her assignments. Therefore, no violation of 511 IAC 7-27-7(a) is found with respect to providing resource room assistance with incomplete assignments.
- 1b. Finding of Fact #3 demonstrates that the Student was to utilize an assignment sheet for incomplete assignments as an accommodation. However, the IEP did not specify who was to be responsible for completing the assignment sheet or whether the teacher was to check the assignment sheet for accuracy or completion. The Student utilized the assignment sheet. Therefore, no violation of 511 IAC 7-27-7(a) is found with respect to the use of an assignment sheet as an accommodation. However, in order to avoid this type of ambiguity in future IEPs, the CCC should provide additional specificity as to the responsibilities of the student, teachers, and parent for implementing the accommodation.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.