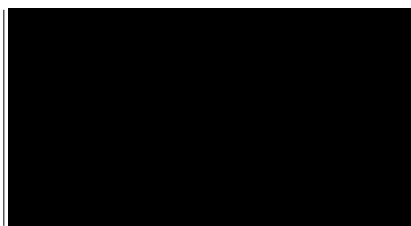
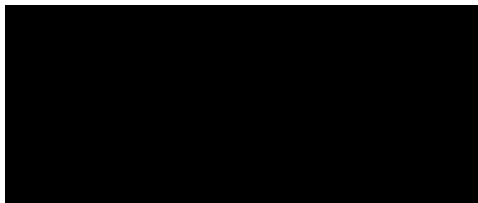




STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



March 6, 2015



Re: [REDACTED]
Complaint No. 15-0312

Dear [REDACTED]

The Bureau of Special Education (BSE) is responding to the complaint filed on January 20, 2015, with this office by [REDACTED] on behalf of [REDACTED] (the parents) and [REDACTED] (the student). The complainant alleged that the district failed to implement the student's individualized education program (IEP) as written.

The inquiry letter framed the complaint issue as follows:

Issue: 34 CFR § 300.323(d)(1)(ii) requires that the student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and that the specific accommodations, modifications, and supports must be provided for the student in accordance with the IEP. In this instance, the accommodations at question are any/all that pertain to the student's accessibility to and use of assistive technology.

Questions:

1. For the 2013-2014 school year, did all service providers (including regular education teachers) have access to the IEP?
2. Is there documentation that exists to confirm such?
3. Were service providers (including regular education teachers) provided any additional information (beyond the IEP) relative to the student's modifications and

accommodations, particularly as those modifications and accommodations pertain to the use of assistive technology? If so, explain. If not, why not?

4. Were those modifications and accommodations implemented as set forth in the IEP? If so, explain and provide evidence. If not, why not?

The following documents were reviewed in the preparation of this report:

- The responses to the letter of inquiry from [REDACTED] and the [REDACTED]
- IEPs dated: February 2, 2013, September 11, 2013, January 4, 2014, and April 9, 2014;
- Assistive Technology (AT) Assessment Report, dated: June 30, 2013; conducted by Nicole Natale of the [REDACTED]
- [REDACTED] Department of Student Support Services Assistive Technology Agreement signed by [REDACTED] the parent and the student;
- [REDACTED] transcript for the 2011-2012, 2012-2013, and 2013-2014 school years;
- Copies of e-mails between [REDACTED] and [REDACTED] between the parent and [REDACTED] [REDACTED] between [REDACTED] and [REDACTED]
- *Snapshot IEP and student profile* (an information sheet used by the [REDACTED] special education case manager to summarize the components of the student's IEP for general education staff members); and
- Ratings of the implementation of the student's IEP modifications and accommodations completed by Reading, English, Science, History, Algebra teachers and a paraprofessional as part of [REDACTED] response to the inquiry letter.

Findings of Fact:

1. [REDACTED] is a 14 year old resident of [REDACTED] which is part of [REDACTED]. During the 2013-2014 school year, as an eighth grader, he attended [REDACTED] [REDACTED], an inter-district magnet school operated by the [REDACTED]. He was placed unilaterally by his parents at the [REDACTED] a private school in [REDACTED] [REDACTED] for the 2014-2015 school year. He has been deemed eligible for special education services under the Individuals with Disabilities Education Improvement Act (IDEA) with the primary disability Specific Learning Disabilities.
2. A Planning and Placement Team meeting was held on February 2, 2013. Among the PPT recommendations included in the IEP developed on that date was: "Assistive Technology Evaluation to be conducted at [REDACTED] expense."
3. An Assistive Technology Assessment was conducted by Nicole Natale of [REDACTED] on April 26, 2013 at the expense of [REDACTED]. The findings of that assessment were published in a report dated June 30, 2013. Among the recommendations included in that report were: "The team should encourage [the student] to make decisions about the AT he feels will be of assistance to him and his learning; it will be beneficial for [the student] to have access to an iPad; access to mobile word processing; and access to word processing with a standard keyboard."
4. The student finished the 2012-2013 school year with the following grades: English: A-; Pre-Algebra: B; Reading: B+; Science: B; World History: B+.

5. A [REDACTED] Department of Student Support Services Assistive Technology Agreement was signed by the [REDACTED] Director of Student Support Services (on August 29, 2013) and the parent and student (on September 1, 2013) for the use of an iPad in school [REDACTED] and at home.
6. A Planning and Placement Team meeting was held on September 9, 2013. Among the PPT recommendations included in the IEP developed on that date was: "Add iPad as additionally needed assistive technology." Included in the meeting summary was: "The school team discussed [REDACTED] use of the iPad in school . . . [REDACTED] will provide training to [the student] and staff. The parent asked for a tutorial on the iPad so she can check [the student's] work. [REDACTED] suggested she participate when [REDACTED] comes to the school for follow-up." Program accommodations and modifications on page 8 of the IEP indicated: "Assistive technology: access to iPad during all classes for the duration of the IEP."
7. [REDACTED] form titled *Snapshot IEP and Student Profile* for (the student), provided to his classroom teachers, included multiple references to the accommodation: "use of iPad."
8. E-mail communication between the [REDACTED] special education teacher and the parent indicated that a follow-up training by [REDACTED] was conducted on November 21, 2013, involving the student and the special education teacher. That e-mail communication further indicated that, on the day of the training, the student had left his iPad at home. That training did not include the parent, nor was she invited to participate. In an e-mail dated February 17, 2015, [REDACTED] described that training in response to a question posed in an e-mail written on that same day by the RSD #10 Director. [REDACTED] wrote: "I knew beforehand that the training would just be with [the student] and his case manager. I was comfortable proceeding with this training, especially since [the case manager] indicated he would disseminate information to important stakeholders . . . after the training . . . I held the training since I was comfortable with this arrangement and felt it would sufficiently serve the student at that time. I would not have held it had I thought it would not be beneficial."
9. A Planning and Placement Team meeting was held on February 4, 2014. Among the PPT recommendations included in the IEP developed on that date was: "Add a wireless keyboard as part of [the student's] assistive technology needs." Included in the meeting summary was: "[The student] does not use the iPad in school . . . [The student] is encouraged to use it and chooses not to . . . [The student] has not wanted to use the iPad when asked by teachers in class." The summary further included: "[The student] does type assignments on the computer on laptops and at home on the computer. There has not been an issue with [the student] turning in assignments . . . [the student] has accomplished volumes of writing in school." The summary also quotes the parent as saying: "[The student] has the ability to be an A student but he tries to do the least amount of work to get by." (Investigator's note: No such sentiment is expressed by school personnel in any of the documentation reviewed as part of this investigation).
10. A Planning and Placement Team (PPT) meeting was held on April 9, 2014. Among the PPT recommendations included in the IEP developed on that date were: "Parent requested [REDACTED] pay for [REDACTED] for [the student] that is not covered by [REDACTED] offer of financial aid. [REDACTED] refused this request as [the student] is able to receive a free, appropriate public education at either [REDACTED] or at a magnet high school of the parents' choice."

11. Ratings of the implementation of the student's IEP modifications and accommodations included the following statements by teachers relative to the student's use of the iPad: "always had access to iPad and frequently used it," "never brought iPad to class," "used his iPad a lot in class as well as to complete homework," and "frequently forgot iPad."
12. The student finished the 2013-2014 school year with the following grades: English: C; Algebra: C; Reading: C+; Science: B-; U.S. History: B.

Conclusion:

CFR § 300.323(d)(1)(ii) requires that the student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and that the specific accommodations, modifications, and supports must be provided for the student in accordance with the IEP. All evidence reviewed indicated that the student's teachers were appropriately made aware of the accommodations included in his IEP. With regard to the accommodation of "access to iPad during all classes for the duration of the IEP," the district met its obligation to make the technology available to the student, thus providing "access." All evidence reviewed indicated that the student inconsistently utilized the technology that was made available to him. Despite that fact, there is no evidence, expressed by either school personnel or the parent, to suggest that the student's performance in school was adversely impacted by his inconsistent utilization of the iPad that was provided for his use. If the evidence had revealed difficulty in the completion of assignments, failure to submit assignments, poor grades, etc., the district would have been expected, through the PPT process to address such matters, but that is not the case in this instance. With regard to the matter of the parent not being included in any training concerning the use of the iPad, the district did not act on the Director's recommendation that she be part of such training. There is no evidence, however, to suggest that the absence of such training has had a detrimental effect on the student's performance in school. The district and the school are found to have complied with the above-referenced regulation; no corrective action is required.

If you have any questions concerning this report, feel free to contact me at [REDACTED]

Sincerely,

[REDACTED]
Bureau of Special Education

cc: [REDACTED]
[REDACTED]
[REDACTED]

Program Review Coordinator