

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2165.05
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	August 26, 2004
DATE OF REPORT:	September 22, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 22, 2004

COMPLAINT ISSUES:

Whether the Cloverdale Community Schools and the Old National Trail Special Education Cooperative violated:

511 IAC 7-27-9(b) by failing to make available to students with disabilities the variety of educational programs and services that are made available to nondisabled students served by the school corporation, including field trips, as well as nonacademic and extracurricular activities including clubs.

511 IAC 7-27-6(a)(3) by failing to include in the individualized education programs (IEPs) of Student A and Student B a statement of the special education and related services and supplementary aids and services to be provided to the students, or on behalf of the students, and a statement of the program modifications or supports for school personnel that will be provided for the students to be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic functions.

FINDINGS OF FACT:

1. The Students (A and B) have been identified as disabled and determined eligible for special education and related services.
2. The School acknowledges that Student A did not attend a 6th grade school field trip to Chicago, Illinois, on April 4, 2004, as a result of the School's failure to notify the Student's teacher. The School further acknowledges that it failed primarily because Student A attended a multi-level (mixed grades) inclusion special education class and failed to include the teacher in a teacher meeting regarding the field trip.
3. Both IEPs for Student A and Student B include a statement of the special education and related services and supplementary aids and services to be provided to the students, including a statement of the program modifications and supports for school personnel. The portion of the IEPs that allows for notes and a description of supplemental aids and services includes the statement "No Supplemental Aids/Services Needed" accompanied by a box that is checked off. Both IEPs contain a section stating, "Participation in Extracurricular and Non-Academic Activities" with the option "Full" checked off.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School failed to include Student A on a 6th grade field trip to Chicago, Illinois, on April 4, 2004. Therefore, a violation of 511 IAC 7-27-9(b) is found.

2. Finding of Fact #3 indicates the IEPs for both Student A and Student B contain the components as required by 511 IAC 7-27-6(a)(3). Therefore, a violation of 511 IAC 7-27-6(a)(3) is not found.

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

CORRECTIVE ACTION:

Cloverdale Community Schools and the Old National Trail Special Education Cooperative shall:

Develop procedures and forms to use for the documentation of notifying special education teachers who teach multi-level inclusion classes about field trips and any other nonacademic or extra-curricular activities. The School shall also document whether such teachers have attended teacher informational meetings regarding these activities. A copy of the procedures and forms, together with a list of all school personnel who receive them, shall be submitted to the Division no later than October 22, 2004.