

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 2220.05
COMPLAINT INVESTIGATOR: Brian Simkins
DATE OF COMPLAINT: February 22, 2005
DATE OF REPORT: March 23, 2005
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 25, 2005

COMPLAINT ISSUES:

Whether the Valparaiso Community Schools and the Porter County Education Interlocal 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 non-disabled students served by the school, specifically field trips.

FINDINGS OF FACT:

1. The Student has been identified as autism spectrum disorder and as having a communication disorder. The Student is eligible for special education and related services.
2. The Student's IEP dated January 22, 2004, and the Student's IEP dated December 16, 2004, indicate an explanation of the extent to which the Student will not participate with non-disabled students in general education classes or settings and in extracurricular and other non-academic activities. This part of both of the Student's IEPs in effect during the 2004-2005 school year states that the Student is exempted from music instruction. The Student has not attended music class during the 2004-2005 school year and is not required to meet state standards related to the fourth grade music curriculum. There is no statement prohibiting the Student's attendance on field trips.
3. The field trip in question was on February 23, 2005, to a performance of a local symphony. The School's policy regarding student field trips states: "Field trips as defined in Board policy must be related to a course of study and therefore are a required part of instruction. If the trip cannot be directly related to a course of study, it should be considered a cocurricular or extracurricular activity." The School's music teacher made a formal request to the local school district via an official application form dated February 3, 2005, and approved by the Principal on February 4, 2005. Attached to the application is a typed page indicating that the field trip is curriculum based, with applicable fourth grade state standards noted. In addition, the music teacher outlined the classroom activities that would precede the field trip and activities, including a test, based on the field trip after it has occurred.
4. The Complainant alleges that because the field trip was funded by the local Parent Teacher Association (P.T.A.) rather than by the local school district, the decision-making process regarding which students are included on field trips is changed. A letter dated February 19, 2005, sent to the local P.T.A. from the School's fourth grade team leader makes a request for funding the field trip with P.T.A. funds. The letter also states that the field trip has been free in the past as well as district-funded in the past. The School's field trip policy does not indicate an explanation of the extent, if any, that the guidelines may be changed due to the funding source of the field trip.

CONCLUSIONS:

Findings of Fact #2 through #4 indicate that the School did not fail make available to the Student the fourth grade field trip to see a performance by a local symphony on February 23, 2005. The field trip was closely related to the fourth grade music curriculum and standards. The Student's case conference committee, as reflected in the Student's relevant IEPs, made the determination that the Student is exempt from attending music class. Although the funding source for this field trip may change from time to time, the reason for the field trip and the local policy for all field trips have not changed. Therefore, a violation of 511 IAC 7-27-9(b) is not found.

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