

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1565.00</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Steve Starbuck</b>
<b>DATE OF COMPLAINT:</b>	<b>May 3, 2000</b>
<b>DATE OF REPORT:</b>	<b>May 23, 2000</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>June 23, 2000</b>

**COMPLAINT ISSUES:**

Whether the Michigan City Area Schools violated:

511 IAC 7-6-4(b)(3) with regard to the school's alleged failure to provide general space and an instructional environment for students in special education programs that are comparable to the general space and instructional environment for general education students in the same building.

**FINDINGS OF FACT:**

1. The complaint was filed on behalf of all special education students who receive educational instruction in the classroom identified as P-118 at the local high school.
2. The complainant alleges this classroom is not comparable to the general space and instructional environment utilized for general education students for two reasons: (1) the wing in which this classroom is housed is used for chorus and band classes, and therefore, is noisy and not conducive to learning; and (2) no non-disabled students receive academic instruction in this area of the school building.
3. The square footage of the classroom is 770 square feet. The classroom is fully carpeted with adequate lighting, ventilation, and storage space. Five special education classes are taught in the classroom each day. Band and chorus classes are only held at the same time during three out of the five class periods. The largest number of students in any given class is eleven. The students who receive instruction in this classroom have been identified as learning disabled. Only six out of all students assigned to this room attend two periods a day in the classroom. The rest of the students receive no more than one class per day in this classroom. The Director states, as in the past, noise levels will be taken into consideration when scheduling classes for the 2000-2001 school year.
4. The classroom has been used for the instruction of special needs students for many years. The Director states it was never the school's intention of using this classroom as a means of segregating special education students from general education students. The teacher currently assigned to this room has been providing instruction in this classroom since the fall of 1995. The classroom teacher provided a written statement to the Division indicating she is able to meet the goals and objections of all students who receive instruction in the classroom, and that she does not find the classroom detrimental for providing educational instruction. The assistant principal reports in a written statement that he has observed the classroom setting on several occasions during the

school year and has never found the noise level distracting to the students. The Director states she could assign the students to another classroom in the building; however, another classroom would be smaller and not as conducive to individualized instruction.

5. The Director states she observed the classroom at various times during the day and did not find the noise level to be distracting to the students. The Director also surveyed several of the students to determine if noise from the band or the chorus was disruptive. The majority of the students said the occasional noise did not bother them in the least. The Director states the consensus among the students she interviewed was that the occasional noise was not a concern for the students. The Director, the principal, the assistant principal, the department chair, the teacher, and the students all believe that the classroom in question is appropriate to meet the needs of the special education students assigned to this room.

**CONCLUSION:**

Findings of Fact #3 through #5 reflect that the special education classroom is comparable to the general space and instructional environment for general education students in the same building. Therefore, no violation of 511 IAC 7-6-4(b)(3) is found.

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