

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 15-68

PROCEDURAL HISTORY

On November 4, 2015, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the Kent School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student's education.

On November 4, 2015, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District Superintendent on the same day. The District was asked to respond to the allegations made in the complaint.

On November 24, 2015, OSPI received the District's response to the complaint and forwarded it to the Parent on November 25, 2015. The Parent was invited to reply with any information she had that was inconsistent with the District's information.

On December 7, 2015, OSPI received the Parent's reply. The information was forwarded to the District on the same day.

On December 16, 2015, OSPI complaint investigators conducted a site visit and interviewed District personnel.

OSPI considered all of the information provided by the Parent and the District as part of its investigation. It also considered the information received and observations made by the complaint investigators during the site visit and interviews.

OVERVIEW

During the 2015-2016 school year, the Student attended a District middle school and was eligible for special education services under the category of other health impaired. The Student had an individualized education program (IEP) that provided for 60 minutes per day of specially designed instruction in math in a special education setting (30 minutes per day of instruction in math calculation, and 30 minutes per day of instruction in math problem solving). However, when the Student transitioned to a District middle school, he was scheduled to attend two math class periods per day in the general education setting, based on the middle school's service delivery model. During the two general education math classes, the Student was to receive both specially designed instruction and "core" math instruction provided by the general education teacher. The Parent alleged that the District failed to provide the Student with specially designed instruction, and that, as a result of the District's special education service delivery model, the Student was unable to participate in elective courses. The District denied the allegation.

SCOPE OF INVESTIGATION

The investigation was limited to a review of whether the allegations made in the complaint demonstrate a violation of Part B of the IDEA, its implementing federal regulations, or corresponding state regulations. OSPI's investigation did not extend to a review of the Parent's claims in her complaint that enrolling the Student in two math classes and the Student's exclusion from electives constituted disability discrimination under Section 504 or Title II of the Americans with Disabilities Act (ADA).

ISSUE

1. Did the District implement the Student's individualized education program (IEP) during the 2015-2016 school year?

LEGAL STANDARDS

IEP Development: The IEP meeting serves as a communication vehicle between parents and school personnel, and enables the IEP team to make informed decisions regarding the: student's needs and appropriate goals; extent to which the student will be involved in the general education curriculum and participate in the general education environment, and state and district-wide assessments; and services needed to support that involvement and participation, and to achieve the agreed-upon IEP goals. The IEP team must consider the parents' concerns and the information they provide regarding their student in developing, reviewing, and revising IEPs. 64 Fed. Reg. 48 12473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9); 34 CFR §§300.321, 300.322, 300.324 and 300.328; WACs 392-172A-03095, 392-172A-03100, and 392-172A-03110.

The parent is an integral part of the IEP development process. The district must consider the parent's concerns and any information she provides. The district is not required, however, to adopt all recommendations proposed by a parent. The team must work toward consensus on IEP content, but if team members are unable to reach consensus it remains the district's responsibility to ensure that the IEP includes the special education and related services that are necessary to provide the student with a free appropriate public education (FAPE). An IEP may therefore be properly developed under IDEA procedural requirements, yet still not provide the student all of the services that the parent believes are necessary components of the student's educational program. 64 Fed. Reg. 48 12473-74 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9).

IEP Implementation: At the beginning of each school year, each district must have in effect an individualized education program (IEP) for every student within its jurisdiction who is eligible to receive special education services. A school district must develop a student's IEP in compliance with the procedural requirements of the IDEA and state regulations. 34 CFR §300.320 through §300.328; WAC 392-172A-03090 through 392-172A-03115. It must also ensure it provides all services in a student's IEP, consistent

with the student's needs as described in that IEP. 34 CFR §300.323; WAC 392-172A-03105.

Definition of Specially Designed Instruction: Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction: to address the unique needs of the student that result from the student's disability; and to ensure access of the student to the general curriculum, so that the student can meet the educational standards within the jurisdiction of the public agency that apply to all students. 34 CFR §300.39; WAC 392-172A-01175.

General education certificated teachers who deliver specially designed instruction must be supported by a certificated special education teacher responsible to monitor and evaluate the student's progress toward the annual IEP goals. CFR §300.156; WAC 392-172A-02090(g).

Continuum of Alternative Placement Options: Each school district must ensure that a continuum of alternative placements is available to meet the needs of students eligible for special education and related services. That continuum is required to include instruction in general classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. When necessary, the district must also provide for supplementary services such as resource room or itinerant instruction in conjunction with general classroom placement. 34 CFR §300.115; WAC 392-172A-02055.

Change in Placement: In determining whether a change in placement has occurred, the district responsible for educating a student eligible for special education must determine whether the proposed change would substantially or materially alter the student's educational program. In making this determination, the following factors must be considered: whether the educational program in the student's IEP has been revised; whether the student will be educated with nondisabled children to the same extent; whether the student will have the same opportunities to participate in nonacademic and extracurricular activities; and, whether the new placement option is the same option on the continuum of alternative placements. *Letter to Fisher*, 21 IDELR 992 (OSEP, July 6, 1994).

Provision of FAPE: An IEP is required to be "reasonably calculated to enable the child to receive educational benefit." It does not require the absolute best or potential-maximizing education for that child. Rather, the district is obliged to provide a basic floor of opportunity through a program that is individually designed to provide educational benefit to the handicapped child. The basic floor of opportunity provided by the IDEA consists of access to specialized instruction and related services. *Hendrick Hudson District Board of Education v. Rowley*, 458 U.S. 176, 102 S.Ct. 3034 (1982). A free appropriate public education (FAPE) has been provided if, taking into consideration the student's unique characteristics, it may be fairly said that the student has derived more than minimal or trivial progress in the student's educational placement. *Florence County School District v. Carter*, 950 F.2d 156, 160 (4th Cir. 1991); *Ojai Unified School District v. Jackson*, 4 F.3d 1467, 20 IDELR 354 (9th Cir. 1993), *cert. denied*, 115 S. Ct. 90 (1994). "[A] material failure to implement an IEP violates the

IDEA. A material failure occurs when there is more than a minor discrepancy between the services a school provides to a [student eligible for special education] and the services required by the [student]’s IEP.” Thus, minor discrepancies between the services provided and the services called for by the IEP do not give rise to an IDEA violation. *Baker v. Van Duyn*, 502 F.3d 811 (9th Cir. 2007).

FINDINGS OF FACT

Background Facts

1. During the 2014-2015 school year, the Student attended a District elementary school and was eligible for special education services under the category of other health impaired.
2. The Student’s most recent reevaluation was completed in April 2014, when the Student attended another Washington school district. The April 2014 reevaluation recommended that the Student receive special education services, including specially designed instruction, in the following areas: reading comprehension; math calculation; math problem solving; written expression; and communication. Specific to the Student’s performance in math, the reevaluation recommended that the Student receive specially designed instruction to improve his computation speed and accuracy and to strengthen his “understanding of the concepts underlying mathematical operations.” The Student’s evaluation report identified the Student’s need for specially designed instruction and “resource intervention” in both math calculation and math problem solving.
3. In March 2015, when the Student attended a District elementary school, his annual individualized education program (IEP) was developed. The March 2015 IEP included annual goals in speech language, reading comprehension, basic reading skills, math calculation, math problem solving, written expression, and behavioral instruction. The March 2015 IEP stated that the Student performed at a third grade level in the areas of math problem solving and math reasoning skills. The IEP provided for 510 minutes per week of services in the special education setting, including the following specially designed instruction:
 - Speech Language – 60 minutes per week provided by a speech language pathologist
 - Reading Skills – 30 minutes per day provided by a special education teacher
 - Math Calculation – 30 minutes per day provided by a special education teacher
 - Math Problem Solving – 30 minutes per day provided by a special education teacher

The March 2015 IEP also provided for the following specially designed instruction in the general education setting:

- Reading Comprehension – 30 minutes per day provided by a general education teacher
- Written Expression – 30 minutes per day provided by a general education teacher
- Behavior – 15 minutes per day provided by a general education teacher

In developing the Student's March 2015 IEP, the IEP team also considered that during the 2015-2016 school year, the Student would transition from the District elementary school to a District middle school. However, the March 2015 IEP did not address any potential changes in the amount or the location of special education services the Student would receive when he began attending middle school.¹

4. A March 16, 2015 prior written notice stated that the Student continued to be eligible for special education services and required specially designed instruction in reading, writing, study skills, math, and communications.²
5. In April 2015, the Student's IEP team amended the Student's March 2015 IEP. The amended IEP clarified where and when the Student would receive most of his accommodations, but did not change the setting or the amount of special education service minutes the Student would receive. A prior written notice that informed the Parent of the April 2015 IEP amendment stated that "[t]he IEP was amended to clarify the location and frequency of [the Student]'s accommodations."³ The notice also stated that the Student's IEP team considered whether the Student needed to spend more time in the special education setting, but rejected that option "because the General Education setting is the least restrictive environment for [the Student] at this time."
6. The District's 2014-2015 school year ended in June 2015.

2015-2016 School Year Begins

7. The District's 2015-2016 school year began on August 31, 2015. At that time, the Student began attending a District middle school and his class schedule was as follows:
 - Period 1 – Science (general education)
 - Period 2 – AVID/Social Studies (general education)
 - Period 3 – Math (general education)
 - Period 4 – Core Language Arts (general education)
 - Period 5 – Health and Fitness (PE) (general education)
 - Period 6 – Math (general education)

¹ During OSPI's site visit, the Student's middle school IEP case manager stated that she attended most of the annual IEP review meetings for sixth graders in District elementary schools who would be enrolled at the District middle school for the 2015-2016 school year. The IEP case manager also stated that when she was unable to attend these meetings, she contacted the elementary school IEP teams to discuss those students' transitions to the District middle school. The Student's middle school IEP case manager also stated that she encouraged elementary school IEP teams to include two service matrices on the IEPs of students who were transitioning from elementary school to the District middle school, so students' IEP services would be correct on their first day of school.

² The Student's specially designed instruction in study skills was his behavior skills instruction.

³ This prior written notice was dated March 31, 2015, but addressed the Student's amended IEP that was effective beginning April 1, 2015.

8. According to the middle school principal, each class period at the middle school was approximately 55 minutes per day. Additionally, the Student's general education math teacher stated that the Student was scheduled to attend math class for about 100 minutes per day in a general education setting.
9. According to the District's response to this complaint and information provided by District staff during OSPI's site visit, unlike the elementary school, at the middle school, the District rarely delivers special education math services in a special education setting. Instead, the District uses a general education service delivery model that places all students with similar profiles in one of several general education math tracks based on a student's statewide assessment results, other evaluations, and grades. Based on the Student's statewide assessments, evaluations, and grades, the District placed him in two general education math classes per day consistent with the general education service delivery model adopted by the District.⁴
10. According to the District's response to this complaint and information provided by District staff during OSPI's site visit, during the first period of his general education math class, the Student and the other students who were enrolled in two math classes received grade-level math instruction (core instruction) from a general education teacher. The core instruction addresses grade-level math topics, but is modified to accommodate each student's needs, including the deficits identified in the eligible students' IEPs. During the second period of the general education math class, the same general education teacher works with students to "backfill" any gaps in their math skills. Approximately two thirds of all the students who are enrolled in two math classes are eligible for special education.
11. According to the District, the general education teacher who delivers the Student's math instruction consults daily for approximately 20 minutes with a special education teacher. As part of this consultation, the teachers monitor and assess students enrolled in the two math classes to gauge their progress, modify course content, and try to address the students' individual needs. The teachers also exchange ideas to address problem areas, and work together to develop strategies when individual students struggled to grasp a concept in the general education setting. This consultation process involves strategies to enable students to grasp grade-level concepts and to address annual goals in their IEPs. For example, both teachers discussed strategies to address the Student's math calculation deficits to help the Student grasp and master more grade-level math topics consistent with his IEP annual goals. The general education and special education teachers use a standardized assessment tool to facilitate this assessment and adjustment process. They also discuss whether students might be ready to exit the two math class

⁴ During OSPI's site visit, the Student's IEP case manager also stated that she tried to speak with all parents whose students would be enrolled in two math classes before school started and that she specifically informed the Parent that the Student would be enrolled in the double math class during the 2015-2016 school year.

general education model, and enroll in a single math class with “pull-out” supports when necessary.⁵

12. On September 10, 2015, the Parent emailed the Student’s middle school IEP case manager, requesting an IEP team meeting to discuss changing the Student’s class schedule. The Parent wanted the Student to attend an elective course, such as shop/woodworking or a science, technology, engineering, and math (STEM) class, instead of attending the two math classes. The Parent requested the change for several reasons: 1) too much math was overwhelming for the Student and could negatively impact his performance in his other classes; 2) the electives suggested by the Parent fit better with the Parent’s postsecondary transition plan for the Student;⁶ 3) the Parent was concerned that, based on the middle school’s math placement model for all students, the Student would never be able to access elective courses because his math performance would never be up to grade level, which would allow him to exit the two math classes; and 4) preventing the Student from accessing electives would increase his dropout risk.
13. On September 11, 2015, the Student’s middle school IEP case manager responded to the Parent’s email, agreeing to schedule an IEP team meeting to discuss the Parent’s concerns. However, the IEP case manager also stated she was concerned about reducing the Student’s math course load because the Student “really needs the support that it offers in order for him to access the general education curriculum that is going to be required of him to graduate.” The IEP case manager also thought that a STEM class was not a practical alternative for the Student based on the Student’s present levels of performance in math. The Parent later responded, stating that what the IEP case manager had said “makes perfect sense” but the Parent still wanted to reduce the Student’s math course load because he was “at high risk of dropping out based on the number of risk factors, and evidence based practice supports [her] proposed class change.” The Parent also stated that a different class schedule would fit better with the postsecondary transition plan the family had developed for the Student.
14. On September 13, 2015, the Parent emailed the middle school principal to discuss scheduling an IEP team meeting. The principal responded, suggesting an October 5, 2015 IEP team meeting, so that the Student’s teachers could become more familiar with the Student and come prepared to the IEP team meeting with anecdotal or “soft” data in addition to harder data such as test scores. The principal also asked the Parent for a more specific list of her concerns so that the IEP team could be more prepared and could address some of the concerns more immediately. The

⁵ According to the Student’s IEP case manager, the “pull-out” services usually occur during the students’ PE class. Small groups of students would be pulled from PE class and a teacher would reinforce more difficult concepts or areas where the students were struggling. Once a student receives the necessary reinforcement, he or she is sent back to PE.

⁶ The Parent’s transition plan involved a career in welding or some field where the Student’s skill and interest in working with his hands were the focus.

Parent later responded, agreeing to wait until the Student's teachers became more familiar with him to hold the IEP meeting, and restated her concerns:

- The Parent believed that the Student was at risk to drop out because he was unlikely to "ever reach proficiency in math." The Parent also thought that the Student needed something to look forward to at school and a more hands-on class related to his career interests would encourage the Student to "buy-in" to his other, more difficult classes.
- The Parent believed that the Student must "get appropriate supports that will allow him to continue to make progress academically." The Parent wanted more details about what specific accommodations the District provided, what data the District used to measure the Student's progress, and how long the District expected to wait before the Student's progress could be identified and measured.

15. According to the Student's middle school IEP case manager, the District middle school rarely holds IEP team meetings in September, before teachers have an opportunity to get to know their students. The District's practice was to review students' IEPs in late September and early October to ensure that students' IEPs were consistent with the services they received at that time as well as their evaluations. The IEP case manager also stated that, because of this practice, the District preferred to include two service matrices on the incoming students' IEPs to accommodate a transition from District elementary schools to the District middle school.

16. On October 19, 2015, the Student's IEP team met to discuss the Parent's requests, and to make other changes to the Student's IEP. According to notes from the meeting, the school staff members explained the District's service delivery model at the middle school, and why the Student was enrolled in the two math classes. The District stated that during the Student's third period math class, a general education teacher provided "core instruction" with "lots of scaffolding" and, during the Student's sixth period math class, a special education teacher was "doing the [specially designed instruction] for math." The Student's general education math teacher also explained that he used an assessment program that analyzed what skills and knowledge the Student was missing. The Student's general education math teacher further stated that the Student was assessed every Friday to identify what needed to be addressed.

17. Also at the October 19 IEP meeting, the Parent reiterated her hope that the Student would be able to take an elective. The Parent was also concerned about the two math class model, in part, because during the 2014-2015 school year, the Student's specially designed instruction in math was delivered in one class period by a special education teacher. The Parent stated that the elementary school modified the curriculum to ensure that the Student's math class was in a smaller group and that the Student received "core instruction" at the same time he received specially designed instruction. The Parent thought that because of the nature of the Student's disability, he may not be able to achieve at grade level in math, and therefore, might not have access to electives that would be beneficial to him. The District disagreed, and the general education math teacher described the instructional process in the math classes and stated how he recorded and monitored the Student's progress.

The IEP team suggested that the Parent consider enrolling the Student in after school extracurricular activities that were more focused in his areas of interest.

18. Also at the October 19 IEP meeting, the Student's IEP team discussed an assessment revision because when the Student had transferred into the District in 2014, his transfer review paperwork mistakenly stated that the Student was eligible for services in basic reading skills and behavioral instruction. The October 19, 2015 assessment revision aligned the Student's eligibility determination so that it was consistent with the recommended services in his April 2014 reevaluation report.

19. Also on October 19, 2015, the Student's IEP team amended his March 2015 IEP to be consistent with the service areas recommended in the April 2014 evaluation. The amended IEP included annual goals in speech language, reading comprehension, written expression, math calculation, and math problem solving. According to the Student's October 2015 IEP amendment, the Student performed at a third grade level in math problem solving and math reasoning skills. The October 2015 IEP amendment provided for 60 minutes per week of services in the special education setting, including the following specially designed instruction:

- Speech Language – 60 minutes per week provided by a speech language pathologist

The October 2015 IEP amendment also provided for the following specially designed instruction in the general education setting:

- Math Calculation – 30 minutes per day provided by a special education teacher
- Math Problem Solving – 30 minutes per day provided by a special education teacher
- Reading Comprehension – 30 minutes per day provided by a general education teacher
- Written Expression – 30 minutes per day provided by a general education teacher

The Student's October 2015 IEP amendment was to begin on November 2, 2015, and also removed the annual goals and specially designed instruction in basic reading skills and behavioral instruction. The Parent agreed with the decision to remove the specially designed instruction in these areas from his March 2015 IEP.

20. An October 19, 2015 prior written notice stated that the District considered and rejected the Parent's request to reduce the number of general education math classes in which the Student was enrolled. The notice stated that the school-based members of the Student's IEP team disagreed with the Parent's request to reduce the number of math classes, and recommended that the Student remain in the two math classes and take advantage of after school opportunities that aligned with his interests. The notice also reflected that the IEP team discussed the Parent's concerns about what specific accommodations the District was providing, what data the District used to measure the Student's progress, and how long the District expected to wait before the Student's progress could be identified and measured. The notice indicated that the Student's IEP was updated to reflect those concerns.

21. On October 20 and October 28, 2015, the District also issued prior written notices, informing the Parent that the basic reading skills and behavioral instruction service

areas, as written on the March 2015 IEP, had been removed from the Student's IEP, and removed from the transfer document when the Student transferred into the District. This adjustment was made so the Student's March 2015 IEP was consistent with the October 19 assessment revision. The IEP team then decided that although the Student needed organization and study skills accommodations, he did not need specially designed instruction in behavioral instruction or basic reading skills. The Parent agreed with these changes.

22. On November 4, 2015, the Parent filed this citizen complaint.

23. On December 16, 2015, OSPI conducted a site visit, and the complaint investigators also observed the Student's third period math class. In this class, the general education teacher modified a lesson designed to teach the students to add polynomials. The general education teacher modified the lesson by offering the students three different methods for adding the polynomials. The general education teacher instructed the students to try each of the three methods, worked with each student individually and in small groups of three to identify the method that helped each student to most effectively learn the concept, and encouraged the students to use their preferred methods on a test the next day. The general education teacher's instructional strategies were applicable to any student enrolled in the class.

24. Also during OSPI's site visit, OSPI's complaint investigators asked each District staff member, including the Student's general education math teacher, if the math instruction provided to the Student was specially designed instruction to meet the Student's unique needs. Each of the District staff members interviewed replied that the math instruction the Student received in the general education setting was specially designed, and accounted for his disability. The District staff characterized the two math class model as specially designed instruction for every student in the class. The staff thought that the Student could improve his ability and achievement in math, and emphasized the difficulty of the high school math curriculum, which is a graduation requirement. The District staff expected that the Student would be able to take electives in high school, but thought that middle school was the last, best chance for aggressive math intervention prior to the Student entering high school. Additionally, several members of the District middle school staff stated that, even if the Student did not have an IEP, and were not eligible for special education, he would still be placed in the two math class program, and would receive the same instruction as other students with similar profiles enrolled in the two math classes based on his present levels of performance in math.

CONCLUSION

The District's documentation does not substantiate that it implemented the Student's March 2015 IEP at the beginning of the 2015-2016 school year for two reasons. First, the services the Student received at the middle school did not match his March 2015 IEP. The Student's March 2015 IEP stated that he would receive 60 minutes per day of specially designed math instruction in a special education setting delivered by a special education teacher. However, during the 2015-2016 school year, the Student has not

received any math instruction in a special education setting. The Student's March 2015 IEP was amended in October 2015, and states that the Student receives 60 minutes of specially designed math instruction in a general education setting delivered by a special education teacher. However, the District's documentation and the information OSPI obtained during the site visit show that so far during the 2015-2016 school year, only a general education teacher has provided the Student's specially designed math instruction.

Second, the District failed to implement the Student's March 2015 IEP because in delivering the Student's specially designed math instruction only in a general education setting, the District did not follow procedures for changing the Student's placement. The middle school's two math class model constitutes a change of placement for the Student because 1) the time the Student spends in the special education setting significantly decreased from 510 minutes per week in elementary school to only 60 minutes per week at the middle school; and 2) the Student's educational program has been revised to require two math class periods per day based on the middle school's service delivery model and not the Student's unique needs. The District changed the Student's placement in his March 2015 IEP, as amended in October 2015, and the District's documentation does not substantiate that a reevaluation of the Student occurred prior to the October 2015 IEP amendment. If the District believed that the two math class service delivery model at the middle school was a more appropriate way to provide the Student's math instruction, the District should either have addressed this option at the March 2015 IEP meeting when the Student's IEP was developed in anticipation of his transition to middle school during the 2015-2016 school year, or conducted a reevaluation to justify the change in placement.

Finally, the District's two math class model is a general education program designed to improve any student's achievement in math by intensifying instructional efforts. However, this approach does not relieve the District of its obligation to provide the Student and other students who are eligible for special education with specially designed instruction to meet their unique needs. During OSPI's site visit, several middle school staff members described the two math class model as "specially designed instruction for everyone" and stated that the Student would be in the same program whether he had an IEP or not. A general education model that does not take an eligible student's unique needs into account, does not provide instruction that is specially designed based on the individually determined adverse educational impact of the individual student's disability, and is not designed and supervised by special education certificated staff, does not satisfy the requirement to provide specially designed instruction. The District middle school's math instruction model also does not satisfy the District's obligation to provide a continuum of alternative placements for students who are eligible for special education because the instructional model available in the two math classes is applicable to any student enrolled in those classes who fits a similar academic profile.

CORRECTIVE ACTIONS

On **February 12, 2016, February 26, 2016, and April 12, 2016**, the District will provide documentation to OSPI that the following corrective actions have been completed.

STUDENT SPECIFIC:

- By or before **January 29, 2016**, the District will hold an IEP team meeting, including the Parent, to consider the Student's current educational placement and services. If the District believes that the Student only requires a placement in the general education setting for special education services, the District will follow procedures for changing the Student's placement, including conducting a reevaluation as well as reviewing existing data on the Student to determine whether the District needs additional data to determine the Student's educational needs. If the District conducts a reevaluation, it will provide OSPI and the Parent with a consent for reevaluation form by or before **February 26, 2016**.
- By or before **April 12, 2016**, the District will also hold an IEP team meeting to discuss the results of any reevaluation or to review existing data to determine and to develop an IEP for the Student that accurately reflects the services he needs to receive a FAPE, including the setting and provider for the services.
- By or before **April 12, 2016**, the District will provide OSPI with a copy of the Student's reevaluation report, IEP, and any prior written notices or invitations to meetings issued to the Parent.

DISTRICT SPECIFIC:

- By **February 12, 2016**, the District will provide OSPI with a draft of the materials and/or guidance that the District proposed to use for training special education staff regarding identifying and correcting inconsistencies between students' IEPs and their services, particularly when transitioning from one school to another. This training must include a discussion of using multiple service matrices and implementing a process to avoid, identify, and correct inconsistencies sooner. By February 22, 2016, OSPI will provide the District with feedback, edits, and suggestions regarding the materials. By **April 12, 2016**, the District will provide OSPI with a copy of any documents or materials distributed or presented at the training, as well as documentation that special education staff attended the training. Documentation of attendance will include a sign-in sheet and a roster of who should have attended so that OSPI can verify attendance.

The District will submit a completed copy of the Corrective Action Plan (CAP) Matrix documenting the specific actions it has taken to address the violations and will attach any other supporting documents or required information.

NOTE: The district may request an electronic version of the matrix by e-mailing Thinh Le at Thinh.Le@k12.wa.us.

Dated this ____ day of December, 2015

Douglas H. Gill, Ed. D.
Assistant Superintendent
Special Education
PO BOX 47200
Olympia, WA 98504-7200

THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS COMPLAINT

IDEA provides mechanisms for resolution of disputes affecting the rights of special education students. This decision may not be appealed. However, parents (or adult students) and school districts may raise any matter addressed in this decision that pertains to the identification, evaluation, placement, or provision of FAPE to a student in a due process hearing. Decisions issued in due process hearings may be appealed. Statutes of limitations apply to due process hearings. Parties should consult legal counsel for more information about filing a due process hearing. Parents (or adult students) and districts may also use the mediation process to resolve disputes. The state regulations addressing mediation and due process hearings are found at WAC 392-172A-05060 through 05075 (mediation) and WAC 392-172A-05080 through 05125 (due process hearings.)