

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 16-69

PROCEDURAL HISTORY

On September 29, 2016, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the [REDACTED] 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 September 29, 2016, 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 October 20, 2016, OSPI received the District's response to the complaint and forwarded it to the Parent on October 21, 2016. The Parent was invited to reply with any information she had that was inconsistent with the District's information.

On November 3, 2016, OSPI received the Parent's reply. The information was forwarded to the District on the same day.

On November 8, 2016, OSPI requested additional information from the District. On November 21, 2016, OSPI received additional information from the District and the information was forwarded to the Parent on November 22, 2016.

On November 10, 2016, OSPI requested additional information from the Parent. On November 10, 2016, OSPI received additional information from the Parent and the information was forwarded to the District on November 14, 2016.

OSPI considered all of the information provided by the Parent and the District as part of its investigation.

OVERVIEW

During the 2015-2016 school year, the Student attended a District junior high school and was eligible to receive special education and related services under the category of other health impairment. In October and November 2015, the Parent made several requests for an IEP meeting, but the District did not schedule a meeting. In March and April 2016, the Parent again requested an IEP meeting that was not scheduled. In April 2016, the District agreed to conduct a reevaluation of the Student and review the results of the Student's recent private evaluation. Also in April 2016, the Parent expressed concern that the District had failed to inform her that statewide testing would take place, and failed to provide the Student with the testing accommodations stated in her individualized education program (IEP). In June 2016, the Student's evaluation group met to review the results of the Student's reevaluation, and developed a new IEP for the Student, which provided for the use of an oversized keyboard. In August 2016, the Parent requested changes be made to the Student's June 2016 IEP and inquired about the Student's keyboard. The District then held a meeting with the Parent but did not

address the Parent's requested changes to the Student's IEP in an IEP amendment, or a prior written notice. The District also did not order the Student's keyboard until the fourth week of the 2016-2017 school year.

The Parent alleged that the District failed to follow procedures for responding to the Parent's request for meetings, and failed to follow procedures for implementing the Student's IEPs in place from September 30, 2015 through September 29, 2016, including providing assistive technology and accommodations. The Parent also alleged that the District failed to follow procedures for amending the Student's IEPs in place from September 30, 2015 through September 29, 2016. The District denied the allegations.

SCOPE OF INVESTIGATION

This decision references events which occurred prior to the investigation time period, which began on September 30, 2015. These references are included to add context to the issues under investigation and are not intended to identify additional issues or potential violations, which occurred prior to the investigation time period.

ISSUES

1. Did the District follow procedures for responding to the Parent's request for meetings?
2. Did the District follow procedures for implementing the Student's individualized education programs (IEPs) in place from September 30, 2015 through September 29, 2016, including providing assistive technology and accommodations?
3. Did the District follow procedures for amending the Student's IEPs in place from September 30, 2015 through September 29, 2016?

LEGAL STANDARDS

Parent Request for an IEP Meeting: A parent may request an IEP meeting at any time. If the district does not believe a meeting is necessary, it must provide the parent prior written notice of its refusal to hold an IEP meeting and include in the notice an explanation of why the district has determined the IEP meeting is not necessary to ensure the provision of a free appropriate public education to the student. 64 Fed. Reg. 48, 12476 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 20).

IEP Definition: An IEP must contain a statement of: (a) the student's present levels of academic achievement and functional performance; (b) measurable annual academic and functional goals designed to meet the student's needs resulting from their disability; (c) how the district will measure and report the student's progress toward their annual IEP goals; (d) the special education services, related services, and supplementary aids to be provided to the student; (e) the extent to which the student will not participate with nondisabled students in the general education classroom and extracurricular or nonacademic activities; (f) any individual modifications necessary to measure the student's academic achievement and functional performance on state or district-wide assessments; (g) ESY services, if necessary for the student to receive FAPE; (h)

behavioral intervention plan, if necessary for the student to receive FAPE; (i) emergency response protocols, if necessary for the student to receive FAPE and the parent provides consent as defined in WAC 392-172A-01040; (j) the projected date when the services and program modifications will begin, and the anticipated frequency, location, and duration of those services and modifications; (k) beginning no later than the first IEP to be in effect when the student turns 16, appropriate, measurable postsecondary goals related to training, education, employment, and independent living skills; and transition services including courses of study needed to assist the student in reaching those goals; (l) beginning no later than one year before the student reaches the age of majority (18), a statement that the student has been informed of the rights which will transfer to him or her on reaching the age of majority; and (m) the district's procedures for notifying a parent regarding the use of isolation, restraint, or a restraint device as required by RCW 28A.155.210. 34 CFR §300.320; WAC 392-172A-03090 (effective January 29, 2016).

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. 34 CFR § 300.323; WAC 392-172A-03105. 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. The initial IEP must be implemented as soon as possible after it is developed. Each school district must ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. 34 CFR §300.323; WAC 392-172A-03105.

Reevaluation Procedures: A school district must ensure that a reevaluation of each student eligible for special education is conducted when the school district determines that the educational or related services needs, including improved academic achievement and functional performance of the student warrant a reevaluation, or if the parent or teacher requests a reevaluation. A reevaluation may not occur more than once a year, unless the parent and school district agree otherwise, and must occur at least once every three years, unless the parent and school district agree that a reevaluation is unnecessary. 34 CFR §300.303; WAC 392-172A-03015. When a district determines that a student should be reevaluated, it must provide prior written notice to the student's parents that describe all of the evaluation procedures that the district intends to conduct. 34 CFR §300.304; WAC 392-172A-03020. The district must then obtain the parents' consent to conduct the reevaluation and complete the reevaluation within 35 school days of receiving consent, unless a different time period is agreed to by the parents and documented by the district. 34 CFR §300.303; WAC 392-172A-03015.

IEP Amendments: After the annual IEP team meeting for a school year, the parent of a student eligible for special education and the school district may agree not to convene an IEP team meeting for the purposes of making changes to the IEP, and instead may

develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP the school district must ensure that the student's IEP team is informed of those changes and that other providers responsible for implementing the IEP are informed of any changes that affect their responsibility to the student. Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or as provided in (c) of this subsection, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated. 34 CFR §300.324; WAC 392-172A-03110.

Prior Written Notice: Prior written notice ensures that the parent is aware of the decisions a district has made regarding evaluation and other matters affecting placement or implementation of the IEP. It documents that full consideration has been given to input provided regarding the student's educational needs, and it clarifies that a decision has been made. The prior written notice should document any disagreement with the parent, and should clearly describe what the district proposes or refuses to initiate. It also includes a statement that the parent has procedural safeguards so that if they wish to do so, they can follow procedures to resolve the conflict. Prior written notice is not an invitation to a meeting. Prior written notice must be given to the parent within a reasonable time before the district initiates or refuses to initiate a proposed change to the student's identification, evaluation, educational placement or the provision of a free appropriate public education. It must explain why the district proposes or refuses to take action. It must describe any other options the district considered, and it must explain its reasons for rejecting those options. 34 CFR 300.503; WAC 392-172A-05010.

FINDINGS OF FACT

Background Facts

2014-2015 School Year

1. During the 2014-2015 school year, the Student attended sixth grade at a District elementary school and was eligible to receive special education and related services under the category of other health impairment.
2. On June 8, 2015, the Student's evaluation group met to review the results of the Student's triennial evaluation. The evaluation report stated that the Student had no tolerance for physical pain or the sight of blood, she continued to have atypical panic responses to minor injuries, and struggled with night terrors and sleep disturbances. The Student also demonstrated behaviors such as nail biting, short attention span, speech problems, crying too easily, demanding attention, not finishing activities, hyperactivity, slowness to learn, and becoming easily frustrated. The evaluation included assessments in the areas of academics, social skills, and adaptive behavior. Although indicated on the first page of the evaluation report that the District would conduct assessments in the area of communication, the report did not include the results of any communication assessments and a speech language

pathologist (SLP) did not sign the report. The Student's evaluation report recommended that she receive specially designed instruction in the area of reading, writing, math, communication, and social skills. The evaluation report also recommended that the Student receive speech language therapy as a related service, and support from an instructional aide.

3. Also on June 8, 2015, the Student's individualized education program (IEP) team developed the Student's annual IEP. The IEP included annual goals in the areas of social skills, communication, math, reading, and writing. The IEP stated that while the Student had made "significant progress in social skill development at school", she was not always consistent in demonstrating age appropriate skills. The Student had made progress in utilizing positive self-talk and coping strategies to handle stressful situations or work demands in which she manifests anxiety or withdrawn behavior. The June 2015 IEP did not include information from the Student's June 2015 evaluation regarding the Student's other behavior concerns. The IEP provided for the following specially designed instruction and related services in a special education setting:
- Social Skills – 30 minutes per week (provided by the school psychologist)
 - Communication – 30 minutes per week¹
 - Math – 250 minutes per week
 - Reading – 250 minutes per week
 - Writing – 250 minutes per week

The June 2015 IEP also provided for the following supplementary aides and services:

- Instructional aide – 900 minutes per week (180 minutes per day),
- Staff Training and Awareness Support – 15 minutes per quarter
- Consultation Services with an Occupational Therapist – 15 minutes per month

In addition, the IEP included the following accommodations:

- Modified or shortened homework
- Modified or shortened classroom assignments
- Testing in separate testing location, one-on-one or small groups
- Extended deadlines for assignments
- Regular home/school communication via an assignment notebook/journal
- Expectations must be simple, clear and phrased in a positive or neutral language
- Only one specific direction or command at a time
- Create opportunities for the Student to be successful and share her talents and gifts to help foster development of a positive relationship with self or others
- Accommodate the Student's fluctuating level of behavioral stability with appropriate academic expectations
- Allow unlimited bathroom use
- Notice prior to any transition or change in schedule

¹ The District's IEP document does not specify if the Student's communication services are provided as specially designed instruction or as a related service. Based on her June 2015 evaluation report, the Student should have received specially designed instruction in communication and speech language therapy as a related service.

- Permission to move around as needed
- Use of interpreter²
- Choice for breaks/recess
- Repeat school rules and procedures regularly
- Allow use of headphones for assemblies as necessary
- Access to snacks/water as needed
- Consistent schedule
- Provide example of work expected or project

The IEP also stated that the Student would participate in statewide tests in the areas of English Language Arts (ELA) and math, and would have the following testing accommodations: more than one day for a test, separate testing location – small group or individually, and frequent breaks as needed. The Student was also to receive a text-to-speech accommodation on math and writing assessments.

4. The District's 2014-2015 school year ended on June 17, 2015.

2015-2016 School Year

5. On August 27, 2015, prior to the District's 2015-2016 school year beginning, the Parent emailed the Student's new general education history teacher, stating that the Student had an IEP and an education file which contained the Student's health history and "classroom suggestions". The Parent asked that the teacher meet with her prior to the school year beginning, to review the Student's medical issues and discuss various learning strategies.
6. The District's 2015-2016 school year began on September 1, 2015. At that time, the Student began attending the District's junior high school and her June 2015 IEP continued to be in place.
7. The Student's daily schedule for the 2015-2016 school year was as follows:
 - Period 1: PE or Computer Education – general education (50 minutes)
 - Period 2: Language Arts – special education (50 minutes)
 - Period 3: Reading – special education (50 minutes)
 - Period 4: History – general education (50 minutes)
 - Period 5: Art – general education (50 minutes)
 - Period 6: Science – general education (50 minutes)
 - Period 7: Math – special education (50 minutes)
8. According to information from the District, the Student's general education teachers were provided copies of the Student's IEP accommodations at the beginning of the school year.

² According to information from the District, the Student's IEP mistakenly reflects that she requires an interpreter. The Student speaks English and is not hearing impaired.

Time for this Complaint Begins on September 30, 2015

9. On October 6, 2015, the Parent emailed the Student's general education science teacher, and copied the school psychologist and the Student's special education teacher. The Parent stated that the Student was upset about the science test scheduled for the next day, and had expressed concern about not knowing the vocabulary, and how to spell the words. The Parent had discussed the test with the Student and had informed her that she would not have to write down any words, but could instead provide oral responses, and that more than likely, the Student's assigned instructional aide would give the Student the test in the hallway outside of the classroom. The Parent also stated that she wanted to inform the science teacher that the Student would take everything the teacher stated literally, as the Student did not hear verbal nuances or understand them. The Parent stated this was not noted in the Student's current IEP, but that she was "glad because it gives us something to add later on." The next morning, the science teacher responded that she was sorry the test was upsetting the Student, and that she had discussed the test with the Student and her assigned instructional aide (Student's aide). The teacher had informed the Student and the aide that the test could be provided however the Student needed it, and that it could be taken in another room. The science teacher also stated that as a first year teacher, she did not "have the experience or understanding of what accommodations need to be in place" for certain students, which is why she had spoken with the Student's aide.
10. On October 9, 2015, the Parent emailed the Student's general education PE teacher regarding the Student's low grade. The Parent stated that she had tried to speak to the Student about her grade, but the Student did not know why her grade was low, and had become upset. In the future, the Parent planned to ask the Student's aide questions about school, as the Parent did not want to upset the Student again. The Parent then asked the PE teacher for a list of the "specific accommodations and exceptions" the Student was receiving in the class, and stated that if there was something the Student was not doing, the Parent and the teacher may need to meet to discuss potential options for the Student. The Parent also stated that she would be sending staff members a list of some online videos that showed and explained the Student's physical issues, which the Parent hoped would help staff better understand the Student.
11. On October 12, 2015, the Student's PE teacher responded to the Parent's email, stating that the Student was participating in everything in the PE class, but her low grade may be due to attendance. The teacher stated that the class syllabus explained how students could make up points for classes they missed. The teacher had also explained this to the class, and stated that students needed to complete 30 minutes of physical activity outside of class and then have a parent sign a make-up form. The teacher then provided the Parent a link to the make-up form.
12. In response, the Parent stated that she was glad the Student was doing well in the class, but did not think the make-up policy would work for the Student. The Parent explained that the Student would likely miss a lot of school because she did not

attend when an instructional aide was not available, if she slept poorly due to nightmares, if something was happening at the school that was a change from the normal school schedule, if her anxiety level was too high, or if she was experiencing headaches from sensory issues. The Parent stated that the Student was getting better about “screening herself”, but the Parent also checked with the Student before she went to school, and if the Student seemed “off”, the Parent would keep her home for a few hours before sending her to school. The Parent stated that the Student’s attendance habits were noted in the Student’s IEP.³ The Parent also stated that the Student did a lot of physical activities as part of her private therapy, and spent 30-60 minutes per day jumping on a trampoline as a calming activity. Additionally, the Parent stated that the Student did not do well with competitive activities because of crowds, noise, and the anxiety that went along with sports. The Parent then provided additional information, and asked that the Student not be required to complete the make-up form every time the Student was absent. The Parent also stated that the Student had a home/school communication booklet, but thought the Student’s aide must not bring the notebook to the Student’s PE class because the Parent had not received any information about the teacher’s absence policy. The Parent stated that the Student would likely not remember information that should be relayed home to the Parent. The Parent suggested that the teacher instead email the Parent information or give a note to the Student’s aide. The PE teacher later replied, thanking the Parent for the information and stated that he had adjusted the Student’s grade.

13. On October 25, 2015, the Parent emailed the school principal, stating that she had recently spoken with the Student’s aide to discuss why the aide was not present on October 23, 2015 for a pre-arranged “early dismissal appointment” they had scheduled. During their conversation, the Student’s aide had explained that she was called into a meeting with the school principal and the Student’s special education teacher, where the principal reportedly stated that the Student did not need aide support during her special education classes. The Parent stated that she was offended by the principal’s reported statement, and believed that the principal was not aware of the Student’s IEP instructional accommodations and modifications. The Parent stated that if the principal was familiar with the Student’s IEP, the principal would have read that stress triggered instability for the Student, that the Student was allowed to move around and take breaks/recess as needed, and that she needed opportunities to show her educational and social skills successes in different ways. For example, the Student required someone to be watching her performance closely, and this was accomplished by the Student’s aide being present both in general education and special education settings. The Parent stated that although the Student had an independent educational evaluation (IEE) report which recommended a one-on-one aide, the Parent had never pushed for more documented hours of aide time in the Student’s IEP, as the assistance from a 1:1 aide had always covered the whole school day. The Parent also stated that based on the principal’s reported statement, she felt that she needed to step in before it became a larger issue, and planned to contact the school psychologist to schedule

³ The Student’s June 2015 IEP does not include information about the Student’s attendance habits.

an IEP meeting. The Parent asked that the principal, as a new member of the Student's IEP team, become familiar with the Student's IEP and diagnosed medical disorders. Additionally, the Parent stated that she did not know the Student's current special education teacher well, and asked that he also be informed about the Student's educational program and needs. The Parent stated that in her prior conversations with the teacher, it appeared he was also unaware of the Student's IEP modifications.

14. According to the Parent's reply to this complaint, on October 26, 2015, she left a message for the school psychologist requesting an IEP meeting.

15. Also on October 26, 2015, the Parent emailed the school principal, requesting to observe the "learning and teaching activities" in the Student's special education classes. The Parent stated that the Student attended three special education classes per school day, and that she wanted to observe all three classes prior to the upcoming IEP meeting. The Parent asked that the principal provide potential dates for the observations as soon as possible. The Parent also asked if she would need to confer with the Student's special education teacher before or after the observations in order to "enhance" her understanding of the activities, and if so, how much time would be needed to confer with the teacher. In response, the principal stated that she had forwarded the Parent's request to the District special education director, who would work with the Parent to arrange the observations. The principal also stated that each teacher had different preferences for preparing for parent visits and that the special education director would be able to help coordinate that, or ask the Student's special education teacher to communicate with the Parent directly. The Parent later exchanged emails with the District special education director and the Student's special education teacher about the observations, which were scheduled for the first week of November 2015.

16. On October 27, 2015, the school principal replied to the Parent's October 25, 2015 email regarding the Student's instructional aide support. The principal stated that the October 23 meeting with the Student's aide was called to have a professional conversation regarding "topics of instructional and management nature." Prior to that meeting, the special education teacher observed the Student in her special education classes and noted that the Student was supported and successful while the aide was out of the classroom at lunch. The principal also stated that she encouraged the Parent to speak directly to her if she had a question or a concern, or to verify something the Parent may have heard, such as the aide's comment (see finding of fact no. 13), which was not accurate, and was taken out of context. The principal stated that the staff members' conversations should not have been communicated outside of the professional setting in which the conversations took place. Additionally, the principal stated that she was familiar with the Student's IEP from the prior school year, and as a result of a meeting she attended in the spring of 2015 as the Student prepared to transition to the junior high school. The principal had also reviewed the Student's IEP that same day. The principal stated that the Student's special education teacher had also been present at the Student's spring 2015 transition to middle school meeting, and that she would be sure to let the

teacher know about the Parent's concerns. The principal then stated that she hoped that her response cleared up some information for the Parent, and stated that she always encouraged direct conversation if anything became a question, so that the information came from a direct source. The principal also asked that the Parent let her know if she had any additional questions.

17. On October 28, 2015, the Parent responded to the principal stating that she agreed a direct conversation was always better, but stated that in this instance, the conversation in question had occurred during a personnel discussion. The Parent also stated that the best way to discuss the content of the statement made at the personnel discussion would be at an IEP meeting.
18. According to the Parent's reply to this complaint, on October 29, 2015, she requested an IEP meeting during a phone conversation with the school psychologist.
19. During the first week on November 2015, the Parent observed the Student's special education classroom. According to the Parent's reply to this complaint, on November 5, 2015, she requested an IEP meeting during an in-person conversation with the Student's special education teacher.
20. Also according to the Parent's reply to this complaint, on November 6 and November 17, 2015, she again requested an IEP meeting during a phone conversation with the school psychologist.
21. The District was on break December 21, 2015 through January 2, 2016.
22. On February 2, 2016, the school principal emailed the Parent, stating that the Student's aide would be going on leave for approximately eight days. The principal was working to get a substitute aide, whom the Student was familiar with to cover the position, but the substitute aide would not be available for all eight days. The principal was uncertain who would be present the days in which the substitute aide was unavailable. In response, the Parent stated that it would be easier for her to keep the Student home on the days the Student's aide or the familiar substitute were not available, and that as long as she had a list of the Student's assignments, she could work on the assignments with the Student at home. The Parent stated that the less change in the Student's routine, the better.
23. On February 3, 2016, the school principal responded to the Parent's email, stating that she was sorry to hear the Parent would rather keep the Student home on days a preferred staff member was not available. The principal stated that the Student was doing "so well" and becoming "more and more successful" with being independent over time. The principal asked if keeping the Student home from school would be more of a change in her routine, especially missing out on the instructional activities in class with her peers. The Parent replied that it would not be more of a change, as temporary homeschooling was not new to the Student since the family had been doing that for several school years, including that school year. The Parent stated that she was glad that the familiar substitute aide would be available to work with the

Student and that because the Student was comfortable with the substitute aide, she was able to keep focused at school. The Parent also stated that she had taken advantage of the Student's aide being on leave to schedule or reschedule the Student's medical appointments and asked if school staff wanted to know the dates the Student would have her appointments. The principal later replied that the staff would like to know the dates.

24. In February and March 2016, the Student received a private evaluation and was diagnosed with autism spectrum disorder, unspecified neurocognitive disorder, mild intellectual disability, attention deficit hyperactivity disorder (ADHD), mixed expressive language disorder, and unspecified anxiety disorder. The private evaluation report recommended that the Student receive additional diagnostic testing to rule out an absence seizure disorder. The private evaluation report also recommended that the Student receive the following "ongoing interventions to support her academic success":

- Continue to have a one-on-one aide with her at school every day.
- Ongoing support for most subjects including reading, writing, and math.
- An evaluation by an occupational therapist for her fine motor skills.
- Special testing conditions such as additional time (+50%) in a quiet environment with a reader and a scribe as needed.
- Being accompanied by an aide during technology-based instruction – the aide needs to be able to hear the instructions and be able to simplify the instructions to a level the Student can understand.
- Special keyboard with larger keys for keyboarding class.

The report also stated that the Student may benefit from:

- Counseling to work on her social anxiety, social skills, and self-esteem issues.
- A behavioral intervention plan that rewards desired behaviors, and the use of an icon chart, earning gold stars or points, and getting rewards when goals are reached.
- A social skills group (often called a friendship group at school).

25. On March 24, 2016, the Parent emailed the school nurse and copied the Student's teachers and other school staff members. The Parent stated that she had received notice that the Student may be suffering from absence seizures and as a result, would soon be undergoing further medical testing. The Parent stated that until confirmation of the seizures was obtained, she felt she should notify the staff members. In response, the school nurse thanked the Parent for letting them know, and asked to be kept informed of the testing and outcomes.

26. Also on March 24, 2016, the Parent spoke with the District school psychologist about the results of the Student's private evaluation and sent the psychologist a copy of the private evaluation report. According to the Parent's complaint, during her conversation with the school psychologist, the Parent requested that an IEP meeting be scheduled to review the results of the private evaluation, including the recommendation in the evaluation for assistive technology.

27. According to the Parent's reply to this complaint, she requested an IEP meeting during a phone conversation with the school psychologist on April 1, 2016.

28. On or about April 14, 2016, the Parent met with the District school psychologist to discuss the results of the Student's private evaluation. In response, the psychologist agreed to conduct a reevaluation of the Student to consider the results of the private evaluation. The Parent then signed consent for the reevaluation on April 14, 2016. The consent form stated that the Student's "new private reevaluation requires additional review of eligibility category and team review of current testing by SLP, OT/PT to determine if additional assessments are needed." The Student's June 2015 evaluation did not include testing by a speech language pathologist (SLP), occupational therapist (OT), or a physical therapist (PT), so it is unclear what current testing the consent form was referencing. According to the Parent's reply to this complaint, the Parent also requested that an IEP meeting be scheduled at the meeting with the school psychologist on April 14, 2016.
29. On April 25, 2016, the District conducted statewide testing for students at the District junior high school. Based on the District's documentation, the District planned to also conduct testing April 26-29, 2016.
30. On April 26, 2016, the Parent emailed the school principal, asking why the statewide assessment had occurred without parents being informed. The Parent stated that according to a newsletter she received from the District, which was dated February 8, 2016, the statewide testing was supposed to occur on May 9-26, 2016.⁴ In response, the school principal stated that she would have to check on the date the newsletter was sent out, but that the assessment schedule had been set for quite awhile, so the newsletter may have included an unintentional omission. The principal also stated that if the Student was feeling too stressed about the assessment, the District could delay the second part of the assessment and have the Student take it the following week. The principal then provided information about how the second part of the assessment was constructed. The principal stated that she would appreciate the Parent's input, so the staff could make sure the Student felt comfortable, and had sufficient breaks during the testing. The principal stated that she would make sure to wait for the Parent's response before having the Student take the second part of the assessment.
31. Also on April 26, 2016, the Parent emailed the Student's special education teacher, asking for information about the testing accommodations the Student had received on April 25, 2016. The Parent also asked why she was not informed the testing would take place, and if other parents had received communication about the testing.
32. On April 27, 2016, the Parent emailed the District assessment coordinator and copied the District superintendent, District special education director, school principal, the Student's special education teacher, and several other people. The Parent stated that the Student had arrived home on April 25 in "an anxious state" and had informed the Parent that she had taken a test the whole day at school. The

⁴ The District's documentation in this complaint includes a District newsletter, which states that "state testing for grades 7th-12th" would take place May 9-26, 2016.

Student then expressed concern about failing the test and then had trouble sleeping that night. As a result, the Student was too tired to attend school on April 26, 2016. The Parent had contacted the school on April 26, and was informed that the Student had participated in the statewide English Language Arts (ELA) assessment. The Parent had not been aware that the testing would take place on that date, and stated that the only information she had been provided indicated the testing would take place May 9-26, 2016. The Parent stated that the Student's IEP required the District to provide notice before any transition or change in the Student's schedule, and to have regular home/school communication. Additionally, the Student was required to have a separate testing area, have the use of an "interpreter", and have extended time for testing; however, the accommodations had not been provided on April 25, 2016. The Parent also stated that the Student had recently completed a private evaluation which recommended a scribe and a keyboard with large keys. The Parent had met with the District school psychologist to discuss the private evaluation, and provided consent for a District reevaluation. The Parent then expressed further concerns about the lack of information regarding the statewide testing, and the lack of the required testing accommodations. The Parent requested that a meeting be scheduled to review the testing accommodations the Student needed to complete the ELA assessment, as well as any other scheduled statewide testing, prior to the testing window being closed. The Parent also asked that a representative from OSPI or the regional educational service district (ESD) be invited to attend the meeting, so that someone knowledgeable regarding the laws about testing accommodations would be present.

33. On April 28, 2016, the District superintendent responded to the Parent's email and provided information about the federal law regarding accommodations that could be used by a student on federally required statewide tests. The superintendent also stated that he could assure the Parent that all District students were provided the appropriate accommodations identified in their current IEPs. The superintendent further stated that the District recognized the IEP document as a contract between the school district, the student, and the parents, which bound all parties to the conditions included in the current IEP. Additionally, the superintendent stated that he agreed that a meeting was the best way to explore the issues the Parent had presented, and that a third party knowledgeable about special education laws and processes should be included in the meeting. The superintendent stated that he expected to attend the meeting, along with a member of the school board, to "make certain no gift of public funds will be extended to provide services that are not specifically required by the IEP". In response, the Parent stated that she was available to meet any day after 12:30 pm. The Parent also asked that the school psychologist be included in the "loop" because the Parent wanted to have an IEP meeting to reevaluate the Student's services, as soon as possible after the meeting with the superintendent occurred. The Parent stated that she would communicate separately with the school psychologist regarding who the Parent would agree could be excused from the IEP meeting.

34. According to information provided by the District, the Student was registered to receive accommodations on the statewide assessments, and during the ELA

assessment on April 25, 2016, the test administrator had a list of the Student's accommodations and the accommodations were provided.

35. On May 3, 2016, the school principal emailed the Parent, stating that there was a limited time period for the Student to finish the statewide testing, as the testing needed to be completed by the end of the day on May 5, 2016. The principal also stated that the Parent had requested a meeting to review the Student's IEP accommodations, and asked if the Parent could meet the next day. Additionally, the principal stated that the only accommodations allowed for testing were the accommodations stated in the Student's current IEP, and that if the Parent felt the assessment anxiety was too great for the Student, the Parent had the right to opt out of the testing for the Student.
36. In response, the Parent stated that she understood the principal to say that there was no time to hold the meeting to discuss accommodations with a third party that the superintendent was planning, and then hold an IEP meeting to re-evaluate the Student's services. The Parent stated that from her perspective, she was being asked to make choices without knowing how they would impact the Student, her education, and the Parent's other choices. The Parent stated that she needed more information, which she did not believe the District's special education department could provide. The Parent then asked what the ELA testing requirements were, what happened if the assessment was not completed, how the scoring impacted the Student's education, and why was there a push for the Student to complete the testing by a certain date. The Parent also asked that if the goal was for the Student to do well, why the District would not wait until proper accommodations and possible new IEP accommodations were in place before having the Student complete the testing. The Parent stated that she had too many unanswered questions and planned to contact OSPI and then get back to the principal.
37. According to information provided by the District, the Student's IEP team did not meet to discuss assessments in May 2016, and no other meeting to discuss the Student's assessment was held.
38. On May 5, 2016, the Parent again emailed the school principal, stating that the Student would opt out of the ELA assessment and any other statewide testing for the 2015-2016 school year. The Parent asked if there was a written form she needed to complete. The principal later replied that she had notified staff regarding the Parent's decision, and attached a form for the Parent to complete.
39. On May 9, 2016, the Parent signed a statewide assessment refusal documentation form, opting the Student out of taking the statewide language arts and math assessments.
40. On May 31, 2016, the District sent the Parent a meeting invitation for a June 6, 2016 meeting to discuss the results of the Student's reevaluation, and develop a new IEP for the Student.

41. On June 6, 2016, the Student's evaluation group met to review the results of the Student's reevaluation. The District's evaluation report stated that the Student was now eligible to receive special education services under the category of autism. The District's evaluation report also stated that in 2014, the Student had been moved to occupational therapy consultation only services, and that based on a review of the Student's test results from the private evaluation, the Student was not eligible for fine motor services. However, the OT/PT team would be available for consultation services as needed. In regard to the area of communication, the District's June 2016 evaluation report did not include information from the Student's private evaluation report, or include any information from communication assessments conducted by the District. The District report did state that the Student had demonstrated good progress in speech therapy and had met her established goal of using appropriate semantic and syntactical structure. Interestingly, and despite the Student's progress in speech therapy, the report recommended that the Student continue to receive specially designed instruction in the area of communication, as well as speech language therapy as related service. The District report also recommended that the Student continue to receive specially designed instruction in the areas of reading, writing, math, and social skills, and that the Student be provided a modified keyboard as a supplementary aid. The evaluation report did not include information about the Student's need for an occupational therapy consultation services, but stated that the Student would have access to an instructional aide for 330 minutes per school day. The evaluation group members were also provided a copy of the Student's private evaluation report.

42. Also on June 6, 2016, the Student's IEP team developed a new IEP for the Student. The June 2016 IEP included annual goals in the areas of math, reading, writing, social skills, and communication. The IEP provided for the following specially designed instruction and related services in a special education setting:

- Math – 250 minutes per week
- Reading – 250 minutes per week
- Writing – 250 minutes per week
- Social Skills – 30 minutes per week (concurrent) (provided by a special education teacher)
- Communication – 30 minutes per week (as specially designed instruction and a related service)

The June 2016 IEP also provided for the following supplementary aides and services:

- Instructional aide – 900 minutes per week (180 minutes per day)
- Staff Training and Awareness Support – 15 minutes per quarter
- Consultation Services with an Occupational Therapist – 15 minutes per month
- Access to Instructional Assistance – 750 minutes per week (resource room)

In addition, the IEP included the following accommodations:

- Modified or shortened homework
- Modified or shortened classroom assignments
- Testing in separate testing location, one-on-one or small groups

- Extended deadlines for assignments
- Regular home/school communication via an assignment notebook/journal
- Expectations must be simple, clear and phrased in a positive or neutral language
- Only one specific direction or command at a time
- Create opportunities for the Student to be successful and share her talents and gifts to help foster development of a positive relationship with self or others
- Accommodate the Student's fluctuating level of behavioral stability with appropriate academic expectations
- Allow unlimited bathroom use
- Notice prior to any transition or change in schedule
- Permission to move around as needed
- Use of interpreter⁵
- Choice for breaks/recess
- Repeat school rules and procedures regularly
- Allow use of headphones for assemblies as necessary
- Access to snacks/water as needed
- Consistent schedule
- Provide example of work expected or project

The IEP also stated that the Student would participate in statewide tests in the following areas with the following accommodations:

- Reading – more than one day for test, separate testing location-small group or individually, and frequent breaks
- Math – more than one day for test, separate testing location-small group or individually, frequent breaks, and text-to-speech or human reader
- Writing – more than one day for test, separate testing location-small group or individually, frequent breaks, and text-to-speech or human reader
- Science – separate testing location-small group or individually, frequent breaks, and text-to-speech or human reader

The June 2016 IEP then stated that the District would “explore alternative keyboards with large keys.”

43. Also on June 6, 2016, the District completed two prior written notices. The first notice stated that the purpose was to notify the Parent of the District's proposed action as follows: “the parents have requested a reevaluation to include outside assessments.” The notice stated that the reason for the action was “a reevaluation has been completed and the team has found that the student has a disability which adversely affects her educational performance and requires specially designed instruction.” The first notice further stated in the additional explanation section “change in eligibility category from other health impairment to autism.” The District's second prior written notice stated that the purpose was to notify the Parent that the Student's “most current IEP would be implemented as developed and reviewed at the recent IEP team meeting.” No additional explanation was included, and the

⁵ According to information from the District, the Student's IEP mistakenly reflects that she requires an interpreter. The Student speaks English and is not hearing impaired.

notice stated the reason for the action was that the Student's IEP must be renewed on a yearly basis.

44. On June 7, 2016, the Parent emailed the school psychologist, stating that there were two things that were not discussed at the June 6 IEP meeting. The first was the Student's absences. The Parent stated that the school psychologist had the note from the Student's doctor stating that the Parent was a "good judge" of when the Student would have a bad day at school and should therefore stay home. The Parent asked if there was a state release form she needed to complete to address the frequent absences. In response to the email, the psychologist stated that she would call the Parent later that day.
45. According to the Parent's complaint, the Parent received a copy of the Student's June 6 IEP on June 9, 2016.
46. The District's 2015-2016 school year ended on June 10, 2016. Based on the Student's attendance record, the Student missed all or part of forty-four school days during the 2015-2016 school year.

Summer 2016

47. On August 30, 2016, the Parent emailed the District special education director, stating that at the end of the 2015-2016 school year, she had emailed the school psychologist about issues the Parent saw in the Student's June 2016 IEP which the psychologist had mailed to her. In response, the school psychologist had told the Parent that she would address the issues, but the Parent had since learned the psychologist no longer worked in the District. The Parent asked that the special education director provide her with contact information for the new school psychologist.
48. On August 31, 2016, the special education director emailed the Parent, confirming that the school psychologist no longer worked in the District, and stated that the District was in the process of trying to hire a new psychologist. The director stated that once a new psychologist was hired, she could send the Parent the contact information, and also asked that the Parent let her know if the director could be of assistance until that time. In response, the Parent listed the following issues with the Student's June 2016 IEP:
 - Stated that a special education teacher would provide the Student's social skills services, instead of the school psychologist
 - Stated that the Student had access to an instructional aide in the resource room, instead of access to the same instructional aide she had in other settings
 - Did not provide for text-to-speech software or a human reader on the instructions portion of the state reading assessment
 - Under the accommodations section, it stated that that notice would be provided prior to any transition or change in schedule, but did not include "parental notice prior to testing"

- Did not include information about the Student using a room at the school to jump, roll, or bounce when needed for repetitive physical action to help the Student calm and focus.

The Parent also stated that at the June IEP meeting, several things were not discussed, but may need to be added to the Student's IEP. Those items included:

- The Student took art class all year as her elective choice, because the other electives were too hard or too noisy for the Student.
- The Student had a medical note explaining how her anxiety levels and night terrors can cause her issues, and that due to the issues the Parent may judge it best to keep the Student home for the day or have her arrive at school late. The school psychologist was going to look into whether there was a state release form the Parent needed to sign when the Student missed school days.
- The Student had two medical appointments over the summer regarding absence seizures, and would have additional testing in the next couple months. The Parent asked if the possible seizures should be mentioned in the Student's IEP.

Additionally, the Parent stated that she was interested in finding out:

- How the Student's new keyboard would be implemented in the Student's general education computer class and her special education classes
- If there was a plan in place for the dual headphones for the computer class, or if the Student and her instructional aide be going to another location for the class period
- If partitions were installed between computer stations in the resource room

49. On September 1, 2016, the Parent emailed the District special education director, stating that she wanted to make sure the director understood that the Parent's meeting with the new school principal the following week was in regard to the District's attendance policy. The Parent stated that the director was welcome to attend the meeting, but did not want the meeting to distract the director from the Parent's concerns about the Student's IEP.

2016-2017 School Year

50. The District's 2016-2017 school year began on September 6, 2016. At that time, the Student began attending eighth grade at a District junior high school. Her June 2016 IEP continued to be in place.

51. The Student's daily schedule for the 2016-2017 school year was as follows:

- Period 1: PE or Computer Education – general education (50 minutes)
- Period 2: History – general education (50 minutes)
- Period 3: Math – special education (50 minutes)
- Period 4: Science – general education (50 minutes)
- Period 5: Art – general education (50 minutes)
- Period 6: Reading – special education (50 minutes)
- Period 7: Language Arts – special education (50 minutes)

52. On September 8, 2016, the Parent met with the new school principal and the District special education director. The group discussed the District's attendance policy and the Student's medical issues. They also discussed issues with the Student's current

IEP. Based on the District's response to this complaint, the group agreed that the Student's IEP mistakenly stated that a special education teacher would provide the Student's social skills services, and instead, should have reflected that the school psychologist would provide the social skills services. However, because the District did not currently have a school psychologist, it was agreed the school counselor would provide the services. The Student's IEP was not amended to reflect the change in provider.

53. On September 12, 2016, the Parent emailed the new school principal, stating that per their discussion about the District's attendance policy, she was including a medical note. The Parent asked that the principal let her know if the District needed additional information from the Student's physician, as she could get the information the following week when the Student had a medical appointment. The Parent stated that if needed, she was available to discuss and sign an attendance plan.

54. On September 21, 2016, the Parent emailed the District special education director, asking for an update on addressing the issues she had raised in the Student's IEP. The Parent stated that she had not heard from any staff members about the Student's IEP, and that the Student had relayed that she did not have a different keyboard, or dual headphones.

55. On September 22, 2016, the Parent emailed the Student's general education PE teacher, stating that she wanted to touch base with the teacher about the Student's IEP and recent medical issues. The Parent asked to set up a time to talk by phone or in person. In response, the PE teacher provided a time period he was available to speak with the Parent.

56. Also on September 22, 2016, an altercation occurred during the Student's sixth period special education class. During the class, the Student sat near a group of other students, and the Student's aide sat beside the Student. One of the other students threw a paper ball at another student, hitting him in the eye. In response, the student who had been hit, began swearing and slammed the books on his desk, which sent them flying across the room. The Student's aide then asked that student to leave the classroom. At that same time, the special education teacher also asked that student to leave the room, and the student complied. The teacher also left the room to speak to the student. The Student's aide remained in the classroom with the other students. Another instructional aide (instructional aide 2) entered the classroom, and the students in the room continued to work. The bell then rang, signaling the end of the class period and the Student's aide left the room to take a break. A third instructional aide (instructional aide 3) then went and sat near the Student. Instructional aide 3 then asked instructional aide 2 to assist with the Student because the Student had begun to get upset over the earlier incident. After a few minutes, the Student calmed down, the Student's aide returned to the room, and all of the students continued to work on their assignments.

57. On September 26, 2016, the District special education director responded to the Parent's September 21, 2016 email, stating that the District was working with a

temporary school psychologist as the hiring process was finalized, and that in the meantime, the director would work with the Student's special education teacher to address the Parent's concerns, and complete the IEP addendum which would be forwarded to the Parent. The director also stated that she had ordered two different keyboards from the special education technology center to see which one may be the most beneficial for the Student, and had also ordered the dual headphone jack.⁶ The director stated that staff would get the items in place once they arrived. Additionally, the director stated that she had checked the Student's class schedule, and the Student was scheduled to participate in art class all year.

58. On September 29, 2016, the Parent filed this citizen complaint.

59. On October 3, 2016, the dual headphone jack was provided to the Student's special education teacher. The teacher then expressed concern regarding headphones, and it was agreed that two sets of headphones from the District elementary school would be used.

60. On October 12, 2016, a staff member from the special education technology center emailed the District special education director regarding the keyboards that had been ordered for the Student. The technology center staff member stated that only one of the keyboards was currently available, and asked if the director wanted the keyboard to be shipped at that time, or if the director wanted to wait until both keyboards were available. In response, the director asked that the available keyboard be shipped. The technology center staff member then agreed to send the available keyboard that same day.

61. On October 17, 2016, the keyboard was provided to the Student's special education teacher.

CONCLUSIONS

Issue 1: Responding to the Parent's Request for Meetings – The District's documentation fails to substantiate that it followed procedures for responding to the Parent's request for IEP meetings. A parent may request an IEP meeting at any time. If the district does not believe a meeting is necessary, it must provide the parent prior written notice of its refusal to hold an IEP meeting. Based on the information provided by the Parent, the Parent made multiple requests for IEP meetings during the 2015-2016 school year, but the District did not schedule an IEP meeting, or provide the Parent with prior written notice.

Issue 2: IEP Implementation – The timeline for this complaint began on September 30, 2015. Therefore, OSPI is not able to address any potential violations which occurred before September 30, 2015.

⁶ The District's documentation in this complaint shows that the District special education director ordered the keyboards and the headphone jack on September 26, 2016.

June 2015 IEP – The District failed to implement the Student’s June 2015 IEP during the 2015-2016 school year. The District is required to implement a student’s IEP as written, including providing the accommodations and modifications stated in the IEP. Additionally, the District is responsible for ensuring a student’s IEP is accessible to all staff members who are responsible for implementing the student’s IEP. Here, the Parent’s documentation indicates that at least one of the Student’s general education teachers was not familiar with the Student’s IEP accommodations, despite the District stating that the Student’s teachers were provided with a copy of the Student’s accommodations page. It is not the responsibility of a parent or a student to inform District staff about IEP requirements. The District needs to ensure that it is providing staff with copies of IEPs, not just the IEP accommodations page, and also reviewing the IEPs with staff to make sure staff understand how to implement the IEPs. It is also noted that the Student’s June 2015 IEP did not include complete information about the Student’s behavior issues as stated in her June 2015 evaluation report, which makes it difficult for staff members to understand the Student’s array of needs. In addition, the Student missed all or part of forty-four school days during the 2015-2016 school year, but the IEP did not address her absences.

The Student’s June 2015 IEP states that notice would be provided prior to any transition or change in the Student’s schedule. On April 25, 2016, the District conducted statewide testing of the Student, but did not provide the Parent and/or the Student with notice that the assessment would take place at that time, which caused the Student some degree of anxiety. The District’s documentation shows that while the Parent was notified that the Student would take the statewide assessment, the District’s newsletter mistakenly stated that the assessments would begin two weeks later on May 9, 2016. The District needs to ensure it is accurately communicating statewide testing schedule information to all parents, and that it is providing the Parent and the Student information prior to substantial changes in the Student’s schedule. Despite the failure to provide notice to the assessment, the District had substantiated that the Student was provided with her IEP testing accommodations on the statewide language arts assessment.

June 2016 IEP –

Assistive Technology – The District failed to implement the Student’s June 2016 IEP during the 2016-2017 school year. The Student’s June 2016 IEP provided for a use of a keyboard with large keys, but such a keyboard was not in place at the beginning of the District’s 2016-2017 school year. In the District’s response, the District states that there was a delay in providing the Student with a keyboard because the keyboard was not available when it was ordered. However, the District’s documentation shows that the District failed to order the keyboard until twenty days after the school year began, which undoubtedly added to the delay. The documentation in this complaint also shows that the District did not order the Student’s needed dual headphone jack until September 26, 2016. However, since the headphone jack is not referenced or mentioned in the Student’s June 2016 IEP, this is not a violation.

Paraeducator Support – In the Parent’s complaint, the Parent alleged that the Student was left alone in a classroom following an incident which occurred between other students. The District’s documentation does show that an incident occurred in the

Student's special education classroom on September 22, 2016. However, the documentation also shows that the Student was not left alone in the classroom at any time, and that staff were responsive to the Student's concerns.

Issue 3: IEP Amendment – When a parent requests that changes be made to a student's IEP, the District must either follow procedures for amending the student's IEP, or must provide the parent with prior written notice documenting the reasons the District is refusing to make the changes. During the 2015-2016 school year, the District did not amend the Student's IEP despite the Parent's multiple requests for IEP meetings and the Parent's specific March 2016 request to hold a meeting to discuss the recommendations in the Student's private evaluation report. While the District decided to conduct a reevaluation of the Student in order to review the information in the Student's private evaluation report, the reevaluation only included a review of existing data, and unnecessarily delayed the scheduling of an IEP meeting to discuss whether the Student required additional accommodations. There is no requirement that a student be reevaluated prior to an IEP team agreeing to add accommodations from an independent evaluation to an IEP. In addition, it is also noted that the District did not complete the Student's reevaluation within the thirty-five school day required timeline.

In August 2016, the Parent requested that changes be made to the Student's June 2016 IEP and on September 8, 2016, the District did hold a meeting and discussed the Student's IEP. However, the District did not amend the Student's IEP based on any decisions made at the September 8 meeting, and did not provide the Parent with adequate prior written notice. The District will hold an IEP meeting to review the Parent's request for changes to the Student's IEP. At the meeting, the IEP team will also review the Student's accommodations, including the need for assistive technology, to ensure the accommodations are appropriate for the Student, and review the Student's provision of services with all appropriate staff to ensure she is receiving the specially designed instruction and related services recommended and included in her June 2016 evaluation report.

CORRECTIVE ACTIONS

On **December 29, 2016, January 6, 2017, January 20, 2017, and March 3, 2017**, the District will provide documentation to OSPI that the following corrective actions have been completed.

STUDENT SPECIFIC:

By **December 15, 2016**, the District will hold an IEP meeting to review the Parent's request for changes to the Student's IEP. The IEP team will also review the Student's accommodations, including the need for assistive technology, to ensure they are appropriate for the Student, and review the Student's provision of services to ensure she is receiving the specially designed instruction and related services recommended in her June 2016 evaluation report. The IEP team will also discuss the Student's attendance and document any related information in her IEP. By **December 29, 2016**, the District will submit 1) a copy of any meeting invitations; 2) a copy of the amended IEP; and, 3) a copy of any related prior written notices.

DISTRICT SPECIFIC:

By **February 24, 2017**, the District will provide training for all District special education certificated staff, including educational staff associates (ESAs), and school principals regarding: responding to parent requests for IEP meetings, evaluation/reevaluation procedures, the development and implementation of IEPs, and procedures for amending IEPs. The trainer will not be an employee of the District. The training will also include examples.

By **January 6, 2017**, the District will notify OSPI of the name of the outside trainer, and provide documentation that the District has provided the trainer with a copy of this decision for use in preparing the training materials.

By **January 20, 2017**, the District will submit a draft of the training materials to OSPI for review. OSPI will approve the materials or provide comments by February 3, 2017 and additional dates for review, if needed.

By **March 3, 2017**, the District will submit documentation that staff participated in the training. This will include a 1) sign-in sheet from the training and 2) a roster of all District certificated special education staff and school principals so OSPI can verify that all required staff participated in the training.

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](mailto:Thinh.Le@k12.wa.us) at Thinh.Le@k12.wa.us.

Dated this ____ day of November, 2016

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.)