



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-06

FINDINGS, CONCLUSIONS, AND DECISION

PROCEDURAL HISTORY

On February 21, 2017, the Special Education Office (SPED) within the Office of Superintendent of Public Instruction (OSPI) received e-mailed Special Education Citizen Complaints from a Washington state citizen, [REDACTED]. Some of the issues [REDACTED] complaint discusses are differing WAC's, language from differing WAC's, questions to District persons, statements, and comments. After reviewing the complaint information, SPED determined that [REDACTED] was alleging violations of IDEA and opened SECC 17-08.

On March 15 and 17, 2017, SPED received e-mailed Special Education Citizen Complaints from [REDACTED] stating she disagreed with SPED's decision to suspend SECC 17-08 because the issues in the due process complaint differ from the issues in her complaint. After reviewing the complaint information, SPED declined to initiate an investigation after determining [REDACTED] allegations were not violations of IDEA and her e-mailed complaint did not contain a handwritten signature.

On April 19, 2017, SPED received e-mailed Special Education Citizen Complaint from [REDACTED]. Some of the issues [REDACTED] complaint discusses are: a change in her child's advisory class; maintaining her child's 504 plan; a complaint about the District superintendent; the district should pay for and independent educational evaluation; removing her name from documents she didn't sign; assisting her older son because he suffered an injury in a school activity more than three years prior; assisting her older son with further post-high school education; reimbursing her for her assistance to her son; the school falsely accusing her younger son of assault and disciplining him as a result; and a bill collector that contacted her. After reviewing the complaint information, SPED declined to initiate an investigation after determining [REDACTED] allegations contained some references to issues under investigation in SECC 17-08. SPED also declined to initiate an investigation after determining [REDACTED] other allegations were not violation of IDEA, Part B, and relevant state laws and rules and the e-mailed complaints did not contain a handwritten signature.

On May 25, 2017 and May 26, 2017, SPED received e-mailed Special Education Citizen Complaints from [REDACTED]. In her e-mail, [REDACTED] alleged that she

had never received a copy of her child's IEP. In a handwritten signed complaint that was attached to the e-mail, **[REDACTED]**: alleges twelve different District employees have neglected and abused students; alleges she never received her child's IEP; questions the superintendent's mental state; questioned her signature on a document; states the district should pay for an IEE; discusses her older child and a prior school related injury and wanting the district to assist him with further education and finances; reimburse her for her assisting her older child; removing an assault discipline from her younger son's record; the district failing to have a 504 plan in place for her younger son at all times; and other issues. **[REDACTED]** also sent a list of special education WAC's. After reviewing the complaint information, SPED made contact with **[REDACTED]** and the District to address her complaint that she had not received a complete copy of her child's Individualized Education Program (IEP). SPED declined to initiate an investigation after determining **[REDACTED]** other allegations were not violations of IDEA, Part B, and relevant state laws and rules and that her complaint did not contain a handwritten signature.

On June 9, 2017 and June 11, 2017, SPED received e-mailed Special Education Citizen Complaints from **[REDACTED]**. In her e-mail, **[REDACTED]** alleged that an IEP was implemented by the school without her consent. In a handwritten signature complaint, that was previously sent in May 2017, **[REDACTED]**: alleges twelve different District employees have neglected and abused students; alleges she never received her child's IEP; questions the superintendent's mental state; questioned her signature on a document; states the district should pay for an IEE; discusses her older child and a prior school related injury and wanting the district to assist him with further education and finances; reimburse her for her assisting her older child; removing an assault discipline from her younger son's record; the district failing to have a 504 plan in place for her younger son at all times; and other issues. **[REDACTED]** also sent a list of special education WAC's. After reviewing the complaint information, SPED made contact with **[REDACTED]** and the District to address her complaint that she had not received a complete copy of her child's Individualized Education Program (IEP). After reviewing the complaint information, SPED declined to initiate an investigation after determining additional information was needed from **[REDACTED]** in order to determine the potential violation and her complaint for not contain a handwritten signature.

On July 11, 2017, SPED received an e-mailed Special Education Citizen Complaint from **[REDACTED]**. In a handwritten signature complaint, **[REDACTED]** states, "An IEP and then after it was implemented and this complaint on Federal way (sic) high school and federal way school district 35999 16th Ave S, Federal Way, WA 98003 on the grounds that Federal way high school and federal way school district 35999 16th Ave S, Federal Way, WA 98003 refused requirements under part B that include all of..." and listed WAC's 392-172A-05010, -05020, -03000, -05185, - 05210, -05125, -05210 through -05235; that she was never provided an IEE; that the district made false and illegal statements that an IEE was completed on September 7, 2017; the district refused her son an IEE; and the district refused her son medical treatment and help on and after October 6, 2016. SPED declined to initiate an investigation after determining some

of **[REDACTED]** were shown to be false, based on prior SPED investigations, and the remainder of her complaint did not provide enough facts to describe a violation of IDEA, Part B, and relevant state laws and rules.

From September 15, 2017 to September 17, 2017, SPED received e-mailed Special Education Citizen Complaints from **[REDACTED]**. In a handwritten signature complaint, **[REDACTED]** states: a district staff member was attempting to illegally change her son's IEP; her son was placed into a specific class due to "discrimination on people with disabilities"; the district was violating IDEA, Part B, and WAC's in chapter 392-172A by refusing to provide all communication with her in writing. In another, handwritten signature complaint, **[REDACTED]** states: that her child was illegally placed into a specific class; her child's evaluation does not mention this class; and the school is attempting to complete an evaluation without her consent. In another, handwritten signature complaint, **[REDACTED]** states the district had "refused requirements under Part B that include:" The remainder of the document discusses the specific course **[REDACTED]** did not want her child in and includes comments from her child's teachers on her child's weekly progress. After reviewing the complaint information, SPED determined **[REDACTED]** allegations may constitute a violation of special education laws and opened SECC 17-65.

On September 25, 2017, SPED received an e-mailed Special Education Citizen Complaint from **[REDACTED]**. In the e-mail, **[REDACTED]** states that the district was "refusing all appropriate positive interventions and supports for the student because the school is refusing all of..." WAC 392-172A-03015 through -03115. In a handwritten signature complaint, **[REDACTED]** states: the district has "refused requirements under part B that include:" and list WAC's 392-172A-03015 to -03115. After reviewing the complaint information, SPED determined **[REDACTED]** was alleging violations of IDEA and added the issues to SECC 17-65.

On October 10, 2017, SPED received e-mailed Special Education Citizen Complaints from **[REDACTED]**. In a handwritten signature complaint, **[REDACTED]** states: FWHS and the district forged her name on an IEP and IEP evaluation 2016-2017 school year; she reported Federal Way High School for abusing kids in a class and OSPI has an obligation to report that to the proper authorities and OSPI hasn't done that; a district person was illegally attempting to change her child's IEP; her child was placed in a class "due to discrimination on people with disabilities; the district is violating IDEA, Part B, by refusing to provide all communication in writing; putting her child into a specific course is illegal; there was no valid IEP because "there was none approved, implemented, or created under proper rules and there was none followed for the school year od 2016-2017; her child's medical provider never mentioned a specific course for her child, the school is attempting to change the medical evaluation and the school is violating Part B by attempting to force her child into this specific course; asks for her child's father medical provider, and a person that understand her child at the school included on her child's IEP team; requests the removal of district persons from her child's IEP team because they are not to be trusted and do not create a positive environment for her child; and additional statements and requests. After reviewing the

complaint information, SPED determined [REDACTED] was alleging violations of IDEA and opened SECC 17-70.

On October 11, 2017, SPED received an e-mail from [REDACTED]. The e-mail was sent to Educational Service District (ESD) 121 with SPED sent a courtesy copy. The subject of the e-mail was "P1 attn Mr. Welch – (this document is only for 121 district) Attn New complaint against the district filed with the Puget Sound Educational Services District 121. Attached to the e-mail were five (5) citizen complaints. Many of the comments and issues are duplicated in the complaints and contain information that [REDACTED] had previously submitted directly to SPED. After reviewing the complaint information, SPED declined to initiate an investigation after determining the issues listed in the attachment had been previously investigated.

On November 7, 2017, SPED received an e-mailed Special Education Citizen Complaint from [REDACTED]. In a handwritten signature complaint, [REDACTED] states: her child was told that if [REDACTED] did not attend a student led conference, her child would be sent to the office; she is having issues with the school harassing her and her child because on her child's birthday, a counselor told her that her child's classes were going to be changed; that the school had a meeting without her; that she was not invited to this meeting; that the school never informs parents about provisions relating to participation of individuals on the IEP team who have knowledge or special expertise about the student; school has never provided her prior written notice for a meeting; school is illegally attempting to rename the meeting; her son was re-evaluated but the documents were not incorporated into his IEP. After reviewing the complaint information, SPED determined some of [REDACTED] allegations could constitute violations of IDEA and opened SECC 17-81. SPED also determined that one of [REDACTED] complaints was not a violation of special education laws and informed [REDACTED] that issue would not be included in SECC 17-81.

On November 9, 2017, SPED received e-mailed Special Education Citizen Complaints from [REDACTED]. In a handwritten signature complaint, [REDACTED] states the school was violating Part B by refusing to accommodate her disability by providing everything to her in writing and providing her at least 60 days to communicate before any changes are made to her child's IEP and the district has refused to ensure she understands the proceedings of the IEP team meeting. After reviewing the complaint information, SPED declined to initiate an investigation after determining [REDACTED] allegations were previously investigated by SPED or were currently being investigated by SPED.

On January 8, 2018, SPED received an e-mailed Special Education Citizen Complaint from [REDACTED]. In a handwritten signature complaint, [REDACTED] states: "The school refused to follow the IDEA rules on the dates of"; no dates are listed; WAC 392-172A-03040 is included; that her child did not qualify for an IEP based on 504 rules. After reviewing the complaint information, SPED determined [REDACTED] was alleging violations of her child's initial special education placement evaluation and violations of Section 504 of the Rehabilitation Act of 1973. After reviewing the complaint information, SPED declined to initiate an investigation after determining the evaluation

allegations had been previously addressed and SPED has no authority to investigate Section 504 allegations.

On January 10, 2018, SPED received an e-mailed Special Education Citizen Complaint from [REDACTED]. In a handwritten signature complaint, [REDACTED] states: in February 2017, the district created a false IEP on the grounds the district did not follow WAC 392-172A-03040; she did not agree with the evaluation; WAC 392-172A-03040 states the parent should make the decision for eligibility and she did not make the determination. After reviewing the complaint information, SPED declined to initiate an investigation after determining the evaluation allegations had been previously addressed.

On January 11, 2018, SPED received a complaint against OSPI from [REDACTED]. OSPI opened SECC 18-06.

On January 17, 2018, SPED received e-mailed Special Education Citizen Complaints from [REDACTED]. [REDACTED] expressed she did not agree that SPED, upon receipt of a new complaint from her, could decline to open an investigation based upon a determination the issues had been previously investigated. [REDACTED] expressed that SPED should either open a new investigation or reinstate a prior investigation when she has presented new information about the previously investigated issue. The example [REDACTED] provides is concerning her January 8, 2018 Section 504 complaint and that SPED should open an investigation because she recently learned about Section 504 rules. After reviewing the complaint information, SPED declined to initiate an investigation as SPED has no authority to investigate Section 504 allegations

On January 19, 2018, OSPI acknowledged receipt of the complaint, assigned the Office of Professional Practices (OPP), within OSPI, to investigate the allegations and forwarded a copy of [REDACTED] complaint to SPED for response.

On February 12, 2018, OPP received SPED's response to the complaint and forwarded it to [REDACTED] on February 14, 2018. [REDACTED] declined to accept the response and the response was returned to OPP.

On February 23, 2018, OPP forwarded SPED's response to [REDACTED]. On March 1, 2018, [REDACTED] received SPED's response. As of March 12, 2018, [REDACTED] had not provided OPP her rebuttal to SPED's response.

ALLEGATIONS AND RESPONSE

Complaint

[REDACTED] alleges that:

1. SPED improperly declined to investigate all of her complaints in 2016 and 2017 on “false grounds that included: they made false statements that my complaints were not signed (and they were), they made statements that they had already been investigated (and the complaint had a different date on it so the complaints was for different items.”;
2. SPED ignored that the Federal Way School District refused corrective action; SPED hired John Welch, Puget Sound ESD Superintendent; Mr. Welch refused to investigate abuse of children and OSPI has not investigated Puget Sound ESD; that Mr. Welch communicated with “the school and person that harmed children” and told the person to create a false investigation;
3. OSPI never investigated these items and “has left these people in charge of kids to create more harm to kids”;
4. SPED has ignored a fact that the district falsely put her name in an evaluation and the fact that an evaluation was created on false terms and against a Washington Administrative Code (WAC);
5. SPED that is refusing to penalize the Federal Way School District and allowing the District to abuse students and bully parents;
6. SPED is refusing her “the statute of limitations that congress put in place in 2004”; and
7. SPED made decisions regardless of and ignored facts her son had a 504 plan, created in 2015, and Federal Way School District refused to follow the 504 policy when attempting to change it to an Individualized Education Plan (IEP).

Response

SPED denies the allegations in part and agrees in part.

SPED agrees that they improperly declined to initiate investigations based upon **[REDACTED]** May 25, 2017 and May 26, 2017 complaints. SPED states that they improperly declined to initiate investigations because within the e-mail attachments were handwritten signature complaints.

SPED also agrees that since **[REDACTED]** reiterated the same complaints from her May 25 and May 26, 2017 e-mails in e-mails on June 9, 2017, SPED improperly declined to initiate investigations at that time.

SPED denies that they improperly interpreted the information and/or facts provided by **[REDACTED]**, in complaints dated March 15-17, 2017, April 19, 2017, July 11, 2017, October 11, 2017, November 9, 2017, January 8, 2018, January 10, 2018 and January 17, 2017, in determining the allegations either did not meet the statutory requirements

for filing a complaint as listed in WAC 392-172A-05025, were not violations of IDEA, Part B, and relevant state laws and rules, or the allegations that had previously been investigated by SPED.

SCOPE OF INVESTIGATION

OPP's investigation is limited to a review of whether SPED properly denied Request for Special Education Citizen Complaints for failure to present facts that demonstrate a violation of Part B of Individuals with Disabilities Education Act (IDEA), or its implementing regulations, and/or relating Washington state statutes. WAC 392-172A-05025(1).

OPP, as part of its investigation, is unable to review **[REDACTED]** allegations numbered 2, 3, 4, 5, 6, and 7.

ISSUE

Did SPED, after receiving information from **[REDACTED]** through Special Education Citizen Complaints, improperly declined to investigate concerns of violations of Part B of Individuals with Disabilities Education Act (IDEA), or its implementing regulations, and/or relating Washington state statutes. WAC 392-172A-05025(1).

Did SPED, after receiving information from **[REDACTED]** through Special Education Citizen Complaints, improperly interpreted concerns of violations of Part B of Individuals with Disabilities Education Act (IDEA), or its implementing regulations, and/or relating Washington state statutes. WAC 392-172A-05025(1).

LEGAL STANDARDS/REGULATIONS AT ISSUE

The following laws, rules and regulations are relevant to the resolution of the issue in this matter:

WAC 392-172A-05025 (excerpt) – Procedures for filing a complaint --

(1) An organization or individual, including an organization or individual from another state, may file with the OSPI, special education section, a written, signed complaint that the OSPI, or a subgrantee of the OSPI, including but not limited to an ESD, school district, or other subgrantee is violating or has violated Part B of the Individuals with Disabilities Education Act or regulations implementing the act.

(2)(a) A written complaint filed with OSPI will include:

- (i)(A) A statement that the agency has violated or is violating one or more requirements of Part B of IDEA including the state and federal regulations implementing the act; or
- (B) A statement that the school district is not implementing a mediation agreement or a resolution agreement;
- (ii) The facts on which the statement is based;
- (iii) The signature and contact information, including an address of the complainant; and
- (iv) The name and address of the school district, or other agency subject to the complaint.
- (b) If the allegations are with respect to a specific student the information must also include:
 - (i) The name and address of the student, or in the case of a homeless child or youth, contact information for the student;
 - (ii) The name of the school the student attends and the name of the school district;
 - (iii) A description of the nature of the problem of the student, including the facts relating to the problem; and
 - (iv) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed

34 CFR § 300.153 (excerpt) – Filing a Complaint –

- (a) An organization or individual may file a signed written complaint under the procedures described in §§300.151 through 300.152
- (b) The complaint must include –
 - (1) A statement that a public agency has violated a requirement of Part B of the Act or this part;
 - (2) The facts on which the statement is based;
 - (3) The signature and contact information for the complainant; and
 - (4) If alleging violations with respect to a specific child;
 - (i) The name and address of the residence of the child;
 - (ii) The name of the school the child is attending; . . .

34 CFR § 300.152 (excerpt) – Minimum State Complaint Procedures –

- (a) Time limit; minimum procedures. Each SEA¹ must include in its complaint procedures a time limit of 60 days after a complaint is filed under §300.153 to --
 - (1) Carry out an independent on-site investigation, if the SEA determines that an investigation is necessary;

WAC 392-172A-05030 (1) through (5) – Investigation of the complaint and decision –

- (1) Upon receipt of a properly filed complaint, the OSPI shall send a copy of the complaint to the school district or other agency for their investigation of the

¹ SEA is the acronym for State Education Agency.

alleged violations. A complaint against OSPI shall be investigated pursuant to WAC [392-172A-05040](#).

(2) The OSPI will provide the complainant the opportunity to submit additional information, either orally or in writing, about the allegations contained in the complaint. If the additional information contains new information, the OSPI may, in its discretion, either notify the district of the additional issues or inform the parent of the option to open a new complaint.

(3) The school district or other agency shall respond in writing to the OSPI with documentation of the investigation, no later than twenty calendar days after the date of receipt of the complaint.

(4) The response to the OSPI shall clearly state whether:

(a) The allegations contained in the complaint are denied and the basis for such denial; or

(b) The allegations are admitted and with proposed reasonable corrective action(s) deemed necessary to correct the violation.

(5) The OSPI will provide the complainant a copy of the school district's or other agency's response to the complaint and provide the complainant an opportunity to reply. If the complainant is not authorized to review personally identifiable information, that information will not be provided to the complainant.

WAC [392-172A-05035](#) (2) – Citizen Complaints and due process hearings –

(2) If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:

(a) The hearing decision is binding; and

(b) The OSPI must inform the complainant to that effect.

FINDINGS

The Special Education Office, within the Washington state Office of Superintendent of Public Instruction, has authority in Washington state, per RCW 28A.155.090 and WAC Chapter 392-172A, to investigate allegations or concerns that a Washington state public school or local education entity has or is violating Part B of Individuals with Disabilities Education Act (IDEA), or its implementing regulations, and/or relating Washington state statutes. WAC [392-172A-05025](#)(1).

WAC [392-172A-05025](#) sets out the procedures for filing a complaint, which includes the minimum content requirements of a complaint. Among other things, a complaint must be written, signed, and include, at least, a statement that the agency is violating one or more provisions of IDEA Part B along with the facts on which the statement is based.

WAC [392-172A-05030](#), which governs the investigation of a complaint, applies only if a complaint has been “properly filed.” WAC [392-172A-05025](#), discussed in paragraph 1, contains the requirements for proper filing.

In addition to the WAC rules, the Special Education section has a page on the OSPI website that provides guidance to potential complainants about the how to File a Citizen Complaint, and what information must be included in a complaint. The webpage states that a complaint must: be in writing; include the name, address, and contact information of the person filing the complaint; the name, address, and other contact information of the student at issue in the citizen complaint; the name of the school district you believe violated the IDEA; date the school district was provided with a copy of the complaint by the complainant; a description of how you think the school district violated special education rules or laws, include a description of the facts and dates, in general when you think the alleged violations happened; and a proposed resolution.

<http://www.k12.wa.us/SpecialEd/DisputeResolution/CitizenComplaint.aspx> (FAQ -- What does the complaint need to include?).

The Special Education section on the OSPI website further states that:

OSPI reviews the complaint and any additional documents you provide. OSPI will determine if you alleged a possible violation of IDEA Part B. If you have not alleged a possible violation of IDEA Part B, we will send you a letter explaining why we are not opening an investigation. If you have alleged a possible violation of IDEA Part B, we identify issues for investigation and notify the district that a complaint has been opened.

<http://www.k12.wa.us/SpecialEd/DisputeResolution/CitizenComplaint.aspx> (FAQ -- What does OSPI do with my citizen complaint?).

Per WAC 392-172A-05025(2)(d), SPED has authority to investigate properly filed complaints that allege violations of Part B of IDEA and relevant state laws and rules that have occurred within one (1) year of the date of the complaint.

Under 34 CFR § 300.152, the Special Education Section is only required to investigate a complaint if it determines that an investigation is necessary.

Upon receipt of a Request For Special Education Citizen Complaint and during the initial review of said allegations to determine course of action, SPED's rule and policy provide for an initial of determination about whether a complaint has been "properly filed", which includes a determination about whether a violation of IDEA, Part B, has been alleged as per WAC 392-172A-05030.

SPED's rule and policy provide for if, during the initial review of said allegations to determine course of action, the allegations listed in the complaint do not constitute a violation of Part B of IDEA and relevant state laws and rules, SPED may decline to initiate an investigation.

SPED's rule and policy provide for if, during the initial review of said allegations to determine course of action, the allegations listed in the complaint have been previously decided involving the same parties or are currently being investigated involving the same parties, SPED may decline to initiate an investigation.

SPED's practice of reviewing written requests for special education citizen complaints to determine if they are "properly filed complaints" and if the allegations constitute a violation of IDEA, Part B, was shown to be within SPED's authority in SECC 14-08.

WAC 392-172A-05035(2) states that if an issue has been previously decided in a due process hearing involving the same parties, the resolution is binding.

SPED's rule and policy provide for if the allegations listed in the complaint have previously been adjudicated in a due process hearing, SPED will decline to initiate an investigation.

SPED's rule and policy provide for that upon initiation of an investigation of allegations of violations of Part B of IDEA and relevant state laws and rules, SPED generalizes the specific complaint allegations to an overall special education law and rule process. In doing so, SPED can review all steps, processes and actions for a student or program to ascertain if special education laws and rules have been followed.

SPED's determination that an investigation of **[REDACTED]** complaints, dated March 15-17, 2017, April 19, 2017, July 11, 2017, October 11, 2017, November 9, 2017, January 8, 2018, January 10, 2018 and January 17, 2017, were not necessary fell within its discretion under federal law, and was made in accordance with governing state rules and policy.

SPED's determination that **[REDACTED]** May 25, 2017, May 26, 2017, June 9, 2017, and June 11, 2017 complaints did not meet the statutory definition of a "properly filed complaint" and subsequent failure to initiate an investigation was not made in accordance with governing state rules and policies.

Although SPED improperly declined to investigate **[REDACTED]** allegations of IDEA violations in May and June 2017, SPED did initiate an investigation into these allegations in October 2017 during investigation of SECC 17-70.

CONCLUSION

Neither state nor federal law require the Special Education Section to investigate a complaint that does not allege a violation of Part B of the IDEA.

Neither state nor federal law require the Special Education Section to reinvestigate a complaint, involving the same parties, that has been previously investigated or is currently under investigation.

The Special Education Section's determination that **[REDACTED]** complaint should be denied without investigation falls within the discretion afforded to the Special Education Section when such a complaint is received.

The Washington state Office of Superintendent of Public Instruction violated the provisions of Part B of the IDEA and/or relevant Washington state statutes by declining to investigate **[REDACTED]** allegations from May and June 2017.

The Washington state Office of Superintendent of Public Instruction did not violate the provisions of Part B of the IDEA and/or relevant Washington state statutes by declining to investigate **[REDACTED]** allegations from March 15-17, 2017, April 19, 2017, July 11, 2017, October 11, 2017, November 9, 2017, January 8, 2018, January 10, 2018 and January 17, 2017.

The Washington state Office of Superintendent of Public Instruction appropriately interpreted **[REDACTED]** concerns of violations of Part B of Individuals with Disabilities Education Act (IDEA), or its implementing regulations, and/or relating Washington state statutes.

The Washington state Office of Superintendent of Public Instruction has not violated the provisions of the Individuals with Disabilities Education Act, specifically 34 CFR §300.646, and/or relevant Washington state statutes in its declining to initiate an investigation into **[REDACTED]** allegations concerning John Welch, Puget Sound ESD Superintendent as the Washington state Office of Superintendent of Public Instruction has no employment or statutory authority over Mr. Welch.

The Washington state Office of Superintendent of Public Instruction has not violated the provisions of the Individuals with Disabilities Education Act, specifically 34 CFR §300.646, and/or relevant Washington state statutes in its declining to initiate an investigation into **[REDACTED]** allegations concerning Federal Way School District persons falsifying signatures on special education forms. Per the requirements for initiation of a professional misconduct investigation in RCW 28A.410.090, the Office of Superintendent of Public Instruction has not received a written complaint from authorized educational entities concerning this allegation.

RECOMMENDATIONS

The Special Education Section, within OSPI, in order to prevent further instances of improperly declining to initiate an investigation into properly filed allegations of violations of IDEA, Part B, and relevant state laws and rules, proposes corrective actions of, by March 15, 2018, designating one person to receive all incoming e-mailed Special Education Citizen Complaints and designating that person to ensure that all

attachments and included documents to an e-mailed Special Education Citizen Complaint are printed and included in the initial intake review.

OPP recommends that either one person is designated to review all new Special Education Citizen Complaints for determination if Special Education Section will initiate an investigation or the Special Education Section members meet to review all new Special Education Citizen Complaints to determine if Special Education Section will initiate an investigation.

Dated this _____ day of _____, 2018

Shaun Harman, Investigator III
Office of Professional Practices
Office of Superintendent of Public Instruction