

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-82

PROCEDURAL HISTORY

On September 6, 2018, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the North Kitsap 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 7, 2018, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District Superintendent on the same day. OSPI asked the District to respond to the allegations made in the complaint.

On October 3, 2018, OSPI received the District's response to the complaint and forwarded it to the Parent on October 4, 2018. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information. The Parent did not reply.

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

ISSUES

1. Did the District provide the Parent with notice of the June 2018 individualized education program (IEP) meeting?
2. Did the District predetermine the Student's placement at the June 2018 IEP meeting?
3. Did the District respond to the Parent's request for an IEP meeting between June 2018 and September 2018?
4. Did the District implement the specially designed instruction in accordance with the Student's IEP during 2018-2019 school year?
5. Did the District implement the accommodation regarding algebra during the 2017-2018 school year?
6. Did the District address the Student's participation in district-wide and state-wide testing in the IEP?
7. Did the District follow the procedures in reviewing and revising the specially designed instruction in the Student's IEP?

LEGAL STANDARDS

When investigating an alleged violation, OSPI must identify the legal standard that the District is required to follow and determine whether the District met the legal standard. OSPI reviews the documentation received from the complainant and district to determine whether there is sufficient evidence to support a violation. If there was a violation, there will be corrective action to correct the violation and maintain compliance.

Invitations to Meetings: A district must ensure that parents are given an opportunity to attend and/or otherwise afforded an opportunity to participate at each IEP meeting, including notifying them of the meeting early enough to ensure they can attend and scheduling the meeting at a mutually agreed on time and place. 34 CFR §§300.322 and 300.328; WAC 392-172A-03100. The IEP invitation should include the purpose, time, and location of the meeting; indicate who will be in attendance; and inform the parents of the provisions relating to participation by other individuals on the IEP team who have knowledge or special expertise about the student.

Parent Request for IEP Meeting: When a parent or district believes that a required component of a student's IEP should be changed and requests an IEP meeting, the district must conduct an IEP meeting if it believes that the change may be necessary to ensure the provision of FAPE. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,475, 12,476 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 20).

IEP Must State Amount of Services: An IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student. An IEP must also include a statement of the program modifications or supports for school personnel that will be provided to enable the student: to advance appropriately toward attaining the annual IEP goals; to be involved and progress in the general curriculum in accordance with present levels of educational performance and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in the above activities. 34 CFR §300.320(a)(4); WAC 392-172A-03090(1)(d).

IEP Implementation: Each district must ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. 34 CFR §300.323; WAC 392-172A-03105.

Definition of Specially Designed Instruction: Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction: to address the unique needs of the student that result from the student's disability; and to ensure access of the student to the general curriculum, so that the student can meet the educational standards within the jurisdiction of the public agency that apply to all students. 34 CFR §300.39(b)(3); WAC 392-172A-01175(3)(c).

Participation in District and State-Wide Testing: The IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments. If the IEP team determines that the student must take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, the IEP must include a statement of why the student cannot participate in the regular assessment and the particular alternate assessment selected is appropriate for the student. 34 CFR §300.320(a)(6); WAC 392-172A-03090(f).

IEP Revision: A student's IEP must be reviewed and revised periodically, but not less than annually, to address: any lack of expected progress toward annual goals or in the general education curriculum; the results of any reevaluations; information about the student provided to, or by, the

parents; the student's anticipated needs; or any other matters. 34 CFR §300.324(b); WAC 392-172A-03110(3).

BACKGROUND

This decision references events which occurred prior to the investigation time period, which began on September 7, 2017. These references are included to add context to the issue under investigation and are not intended to identify additional issues or potential violations, which occurred prior to the investigation time period.

FINDINGS OF FACT & CONCLUSIONS OF LAW

ISSUES 1-3: PARENT PARTICIPATION

2017-2018 School Year

1. During the 2017-2018 school year, the Student attended high school in the District and was eligible to receive special education services under the category of multiple disabilities.
2. On May 2, 2018, the District special education director (director) emailed the Parent, requesting to schedule an individualized education program (IEP) meeting. On the same day, the Parent responded and stated that she was concerned about the Student's IEP being implemented. She did not respond regarding the IEP meeting.
3. On May 30, 2018, the documentation showed that the director and the Parent had a telephone conversation and scheduled an IEP meeting on June 15, 2018.
4. On June 5, 2018, the director emailed the Parent and stated: "Attached is the IEP meeting invitation for our meeting scheduled Friday, June 15. I am mailing a hard copy as well." The notice stated that the meeting would begin at 9:00 a.m. On the same day, the District sent the Parent an IEP meeting notice for the June 15, 2018 meeting by regular mail.
5. On June 15, 2018, the IEP team, which included the Parent and Student, met to discuss the Student's schedule. The Parent alleged that the IEP team, without the Parent or Student, had met "an hour" before the meeting and predetermined the Student's schedule. According to the District's response to the complaint, the District had written several proposed 2018-2019 class schedules for the Student on the whiteboard, but the meeting had not started before the Parent arrived.
6. On June 19, 2018, the District provided the Parent with prior written notice regarding the proposals and refusals made at the meeting. According to the notice, the IEP team discussed graduation requirements and different scheduling options. The notice stated: "No scheduling decisions were made and meeting ended...The team will reschedule the meeting for August before school starts to allow the parent to learn more about the Bridge to College Math course. No changes were made to IEP."

7. Between August 20 and September 10, 2018, the Parent and District exchanged numerous emails regarding what general education classes the Student would be taking for the 2018-2019 school year.
8. On August 23, 2018, the Parent emailed the director and stated: "...we do need a meeting and it needs to happen now."
9. On August 24, 2018, the Parent emailed again, requesting an IEP meeting. The email stated: "You have not responded to my meeting request. Consider my email of Thursday my official meeting request and the RCW apply with respect to timely scheduling and having a meeting."
10. On September 3, 2018, the director emailed the Parent, asking for some dates and times to schedule an IEP meeting. On the same day, the Parent responded by email to the director, stating she was requesting an IEP facilitator and did not want the principal or the special education teacher to attend the meeting.

2018-2019 School Year

11. On September 6, 2018, the Parent filed this complaint.
12. On September 10, 2018, the IEP facilitator contacted the Parent and director about the IEP meeting.
13. On September 24, 2018, the District held an IEP meeting for the Student.

Issue 1: Parent Notice of the June 2018 IEP Meeting – The complaint alleged that the District failed to provide the Parent with sufficient notice of the meeting because the District started the IEP meeting before the Parent and Student arrived. The complaint stated that the District posted several proposed class schedules for the Student on the meeting room's whiteboard and school staff were already at the meeting.

A district must ensure that parents are given an opportunity to attend and/or otherwise afforded an opportunity to participate at each IEP meeting, including notifying them of the meeting early enough to ensure they can attend and scheduling the meeting at a mutually agreed on time and place.

Here, the District contacted the Parent by phone, email, and regular mail to inform the Parent about the June 15, 2018 meeting. According to the District, staff did not meet prior to the scheduled IEP meeting. District staff had written down several scheduling options on the whiteboard before the meeting began, which were discussed during the meeting with the Parent. Regardless, districts may hold informal preparation meetings with district staff, provided it does not impede the parent's ability to participate and provides information for the full IEP team to discuss. Despite the Parent's impression that the meeting had started, there was no evidence that the meeting indeed started before the Parent and Student arrived, and no decisions were made without the participation of the Parent. No violation was found.

Issue 2: Parent Request for an IEP Meeting – The complaint stated that the District “failed schedule an IEP between June-September 2018 despite multiple parent requests.”

If a parent requests an IEP meeting because the parent believes that a change is needed in the provision of FAPE to the student or the educational placement of the student, and the school district refuses to convene an IEP meeting to determine whether such a change is needed, the district must provide written notice to the parents of the refusal, including an explanation of why the district has determined that conducting the meeting is not necessary to ensure the provision of FAPE to the student.

Here, the District responded to the Parent’s request for an IEP meeting, although not as quickly as the Parent may have liked. The District held an IEP meeting on June 15, 2018, and indicated that a follow up would occur in August to address the Student’s schedule. In addition, the documentation showed the District tried to schedule an IEP meeting in response to the Parent’s request on August 23, 2018, which also involved working through an IEP facilitator that the Parent requested.¹ No violation was found based on the District holding the June 15, 2018 IEP and the District’s attempts to schedule an IEP meeting in August and September 2018.

Issue 3: Predetermination – The complaint stated the Parent “arrived at the June 18, 2018 IEP meeting with a predetermined schedule placement for child’s IEP.” The Parent alleged that the District predetermined the Student’s class schedule, which the Parent meant by “placement.”

A district must ensure that the parent of each child with a disability are members of any group that makes decisions about their child’s special education services and placement. A district must not predetermine decisions in advance of an IEP meeting. Regarding class schedules, an IEP team may address a student’s class schedule at the discretion of the district, but OSPI has no authority regarding a district’s decision about class schedules.

Here, the Parent and the District attempted to address the Student’s schedule at the June 15, 2018 IEP meeting. The Parent alleged that the District predetermined the Student’s class schedule, although the documentation showed that no decision was made regarding the Student’s schedule at the meeting. There can be no predetermination if no decision was made, and even if a decision about the Student’s class schedule was made, it was not a special education issue since it did not affect the implementation of special education services or placement. Class scheduling is within the purview of the district, provided that the IEP is able to be implemented within the district designed schedule. No violation was found based on there being no requirement that the IEP team address the Student’s class schedule.

ISSUES 4-5: IMPLEMENTATION OF THE IEP

2016-2017 School Year

¹ The District subsequently held another IEP meeting on September 24, 2018, which was after the complaint was filed.

1. On June 9, 2017, the District held an IEP meeting, including the Parent, to review and revise the Student's IEP. According to the prior written notice provided to the Parent on the same day, the District noted the following for the 2017-2018 school year:

[Student] will be enrolled in an independent/home study, parent purchased online Algebra II course as a 3rd year math credit. In addition, [Student] will be enrolled in [District] Special Education Math Learning Strategies Resource Room for his specially designed instruction for math (1x/day for 15 minutes). Special Education Math Learning Strategies Resource Room class is an elective for graduation credit purpose.

2017-2018 School Year

2. On September 4, 2017, the school year began and the Student's class schedule included the following courses:

- US History
- Teacher Assistance
- Algebra II
- English II
- Engineering IV
- Spanish I
- Tutorial (Wednesdays)

3. On September 6, 2017, the Parent paid to enroll the Student in an online algebra course from Brigham Young University. According to the District, the District agreed to accept some of the Student's online course as a supplement or replacement to his homework for his general education algebra II course in the District.

4. On September 28, 2017, the District, including the Parent, met and developed the Student's annual IEP. The IEP (in place from September 29, 2017 to September 27, 2018) provided specially designed instruction in the areas of basic reading skills, written expression, and math. The IEP provided thirty-two accommodations in the areas of environment, instructional strategies, student method of response, curriculum, assignments, behavioral cues, and grading. None of the accommodations specifically mentioned the online algebra course.

The IEP provided for the following specially designed instruction (SDI):

SDI	Provider	Mins/Frequency	Location	Monitored by
Math	General Education Teacher	48 minutes/Daily	General Education	Special Education Teacher
Reading	Special Education Teacher	35 minutes/2 times monthly	Special Education	Special Education Teacher
Written Expression	Special Education Teacher	35 minutes/2 times monthly	Special Education	Special Education Teacher

Under the course of study section of the Student's IEP, the IEP stated:

"2017-2018: [Student] will be enrolled in an independent/home study, parent purchased online Algebra II course. [Student] will also be enrolled in [District] general education Algebra II that will meet his 3rd year math credit...[District] general education Algebra II instructor uses Algebra II online program to supplement or replace homework assignment."

The District provided the specially designed instruction in math in the general education math classroom (algebra II), and the specially designed instruction in reading and written expression was provided in the special education resource room, which was the "tutorial" class on the Student's schedule.

5. On February 4, 2018, the Parent reenrolled the Student in the online Algebra class.
6. On February 9, 2018, the Student's special education teacher emailed the Parent a "progress report" from each of the Student's classes. Regarding the school's Algebra course, the progress report stated the following:

[Student] has only turned in 1 out of 5 assignments. If he is practicing on BYU he needs to show me proof of his practice. He also opted to not take a quiz today because he was absent on Thursday. He needs to study graphing rational functions, solving rational equations and simplifying rational equations. He should also practice addition, subtracting, multiplying and dividing rational equations. He will need to make up the quiz next week. Next week we will be studying radicals and radical components.

On the same day, the Parent responded to the teacher and stated:

...Math as noted on multiple occasions the IEP specifically reference the online program. Therefore I expect weekly, including TODAY, to know exactly what unit in the online system [Student] is on and I expect the math teacher to check said work. Next week we will have a complaint as math has clearly not followed the accommodations all year. It needs to be rectified immediately. I have no patience with asking the same thing multiple times.

7. On February 21, 2018, the IEP team reconvened to review and revise the Student's IEP. According to the Student's course of study for the 2017-2018 school year, the IEP stated: "[Student] will be enrolled in an independent/home study, parent purchased online Algebra II course...[District] general education Algebra II instructor uses online program to supplement or replace homework assignment..." The Student's special education services remained unchanged, but the accommodations regarding retesting and modifying assignments for length were revised from the previous September 28, 2017 IEP. None of the accommodations specifically mentioned the online algebra course.

On the same day, the District provided the Parent with prior written notice regarding the District's proposal for revising the accommodations.

8. On June 15, 2018, the District held an IEP meeting with the Parent to discuss the Student's 2018-2019 school schedule. The prior written notice stated that the Student would be attending the [program]. The program consisted of three class periods and the Student would be attending high school for the other three class periods, including the special education resource room. The notice stated the IEP team considered graduation requirements along with need for specially designed instruction in reading, written expression, and math. The team also considered graduation options, including a Certificate of Individual Achievement or Certificate of Academic Achievement. The notice stated: "[Student] did not need a math credit however he does need to receive specially designed instruction in math..." The team considered Bridge to College Math course but no decision was made in order to give the

Parent an opportunity to learn more about the course. The Parent proposed the Student take a math course at a local community college and the District refused the Parent's request based on the District being able to provide the service at the high school.

9. Between August 20, 2018 to September 10, 2018, the District and the Parent exchanged numerous emails regarding scheduling the Student's general education classes.

2018-2019 School Year

10. On September 5, 2018, the 2018-2019 school year began.
11. On September 6, 2018, the Parent filed this complaint.
12. At the start of the 2018-2019 school year, the Student's September 2017 IEP (amended in February 2018) was in place.
13. The Student's class schedule for the 2018-2019 school year was financial fitness, creative writing, civics, and three periods of "skill center," which was the [program] while receiving special education services in the special education resource room on Wednesdays.
14. According to the District, the Parent refused to allow the Student to attend the special education resource room to receive his specially designed instruction in reading and written expression at the beginning of the 2018-2019 school year.
15. In response to the complaint, the District provided weekly progress notes from each of the Student's classes and special education reports on the Student's progress towards his annual goals as documentation for receiving his special education services.
16. According to the Parent, the Student completed no more than 23% of the online course during the first semester and 0% during the second semester.

Issue 4: Implementation of Specially Designed Instruction in Reading and Written Expression – The complaint alleged that the District failed to implement the IEP as written. Specifically, the complaint stated the District was "failing to provide instruction in reading and written language in accordance with the Student's IEP for the 2018-2019 school year by placing the child in a creative writing course and not a standard English 12 course..."

A district is required to implement the IEP as written, including specially designed instruction. Specially designed instruction is adapting the content, methodology, or delivery of instruction to meet a student's unique needs.

Here, the student's September 2017 IEP (in place from September 29, 2017 to September 27, 2018) provided for specially designed instruction in the areas of reading and written expression in the special education resource classroom. In June and September 2018, the IEP team discussed the Student's new schedule for the 2018-2019 school year, including a creative writing class, but the Student's special education services in reading and written expression and their location in the

special education resource room remained unchanged. The Student's September 2017 IEP continued to be implemented as of September 6, 2018, the time of this complaint. The Parent may have wanted the Student to take a standard English course rather than a creative writing class, but with regards to an IEP, there was no difference between a creative writing class and a standard English class. Both are general education classes. The IEP continued to require the provision of special education services to the Student in the areas of reading and written expression in the special education resource room, not in a general education class. However, according to the District, the District offered, yet was unable to provide, the special education services in reading and written expression to the Student because the Parent refused to permit the Student to attend the special education resource center at the beginning of the school year.² No violation was found based on the Student's reading and written expression services were offered to the Student in the special education resource room in accordance with his IEP.

Issue 5: Implementation of Specially Designed Instruction and Accommodations Regarding Algebra – The complaint stated that the District failed to implement the Student's special education service and accommodations in math during the 2017-2018 school year. The complaint stated the District "failed to provide specially designed instruction for the entire time allocated in the 2017-2018 IEP" and "the accommodation of using the parent purchased BYU (Brigham Young University) Algebra program."

A "free appropriate public education" (FAPE) consists of instruction that is specifically designed to meet the needs of the child with a disability, along with whatever support services are necessary to permit him to benefit from that instruction. The instruction and support services must be provided at public expense and under public supervision.

Here, the Student's September 2017 IEP provided for specially designed instruction in math to be provided in the general education classroom and the District's documentation (progress reporting) indicated the Student was receiving his specially designed instruction. Meanwhile, the Parent unilaterally enrolled the Student in the online course in September 2017 and expected the District to implement the "service" as if it were part of the Student's IEP, based on the online course being mentioned in the IEP course of study. The mention of the online course does not make the online course a requirement of the Student's IEP, unlike if the online course was listed under the special education services or specifically listed as an accommodation. The District emphasized that the online course was not a substitute for specially designed instruction in math that the District was providing and the online course was not listed as an accommodation in the Student's IEP. In agreeing to substitute online homework for regular homework, the District was merely trying to allow the Student to benefit from his online course by giving him general education credit for his online work. In addition, there was no evidence that the online course was a requirement for the Student to receive a free appropriate public education (FAPE) and therefore, the online course was not a part of the Student's IEP. No violation was found.

² Also, the Student started school on September 5, 2018 and the complaint was filed one day later on September 6, 2018.

ISSUE 6: DISTRICT AND STATE TESTING

1. On September 28, 2017, the District, including the Parent, met to develop the Student's annual IEP. The IEP stated the Student would participate in the state-wide assessments in English language arts, math, and science. The following testing accommodations would be provided to the Student: text-to-speech for English language arts and math and separate setting for English language arts, math, and science.
2. According to the District's response to the complaint, the Parent, sometime before the testing, indicated to the District that she wanted to be informed of the exact testing times and insisted that the Student would never be pulled out of class for testing without communicating with the Parent first. The Parent also indicated to the District that she did not want the Student to take a test that was not required for graduation. The Parent did not dispute the District's description of the Parent's requests regarding testing.
3. According to the District, the science test was not required for the Student's graduation. When the Student was scheduled to be tested in science, the Parent had not been notified.³ In deference to the Parent, the District postponed the Student taking the science test until the Parent could be notified of the test. On June 5, 2018, the director emailed the Parent an IEP meeting invitation. The Parent responded to the director, stating, "And as for written notice I demand [Student] take the science test within the next 7 days. I also intend that all testing results be available for my review." The assistant principal responded on the same day, informing the Parent that confirmed that the Student would be taking the science test and the Student took the science test on or around June 7, 2018.

Issue 6: Participation in State-wide Assessments – The complaint alleged that the Student was removed "for general education testing without consent of the parent," specifically the science test. A district must include all children with disabilities in all general State and districtwide assessment programs with appropriate accommodations and alternative assessments, when necessary and in accordance with their IEPs.

Here, the IEP team determined that the Student would take the state-wide science test during the 2017-2018 school year. The IEP provided for text-to-speech and separate setting as accommodations for the science test. The Parent had requested the District notify her before any state testing and that the Student not take any tests not required for graduation, although there was no provision in the Student's IEP for the Parent's request. However, in order to honor the Parent's request that she be notified beforehand, the District delayed the Student taking the science test until the Parent was notified. The Parent then requested that the Student take the science test. The Student eventually took the test on or around June 8, 2018. No violation was found based on the Student taking the science test.

³ The documentation was not clear when the Student was originally scheduled to take the science test.

ISSUE 7: REVIEW AND REVISE THE IEP

1. On September 28, 2017, the IEP team, including the Parent, determined that the Student required the following special education services:

SDI	Provider	Mins/Frequency	Location	Monitored by
Math	General Education Teacher	48 minutes/Daily	General Education	Special Education Teacher
Reading	Special Education Teacher	35 minutes/2 times monthly	Special Education	Special Education Teacher
Written Expression	Special Education Teacher	35 minutes/2 times monthly	Special Education	Special Education Teacher

2. On February 21, 2018, the IEP team reconvened to review and revise the Student's IEP. According to the prior written notice provided to the Parent, the following two accommodations were "clarified" at the meeting: a short answer consisted of three to five sentences during a testing situation and Friday progress reports would reflect end of the week data. No other changes were made to the IEP.
3. On February 21, 2018, the Parent emailed the Student's math teacher and the Student's special education regarding the online algebra course. The email stated:

...In addition Skyward clearly indicates that [Student's] online quizzes and work are not being counted as home in place of the class paper homework and therefore appears to reduce his grade. The BYU program is supposed to be supplementing his homework and not requiring him to do the paper homework or work from the book. Please advise how we are going to conform to the IEP...
4. On February 23, 2018, the math teacher responded, stating, "I cannot count the online quizzes as credit if I don't have some kind of evidence of him doing it. He has not shown me proof of his online work since November 17..."
5. On February 26, 2018, the assistant principal emailed the Parent. The email stated, in part:

I spoke to [math teacher] and [Student] about that during 3rd period today. Both said the easiest way to verify the BYU work would be if [Student] did "notes" on the work and showed them to [math teacher] during the Thursday check-in. [Math teacher] thinks that would be good practice for the assessments...
6. On the same day, the Parent replied to the assistant principal, stating the following:

Notes is not the agreement in the IEP. We are using the online quizzes in place of his homework. I do not agree to notes and [Student] is not 18 and does not understand the contractual obligations of the IEP. It does require that teacher provide the specially designed instruction. Not be a casual observer.

Issue 7: Review and Revise the IEP – The complaint stated the District "modified the child's IEP in fact by the fewer minutes of instruction...[assistant principal] discussed a modification of the

IEP scheduled time with the minor child and not the parent and modified the IEP time over parent objection.”

A district must review and revise the IEP periodically, but not less than annually, to determine whether the specially designed instruction is meeting the unique needs of a student. The definition of specially designed instruction is how the content, methodology, or delivery of instruction is adapted to meet a student’s disability related needs.

Here, according to the Student’s September 2017 IEP, the Student received specially designed instruction in math while in the general education algebra II course at school. The Parent had also enrolled the Student in an online math course, separate from the IEP team decision of the specially designed instruction that was required for the Student to receive a FAPE. The District agreed to substitute the Student’s online work for regular homework. The Parent mistook this agreement to mean that the online work was also a part of the Student’s specially designed instruction and required the IEP team to address any proposed change of service. The Parent unilaterally enrolled the Student without the District’s input regarding the necessity of the course for the Student to receive FAPE. The District’s obligation was to provide the specially designed instruction according to the Student’s IEP and there is no evidence that the online course was specially designed instruction that the Student required or an accommodation needed to access his general education curriculum. Because the online instruction was not part of the Student’s special education or general education program, the District had discretion to request notes rather than quizzes to document the Student’s homework completed on the online course. Further, the request that the Student show his work and notes neither amended the IEP nor required the IEP team to review and revise the IEP. No violation is found.

CORRECTIVE ACTION

STUDENT SPECIFIC:

None

DISTRICT SPECIFIC:

None

Dated this ____ day of November, 2018

Glenna Gallo, M.S., M.B.A.
Assistant Superintendent
Special Education
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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.)