

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 23-19

PROCEDURAL HISTORY

On February 10, 2023, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from the parent (Parent) of a student (Student) attending the Bellevue 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 February 13, 2023, 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 February 14, 2023, OSPI received the District's response to the complaint and forwarded it to the Parent on February 15, 2023. OSPI invited the Parent to reply.

On February 14 and 15, 2023, OSPI received additional information from the Parent. That information was forwarded to the District on February 16, 2023.

On February 15, 2023, OSPI received additional information from the District. That information was forwarded to the Parent on February 16 and 17, 2023.

On February 16, 2023, OSPI's complaint investigator conducted a telephone interview with the Parent.

OSPI considered all the information provided by the Parent and the District as part of its investigation. It also considered the information received and observations made by the complaint investigator during the interview.

SCOPE OF INVESTIGATION

This decision references events that occurred prior to the investigation period, which began on February 11, 2022. 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 period. Additionally, the complaint provided allegations regarding the competency of the District's special education director. OSPI cannot investigate this issue through the special education community complaint (SECC) process—districts, not OSPI, have discretion in personnel decisions such as staffing assignments or hiring. The Parent was provided information about an alternative avenue for resolving this concern.

ISSUE

1. Per WAC 392-172A-03110, has the Student's individualized education program (IEP) been developed properly, including related services, for the 2022–2023 school year?

2. Per WAC 392-172A-03105, has the Student's IEP been implemented properly, including related services, for the 2022–2023 school year?

LEGAL STANDARDS

IEP Development: A student's IEP must be developed annually, and reviewed and revised periodically if necessary. 34 CFR §300.324; WAC 392-172A-03110. The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents (1) provide critical information regarding the strengths of their child and express their concerns for enhancing the education of their child; (2) participate in discussions about the child's need for special education and related services and supplementary aids and services; and (3) join with the other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,472, 12,473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 5). The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them to make joint, informed decisions regarding: the student's needs and appropriate goals and the services needed to support that involvement and participation and to achieve agreed-upon goals. IDEA, 64 Fed. Reg. 12,472, 12,473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9).

The IEP team should work toward consensus, but the public agency has ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive FAPE. It is not appropriate to make IEP decisions based upon a majority "vote." If the team cannot reach consensus, the public agency must provide the parents with prior written notice of the agency's proposals or refusals, or both, regarding the child's educational program, and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing. IDEA, 64 Fed. Reg. 12473-74 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9).

IEP Implementation: At the beginning of each school year, each district must have in effect an individualized education program (IEP) for every student within its jurisdiction served through enrollment who is eligible to receive special education services. It must also ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. 34 CFR §300.323; WAC 392-172A-03105.

"When a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a [child with a disability] and those required by the IEP." *Baker v. Van Duyn*, 502 F. 3d 811 (9th Cir. 2007).

Consent for Reevaluation: A district is required to obtain informed parental consent before conducting any assessments as part of a reevaluation of a student eligible for special education services. 34 CFR §300.300(c); WAC 392-172A-03000(3). Consent means that the parent: has been fully informed of all information relevant to the activity for which consent is sought in his or her

native language, or other mode of communication; understands and agrees in writing to the activity for which consent is sought, and the consent describes the activity and lists any records which will be released and to whom; and understands that the granting of consent is voluntary and may be revoked at any time. 34 CFR §300.9; WAC 392-172A-01040(1). If the parent refuses to consent to the reevaluation, the school district may, but is not required to, pursue the reevaluation by using the due process procedure to override the parent's refusal to provide consent or mediation to obtain an agreement from the parent to provide consent. A district is not required to obtain informed parental consent prior to reviewing existing data. 34 CFR §300.300(d)(1); WAC 392-172A-03000(4)(a)(i). A district is required to obtain consent when conducting a functional behavioral assessment (FBA). *Questions and Answers on Discipline Procedures* (OSERS June 2009) (Question E-4).

FINDINGS OF FACT

Background

1. On May 1, 2020, the most recent evaluation of the Student was completed. The Student was eligible for special education services.
2. During the 2021–2022 school year, the Student was enrolled in a District school.
3. On October 14, 2021, the Student’s IEP team met. A draft of the IEP provided the Student specially designed instruction (SDI), related services, and supplementary aids and services as follows:
 - Adaptive: 90 minutes/weekly (provided by paraeducator, in a general education setting).
 - Written Expression: 240 minutes/weekly (provided by special education teacher in a special education setting).
 - Social-Emotional: 240 minutes/weekly (provided by special education teacher in a special education setting).
 - Behavior: 240 minutes/weekly (provided by special education teacher in a special education setting).
 - Mathematics Problem Solving: 240 minutes/weekly (provided by special education teacher in a special education setting).
 - Reading Comprehension: 240 minutes/weekly (provided by special education teacher in a special education setting).
 - Study Skills: 240 minutes/weekly (provided by special education teacher in a special education setting).
 - Social Work Services in School: 30 minutes/1 time weekly (provided by social worker in a special education setting).
 - Speech-Language Pathology: 30 minutes/monthly (provided by speech language pathologist (SLP), in a special education setting).
 - Occupational Therapy Consultation: 30 minutes/monthly (provided by occupational therapist (OT), in a special education setting).
 - 1:1 paraeducator support: 1,860 minutes/1 time weekly (provided in a general education setting).

The Student's percent of time in a general setting was 47.98% and LRE placement in general education classes was 40–79%. The IEP included 43 accommodations for the Student.

4. A prior written notice (PWN), dated October 14, 2021, stated:
Called parent on 11/8/21 2:34 to schedule the IEP meeting, but no response. The parent withdrew [Student] from the [District] 11/9/2021 to provide home-based instruction. The [District] stands ready to serve [Student] and his IEP services. [Student's] eligibility expires 05/01/2023.

Meeting held on 10/14/2021: The meeting was not completed because the [Parent], wanted her own goals to replace the goals submitted. Goals submitted had previously been requested by the [Parent]. [Parent] requested that the meeting cease until her numerous goals (42) were added to the IEP.

Please note that all participants mentioned in the notification section of the IEP were present. The goals submitted by [Parent] were consolidated and [District] IEP TEAM was in the process of scheduling another IEP meeting. Please note entry on 11/8/21.

5. On November 8, 2021, the Parent signed a "Declaration of Intent to Provide Home-Based Instruction" for the Student, and the District acknowledged receiving it on November 9, 2021. The Student was not enrolled in the District for the remainder of the 2021–2022 school year.

2022–2023 School Year

6. On September 1, 2022, the District held its first day of middle school for the 2022–2023 school year. According to District's records, the Student was not enrolled in a District school.
7. On January 17, 2023, the Student was re-enrolled in a District school. The Student did not have a current annual IEP.
8. On January 27, 2023, the Student's IEP team met to review a draft for an annual IEP. Notes taken during the meeting indicate the Parent was present at the meeting and provided input.

The Student was eligible for special education services under the eligibility category other health impairment. The IEP provided the Student SDI, related services, and supplementary aids and services as follows:

- Adaptive: 90 minutes/weekly (provided by paraeducator, in a general education setting).
- Written Expression: 240 minutes/weekly (provided by special education teacher in a special education setting).
- Social-Emotional: 240 minutes/weekly (provided by special education teacher in a special education setting).
- Behavior: 240 minutes/weekly (provided by special education teacher in a special education setting).
- Mathematics Problem Solving: 240 minutes/weekly (provided by special education teacher in a special education setting).
- Reading Comprehension: 240 minutes/weekly (provided by special education teacher in a special education setting).

- Study Skills: 240 minutes/weekly (provided by special education teacher in a special education setting).
- Social Services in School: 30 minutes/1 time weekly (provided by social worker in a special education setting).
- Speech-Language Pathology: 30 minutes/monthly (provided by an SLP, in a special education setting).
- Occupational Therapy Consultation: 30 minutes/monthly (provided by an OT, in a special education setting).
- 1:1 paraeducator support: 1,012 minutes/1 time weekly (provided in a general education setting).
- 1:1 paraeducator support: 968 minutes/weekly (provided in a special education setting).

The Student's percent of time in a general setting was 47.13% and LRE placement in general education classes was 40–79%. The IEP included 48 accommodations for the Student.

9. On January 30, 2023, the teacher sent an email to the Parent that stated in part:
Can you let me know if this accurately captures the concern you expressed on Friday (January 27, 2023)...

Parent Concerns:

At [Student's] IEP meeting, [Parent] expressed concern that [Student's] lack of strong functional communication skills directly relates to the behavior challenges that are observed in and out of school.

She expressed interested (sic) in having the team consider adding in American Sign Language instruction into his plan to help [Student] develop stronger functional communication skills.

10. On January 31, 2023, the Parent sent the District a 17-page document drafted by the Parent that referenced, among other things, regulations, medical reports, and a "16p11.2 Duplication Syndrome Guidebook". The Parent's document provided, in part:

This is the conclusion of my comments on [Student's] IEP and Related services. I hope that you have had the opportunity to review the documents that substantiate the topics discussed herein.

Next Steps:

1. Scheduling the Following IEP Meetings:
 - a. Addressing the **Language Needs** of [Student]. We need an IEP Meeting to evaluate the current reports and WAC and establish the following via [District] services:
 - i. SLP
 - ii. Audiology
 - iii. Interpreting Service
 1. ASL
 - iv. Adaptive/Assistive Technology
 - b. Addressing **Visual Impairment**
 - c. Addressing Psychological, Counseling, and Social Worker services
 - i. Behavior Services Coordination

- ii. Collaboration with WiSe/Y.E.S
- iii. Collaboration with Neighborhood House
- iv. Before/Afterschool Program
- d. Physical and OT
 - i. Mobility services?
 - ii. Travel Training?
- e. Recreation
 - i. Collaboration with:
 1. Big Brother's Big Sisters of the Puget Sound
 2. Boy Scouts of America
 3. Boys & Girls Clubs of America
 4. Salvation Army
 5. Samena

11. A PWN, dated February 8, 2023, stated: \

The Student re-enrolled in the...District on January 17, 2023 and was in need of a new annual IEP. The Student's IEP Team met on January 27, 2023 to draft the same.

...

Current data indicates that a [behavior intervention plan] BIP is not necessary at this time. If the Student demonstrates behaviors that impede his learning or that of others, the IEP team will reconvene and determine if a Functional Behavior Assessment (FBA) and BIP is needed.

12. On February 9, 2023, the District received a letter from Sound Options, "acknowled[ing] receipt of a request for mediation regarding the [Student's] special education services." This request was made by the Parent.

13. A PWN, dated February 9, 2023, following the Parent's feedback document and request for mediation, stated¹:

Description of the proposed or refused action:

The District is initiating a referral to determine if the Student is a candidate for a special education eligibility reevaluation.

The reason we are proposing or refusing to take action is:

The Student recently re-enrolled in the District on January 17, 2023. On January 27, 2023, the Student's IEP team met to put in place a new annual IEP for him. Subsequently, the Parent submitted a 17-page document identifying that she believes that the Student's needs have changed since his most recent special education eligibility evaluation. The appropriate next step is for the District to determine if the Student is a candidate for a

¹ OSPI notes that the District, in its PWN, frames this as a "referral" for a reevaluation and references the referral timeline. Here, the Student is already eligible for special education and a reevaluation is potentially warranted. OSPI reminds the District that the 25 school-day referral timeline does not apply to considering the potential need for a reevaluation and cautions the District against delaying initiating a reevaluation, if a reevaluation is needed. OSPI recommends the District review special education regulations related to reevaluations.

special education eligibility reevaluation and if so, what needs to be done as part of the same.

Description of any other options considered and rejected:

Not initiating a referral. Materially and substantially changing the Student's IEP without conducting a reevaluation first.

The reasons we rejected those options were:

Based upon the requests made by the Parent, the appropriate next step is to initiate a referral to determine if the Student is a candidate for a special education eligibility reevaluation and if so, what needs to be done as part of the same.

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

The Parent's 17-page document sent on January 31, 2023 and the Student's most recent special education eligibility evaluation were used to take this action. The District would like to review all of the reports referenced in the Parent's document in determining if the Student is a candidate for a special education eligibility reevaluation.

Any other factors that are relevant to the action:

The District will determine if the Student is a candidate for a special education eligibility reevaluation within 25 school days of January 31, 2023. The District invites the Parent to submit any information (including evaluation reports) that she would like the District to consider in determining if the Student is a candidate for a special education eligibility reevaluation, including any private reports. Presuming that there are no unanticipated non-school days, the District will share with the Parent its decision by March 14, 2023 (holidays and the District's mid-winter break are not school days). If the District determines that the Student is a candidate for a reevaluation, it will seek the Parent's consent to evaluate at that time and complete a reevaluation within 35 school days of receipt of consent.

The Parent also contacted Sound Options Group to set up a facilitated IEP team meeting. The Student's IEP team just met to draft a new annual IEP for him and the District has not yet been given the opportunity to determine if the Student is a candidate for a special education eligibility reevaluation. As such, the District is not in agreement to hold a facilitated IEP team with Sound Options Group at this time. The District is open to considering holding a facilitated IEP team with Sound Options Group after it has had the opportunity to determine if the Student is a candidate for a special education eligibility reevaluation and specifically if it determines that the Student is a candidate for a special education eligibility reevaluation, after the reevaluation has been completed and the Student's IEP team needs to meet to determine if the Student's IEP should be amended based upon the results of the same.

14. On February 10, 2023, the Parent filed special education community complaint (SECC) 23-19 with OSPI. The Parent's complaint alleged in part, that the District failed to:
 - Inform the Parent about related services available to the Student, such as physical therapy.
 - Provide the Student with OT services, physical therapy, visual therapy, recreational services, and ASL services that were critical for his learning.

15. On February 13, 2023, the Student's most recent annual IEP, developed on January 27, 2023, was implemented.

16. On February 14 and 15, 2023, the District submitted its response to the Parent's complaint, which provided in part:

The [District] took action to timely hold an annual IEP team meeting for the Student when he was enrolled, recognizing that his last annual IEP had expired during the time he was being home-schooled as the Parent elected not to pursue dual enrollment for the part-time receipt of special education services....In drafting the new annual IEP for the Student, the [District] took into consideration the Student's most recent special education eligibility reevaluation as well as information provided by the Parent. The Parent was invited to attend the IEP team meeting and did in fact attend the IEP team meeting. As a result of information shared by the Parent, the IEP team determined to add the related service of Social Work in Schools to the Student's IEP. The [District] members of the Student's IEP team are also open to considering if the Student may need new or different special education services (to include related services) based upon a change in need since he was last enrolled. That is why the [District] has initiated the referral for a reevaluation process. The Parent was also provided Notice of Procedural Safeguards multiple times. The Parent was provided proper prior written notice of what the [District] proposed to do and refused to do. The Parent filed this complaint before the Student's new annual IEP could even be implemented, but it has been followed since its implementation two days ago.

17. On February 14, 2023, the Parent sent an email to the District that stated, "I have not received a copy of the IEP (which I did not sign and agree to)."

18. On February 14, 2023, the Parent sent an email to OSPI, the District, and other parties that provided in part as follows:

[Student] has been a student of the [District] since 2019/2020. We did an **in-district transfer** to [middle school] on 1/17/23.

You (District) implemented the IEP yesterday 2/13/23 (point above, without consent), or on 2/10/23? This is a contradictory statement to the statement directly above. We **haven't had any IEP Meetings** that approve this course of action. I have not consented and not extended participation in to support the implementation of this 'current IEP'.

The IEP is still good, as we never left the [District]. I find that interesting that [District] unilaterally implemented a 'new annual IEP' yesterday without my input or without even notifying me and without holding any of the IEP Meetings I requested. I challenge you to produce my signature of consent for this document.

You've already said several times that he already had an IEP and further, his May 2020 is not expired. I've said it several times that we only need a re-evaluation if we're transferring from out of district according to the WAC, but that is not the case. Homeschoolers are under the same Jurisdiction as regular schools under the [District] Superintendent's office.

So, when [the District] is serious about 'clarification' then they can start cooperating with the Mediation.

(Emphasis in original.)

19. On February 15, 2023, the District forwarded emails to OSPI that showed that on February 10, 11 and 14, 2023, the District's attorney sent the Parent a copy of the January 27, 2023 IEP.
20. On February 15, 2023, the District forwarded an email to OSPI and the Parent that showed that the Parent had accepted an invitation to the January 27, 2023 IEP meeting on January 18, 2023.
21. On February 15, 2023, the Parent emailed the District as follows:

I have extended, now a 2nd invitation to Mediation over the fraudulent IEP [District's attorney] now alleges to exist (which excluded me and was adopted without my knowledge and consent). That IEP they're alleging they adopted either on 2/10 and or 2/13 is now in dispute as [District] violated my Parental Rights by segregating me from the Process.

We have to do Mediation because at first they said there wasn't an IEP. That was the first reason. And then they said we had to do a reevaluation. And then in the very SAME email [District's attorney] lied to you and to me and said they made one up without me and gave two different dates 2/10 and 2/13.
22. On February 17, 2023, the Parent received a letter from Sound Options that stated, "This letter is written to confirm that the request for mediation regarding special education services for [the Student] has been closed...This case was closed because one or both of the parties do not agree that mediation is appropriate at this time."
23. On February 17, 2023, the Parent sent an email to OSPI that stated as follows:

I thought I've been abundantly clear that Re Evaluation is NOT consented. I've already had Parent Initiated Evaluations conducted. We need to discuss the results and services implementation in an IEP meeting with ALL relevant IEP Team members present.

I will ONLY accept Facilitated meetings at Sound Options.

I will also not agree to meetings where [Director of Special Education] is the [District] Representative. [District] will need to find an alternate. I find their incompetence and obnoxious behavior an affront to the dignity of the Special Education children and families.

...

My hope is that the Superintendents Office and/or OSPI will swiftly rid [District] families of those irreverent and irresponsible individuals in the Special Education Director and General Counsels Offices.
24. On March 9, 2023, the District sent the Parent a consent form to conduct the Student's reevaluation. To date, the Parent has not signed the consent form.

CONCLUSIONS

Issue One and Two: IEP Development and Implementation – OSPI notes, that initially these issues were opened separately, but upon investigation, they are inherently intertwined in the present case and therefore will be analyzed together. Further, the Parent's concerns related primarily to the development of the IEP and the complaint was filed prior to the IEP implementation date. The Parent alleged that the District failed to: (1) Inform the Parent about

related services available to the Student, such as physical therapy; and (2) Provide the Student with OT services, physical therapy, visual therapy, recreational services, and ASL services that were critical for his learning.

A student's IEP must be developed annually, and the parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents (1) provide critical information regarding the strengths of their child and express their concerns for enhancing the education of their child; (2) participate in discussions about the child's need for special education and related services and supplementary aids and services; and (3) join with the other participants in deciding how the child will be involved and progress in the general curriculum and participate in state and district-wide assessments, and what services the agency will provide to the child and in what setting. The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them to make joint, informed decisions regarding the student's needs and appropriate goals and the services needed to support that involvement and participation and to achieve agreed-upon goals.

The IEP team should work toward consensus, but the public agency has ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive a free appropriate public education (FAPE). If the team cannot reach consensus, the public agency must provide the parents with prior written notice of the agency's proposals or refusals, or both, regarding the child's educational program, and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing.

According to District records, the Parent had signed a "Declaration of Intent to Provide Home-Based Instruction" for the Student on November 8, 2021, and that declaration was still in effect on September 1, 2022, when the 2022–2023 school year began. The Student was not enrolled in the District at the start of the school year. On January 17, 2023, the Parent re-enrolled the Student in the District and on January 27, 2023, within 10 days of the Student re-enrolling, the District held a meeting at which they proposed an IEP that was very similar to the IEP the District had proposed 14 months earlier in October 2021, when the Student left the District. The Student's previous IEP was out of date as IEPs must be reviewed annually. The District subsequently began implementing the IEP it developed on January 27, 2023, and maintained that this IEP represented the District's offer of FAPE.

Four days after the IEP meeting, on January 31, 2023, the Parent submitted a 17-page document to the District, detailing how the Student had changed since the Student's most recent evaluation in May of 2020. Based on this document, the District drafted a PWN on February 9, 2023, that expressed that a reevaluation of the Student needed to be done to determine the Student's current and/or changed needs.

Disagreement with an IEP does not necessarily indicate the Parent was limited from participating in the process or that the IEP was inappropriately developed. Here, the Parent attended the January 27, 2023 IEP meeting and documentation indicates she participated. It is clear here that

the Parent disagrees with the IEP; however, the District has ultimate responsibility to ensure that the IEP includes the services that the child needs in order to receive FAPE. And here, it appears that the District is providing the Student FAPE. The IEP it adopted on January 27, 2023 is very similar to the previous IEP the District had drafted in October 2021.

The District has also suggested that the Student be reevaluated based on the Parent's 17-page document, which expressed that the Student has significantly changed since the Student's last evaluation in May of 2020. Additionally, this suggestion is timely considering that the Student's current evaluation expires in approximately four weeks (May 1, 2023) and the Student will be due for a reevaluation anyway. The reevaluation will allow the parties to determine if the Student is in need of services, such as physical therapy, visual therapy, and ASL services as the Parent stated she was interested in in her complaint. OSPI finds that a reevaluation is the appropriate next step to address the Parent's concerns and the information the Parent provided indicating a possible change in the Student's needs.

On February 17, 2023, the Parent sent an email to OSPI that stated, "I thought I've been abundantly clear that Re Evaluation is NOT consented. I've already had Parent Initiated Evaluations conducted. We need to discuss the results and services implementation in an IEP meeting with ALL relevant IEP Team members present." To date, the Parent has not consented to a reevaluation.

OSPI recommends that the Parent consent to the reevaluation because the District is required to obtain informed parental consent before conducting any assessments as part of a reevaluation of a student eligible for special education services. Consent means that the parent has been fully informed of all information relevant to the activity for which consent is sought; consent for the reevaluation does not mean the parent has to agree with the results of the reevaluation. Further, districts are required to evaluate students every three years to determine a continued need for special education. However, if the Parent continues to not consent to the reevaluation, OSPI recommends the District conduct a reevaluation based on a review of existing data, for which consent is not required.² A reevaluation based on a review of existing data would include reviewing the evaluations the Parent references that have already been conducted. Alternately, the District may consider whether the following would be appropriate as a next step: Based on WAC 392-172A-03000(3)(b), "[i]f the parent refuses to consent to the reevaluation, the school district may, but is not required to, pursue the reevaluation by using the due process procedure to override the parent's refusal to provide consent or mediation to obtain an agreement from the parent to provide consent."

Based on the present case's facts, it appears the District took all the necessary steps that it was legally required to perform to develop the Student's IEP for the 2022-2023 school year. The District held an IEP meeting, which the Parent participated in. Following the Parent's disagreement, the District took the appropriate next step of proposing a reevaluation and seeking consent for the same, which to date is still in progress. Regarding the current IEP's implementation, that was recently commenced on February 13, 2023, and there has not been sufficient time for the District

² See WAC 392-172A-03000(4)(a)(i).

to produce progress reports, nor has the Parent raised specific objections to the current IEP's implementation; rather, the Parent raised concerns about the development of the IEP and implementation of services not currently in the IEP. OSPI finds no violation.

CORRECTIVE ACTION

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

None.

Dated this 31st day of March, 2023

Dr. Tania May
Assistant Superintendent of 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.)