

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-11

PROCEDURAL HISTORY

On January 28, 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 Richland 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 January 30, 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 February 21, 2018, OSPI received the District's response to the complaint and forwarded it to the Parent on February 22, 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.

On March 22, 2018, OSPI requested additional information from the District. The District provided the requested information on March 26, 2018, and OSPI forwarded the information to the Parent on March 26, 2018.

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

OVERVIEW

During the 2016-2017 school year, the Student attended a District high school and was eligible to receive special education services under the category of autism. In October 2016, the District conducted a triennial reevaluation of the Student and then developed the Student's individualized education program (IEP). The October 2016 IEP included a transition plan, post-secondary transition goals, and a course of study, and stated that the Student would take the state graduation "basic" assessments, with accommodations. In November 2016, the Parent requested that the District evaluate the Student's functional transition skills, and the District administered portions of the assessment in January, February, March, June, and December 2017 and January 2018. From February through June 2017, the Student's IEP team met several times to discuss among other things the Student attending high school beyond his senior year, the Student's post-secondary transition plan, and his participation in community based instruction (work experiences). School staff expressed that the Student was on track academically to graduate and did not need to attend school beyond his senior year. The Parent disagreed, noting concerns about the Student's skill deficits, and believing the Student needed to continue to receive job training and social skills services. As a result of the IEP meetings, the Student's October 2016 IEP was amended three times to reflect changes to the transition plan and course of study. During the 2017-2018 school year, the Student continued to attend the District high school. In October 2017, the Student's IEP team met two times to develop his annual IEP. The

Parent expressed confusion that the October 2017 IEP noted that the Student had passed the state English Language Arts graduation assessment with a Level 2 score, and asked for additional information about this. The Parent also expressed concern that the IEP noted the Student would earn a Certificate of Individual Achievement (CIA), instead of Certificate of Academic Achievement (CAA), along with his diploma. Further, the Parent expressed concern about the Student's transition plan and the need for the Student to attend high school beyond his senior year. As a result of the Parent's concerns, the IEP team agreed to obtain additional information about the Student's career interests in order to better inform his transition plan and need for services beyond his senior year, and to wait until they received the results of the Student's math graduation assessment prior to making a determination about the Student earning a CIA or CAA.

The Parent alleged that the District failed to follow procedures for conducting transition assessments and failed to follow procedures for developing the Student's IEP, including procedures for determining whether the Student must take an alternative assessment and determining transition goals, course of study, and services. The District denied the allegations.

SCOPE OF INVESTIGATION

This decision references events which occurred prior to the investigation time period, which began on January 29, 2017. These references are included to add context to the issues under investigation and are not intended to identify additional issues or potential violations, which occurred prior to the investigation time period.

ISSUES

1. Did the District follow procedures for conducting transition assessments?
2. Did the District follow procedures for developing the Student's individualized education program (IEP), including procedures for determining whether the Student must take an alternative assessment and determining transition goals, course of study, and services?

LEGAL STANDARDS

FAPE Entitlement: A free appropriate public education (FAPE) must be available to every student between the ages of three and twenty-one who has been determined eligible for special education and who resides in the state of Washington. 34 CFR §300.101; WAC 392-172A-02000.

When Eligibility Ends: Students eligible for special education services remain eligible until one of the following occurs: a group of qualified professionals and the parent of the student determine the student is no longer in need of special education, based on a reevaluation; the student has met the high school graduation requirements established by the school district and has graduated with a regular diploma; the student turns twenty-one; or, the student's parent revokes consent in writing for the provision of special education and related services. 34 CFR §300.101; WAC 392-172A-02000(2). If a student turns age twenty-one on or before August 31 of a school year, he or she is no longer eligible for special education and related services. If a student turns

age twenty-one after August 31, he or she will continue to be eligible for special education and related services for the remainder of the school year. WAC 392-172A-02000(2)(c).

Transition Services: Transition services means a coordinated set of activities for a student eligible for special education that: is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate his or her movement from school to post-school activities, including postsecondary education, vocational education, integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation, and is based on the individual student's needs, taking into account the student's strengths, preferences, and interests; and includes: instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. Transition services for students eligible for special education may be special education, if provided as specially designed instruction, or a related service, if required to assist a student eligible for special education to benefit from special education. 34 CFR §300.43(a); WAC 392-172A-01190.

IEP Definition: An IEP must contain a statement of: (a) the student's present levels of academic achievement and functional performance; (b) measurable annual academic and functional goals designed to meet the student's needs resulting from their disability; (c) how the district will measure and report the student's progress toward their annual IEP goals; (d) the special education services, related services, and supplementary aids to be provided to the student; (e) the extent to which the student will not participate with nondisabled students in the general education classroom and extracurricular or nonacademic activities; (f) any individual modifications necessary to measure the student's academic achievement and functional performance on state or district-wide assessments and 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, a statement of why: the student cannot participate in the regular assessment and the particular alternate assessment selected is appropriate for the student; (g) Extended School Year (ESY) services, if necessary for the student to receive a free and appropriate public education (FAPE); (h) behavioral intervention plan, if necessary for the student to receive FAPE; (i) emergency response protocols, if necessary for the student to receive FAPE and the parent provides consent as defined in WAC 392-172A-01040; (j) the projected date when the services and program modifications will begin, and the anticipated frequency, location, and duration of those services and modifications; (k) beginning no later than the first IEP to be in effect when the student turns 16, appropriate, measurable postsecondary goals related to training, education, employment, and independent living skills; and transition services including courses of study needed to assist the student in reaching those goals; (l) beginning no later than one year before the student reaches the age of majority (18), a statement that the student has been informed of the rights which will transfer to him or her on reaching the age of majority; and (m) the district's procedures for notifying a parent regarding the use of isolation, restraint, or a restraint device as required by RCW 28A.155.210. 34 CFR §300.320; WAC 392-172A-03090.

Definition of Consent: 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; the parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity. This includes a list of any records that will be released, and to whom they will be released, or records that will be requested and from whom; and the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. 34 CFR §300.9; WAC 392-172A-01040.

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. 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. The District may proceed with a reevaluation, without obtaining consent if it can demonstrate that it has taken reasonable measures to obtain that consent, and the student's parent has failed to respond. 34 CFR §300.300(c)(2); WAC 392-172A-03000.

Consent Not Required: Parental consent is not required before the IEP team reviews existing data as part of an evaluation or reevaluation. 34 CFR §300.300(d)(1); WAC 392-172A-03000(4)(a)(i). Parental consent is also not required before the administration of a test or other evaluation that is administered to all students unless, before the administration of the test or evaluation, consent is required from the parents of all students. 34 CFR §300.300(d)(1)(ii); WAC 392-172A-03000(4)(a)(ii). The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered to be an evaluation for eligibility for special education and related services. 34 CFR §300.302; WAC 392-172A-03010.

Parent Participation in IEP Development: 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, as equal participants, to make joint, informed decisions regarding: the student's needs and appropriate goals; the extent to which the student will be involved in the general

curriculum and participate in the regular education environment and State and district-wide assessments; and the services needed to support that involvement and participation and to achieve agreed-upon goals. Parents are considered equal partners with school personnel in making these decisions, and the IEP team must consider the parents' concerns and the information that they provide regarding their child in developing, reviewing, and revising IEPs. 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. Individuals with Disabilities Act (IDEA), 64 Fed. Reg. 12473-74 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9).

IEP Team: An IEP team is composed of: the parent(s) of the student; not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment); not less than one special education teacher or, where appropriate, not less than one special education provider of the student; a representative of the school district who is qualified to provide or supervise the provision of specially designed instruction, who is knowledgeable about the general education curriculum, and who is knowledgeable about the availability of district resources; an individual who can interpret the instructional implications of evaluation results (who may be one of the teachers or the district representative listed above); any individuals who have knowledge or special expertise regarding the student, including related services personnel; and when appropriate, the child. 34 CFR §300.321(a); WAC 392-172A-03095(1).

IEP Team Member Excusal: Parents and districts can agree in writing that an IEP team member's participation is not necessary and that the team member may be excused from attending an IEP meeting, in whole or part, if the team member's area of curriculum or related services is not being modified or discussed in the meeting. If the meeting involves a modification to or discussion of the team member's area of the curriculum or related services and the parties both consent in writing to the excusal of the team member, the excused team member must submit written input into the development of the IEP in prior to the meeting. 34 CFR §300.321; WAC 392-172A-03095(5). As provided in 34 CFR §300.321(a)(2), the public agency must ensure that the IEP Team includes "[n]ot less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment) . . ." Neither the IDEA nor its implementing regulations require that an IEP Team include more than one regular education teacher. Therefore, if an IEP Team includes more than one regular education teacher of the child, the excusal provisions of 34 CFR §300.321(e)(2) would not apply if at least one regular education teacher will be in attendance at the IEP Team meeting. *Questions and Answers on IEPs, Evaluations, and Reevaluations* (OSERS June 2010) (Question C-3).

Prior Written Notice: Written notice must be provided to the parents of a student eligible for special education, or referred for special education a reasonable time before the school district:

(a) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student; or (b) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student. The notice must include: (a) a description of the action proposed or refused by the agency; (b) an explanation of why the agency proposes or refuses to take the action; (c) a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action; (d) a statement that the parents of a student eligible or referred for special education have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; (e) sources for parents to contact to obtain assistance in understanding the procedural safeguards and the contents of the notice; (f) a description of other options that the IEP team considered and the reasons why those options were rejected; and (g) a description of other factors that are relevant to the agency's proposal or refusal. 34 CFR 300.503; WAC 392-172A-05010.

FINDINGS OF FACT

Background Facts

1. The Student entered ninth grade at a District high school during the 2015-2016 school year. At that time, the Student was eligible to receive special education services under the category of autism and had an individualized education program (IEP) in place.
2. Washington State regulations require that students who entered ninth grade during the 2015-2016 school year meet the following graduation requirements to receive a regular high school diploma¹:
 - Earn twenty-four (24) high school credits as specified by the State Board of Education
 - Have taken a Washington State History course²
 - Pass state tests or alternatives to those tests
 - Complete a high school and beyond plan³
3. Students who entered ninth grade during the 2015-2016 school year are required to earn twenty-four high school credits in the following areas⁴:
 - English – 4 credits
 - Math – 3 credits (including Algebra 1 & Geometry or Integrated Math 1 & 2)

¹ See <http://sbe.wa.gov/GradRequirements/ClassOf2019.php#assessments>. See also WAC 180-51-068. <http://apps.leg.wa.gov/wac/default.aspx?cite=180-51-068>.

² This course can be taken when a student is in middle school or junior high school. See <http://apps.leg.wa.gov/wac/default.aspx?cite=392-410-120>.

³ See <http://www.k12.wa.us/GraduationRequirements/Requirement-HighSchoolBeyond.aspx>. See also WAC 180-51-068. <http://apps.leg.wa.gov/wac/default.aspx?cite=180-51-068>.

⁴ See <http://sbe.wa.gov/GradRequirements/ClassOf2019.php>.

- Science – 3 credits (including 2 lab credits)
- Social Studies – 3 credits (including 1 credit of U.S. History, 1 credit of Contemporary World Problems, and .5 credit of Civics (can be imbedded in another social studies course))
- Arts – 2 credits (performing or visual arts)
- Health and Fitness – 2 credits (including .5 credit of health, 1.5 credits in fitness)
- Career and Technical Education – 1 credit
- Electives – 4 credits
- World Language or Personalized Pathway Requirement – 2 credits

A student with “special educational needs” can be granted an exemption from completing a required course, if completing the required course impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's limitation.⁵ A school district must adopt written policies regarding course exemptions, including procedures, for meeting the unique limitations of each student.⁶

4. Students who entered ninth grade during the 2015-2016 school year are required to pass the following state tests⁷:
 - High school English language arts (ELA) Smarter Balanced Assessment (SBA) or state-approved alternative
 - High school math SBA or state-approved alternative

Students who entered ninth grade during the 2015-2016 school year are also required to take a high school science exam, the Washington Comprehensive Assessment of Science (WCAS) in eleventh grade, but are not required to pass the exam to meet graduation requirements.

5. For a student eligible for special education, his/her IEP team can determine which state assessments are appropriate for the student to participate in, based on the student’s learner characteristics and taking into consideration a student’s present levels of academic and functional performance, post-secondary goals, and previous testing history. An IEP team may determine that based on a student’s individualized needs, taking an on-grade level ELA and/or math SBA is not appropriate, and that the Student will instead take the Washington Access to Instruction and Measurement (WA-AIM).⁸ The WA-AIM test alternative is only available for students with significant cognitive challenges who meet the criteria for participating in the WA-Aim as determined by an IEP team. Therefore, the majority of students eligible for special education will participate in taking the ELA and math portions of the SBA at the grade level which the students are enrolled in.

⁵ See <http://apps.leg.wa.gov/wac/default.aspx?cite=180-51-115>.

⁶ See <http://apps.leg.wa.gov/wac/default.aspx?cite=180-51-115>.

⁷ See <http://sbe.wa.gov/GradRequirements/ClassOf2019.php#assessments>.

⁸ See <http://www.k12.wa.us/assessment/WA-AIM/default.aspx>.

6. For purposes of meeting the assessment graduation requirement, a student must earn a score in the Level 3 or 4 range on the ELA and math portions of the SBA. Any student who earns a score in the Level 3 or 4 range on the ELA and math SBA receives a Certificate of Academic Achievement (CAA)⁹ along with a diploma when they graduate from high school.
7. If a student does not earn a score in the Level 3 or 4 range on the ELA or math SBA, the student can retake the test. However, retaking an exit exam may not be a suitable means for some students to demonstrate sufficient knowledge and skills for graduation. In such cases, state regulations allow for alternatives, such as achieving a certain score on a college entrance exam (ACT or SAT) or having a grade comparison completed.¹⁰ Students who can demonstrate sufficient knowledge and skills for graduation through participation in one of these alternatives, are still able to earn a CAA along with their diploma when they graduate.
8. A student eligible for special education who does not earn a score in the Level 3 or 4 range on the ELA or math SBA, has the option of accessing additional assessment alternatives¹¹ in order to fulfill the state assessment graduation requirement. An IEP team must determine the appropriate assessment alternative for a student and document the decision in a student's IEP. Students eligible for special education that meet the requirements of one of these assessment alternatives, are not eligible to receive a CAA along with their high school diploma, but instead receive a Certificate of Individual Achievement (CIA) along with their diploma.
9. One of the assessment alternatives available to students eligible for special education who have taken the ELA or math SBA, is the cut-score alternative.¹² The cut-score alternative allows a student to fulfill the state's assessment graduation requirement by applying a score at or above the established cut-score in the Level 2 score range for a state accountability assessment.¹³ This has been referred to as passing with a basic or Level 2 score. An IEP team can only consider this option for a student, if the student has earned a score in the Level 2 range that is at or above the established cut-score. If an IEP team determines that a student should access the cut-score alternative, it must specify this in a student's IEP.
10. All students in Washington who meet the state graduation requirements receive the same regular high school diploma, regardless if a student has earned a CAA or a CIA.

⁹ See <http://k12.wa.us/assessment/GraduationAlternatives/Options.aspx>.

¹⁰ See <https://wa.portal.airast.org/core/fileparse.php/2317/urlt/Assessment-Graduation-Pathways-by-Cohort.pdf>

¹¹ See <https://wa.portal.airast.org/core/fileparse.php/2317/urlt/Assessment-Graduation-Pathways-by-Cohort.pdf>

¹² See <http://k12.wa.us/assessment/GraduationAlternatives/HSPE-MSP-COEBasic.aspx>

¹³ See <https://washingtonsbe.wordpress.com/2015/08/06/688/>

2016-2017 School Year

11. During the 2016-2017 school year the Student attended tenth grade at a District high school and continued to be eligible to receive special education services under the category of autism.
12. The Student resides in both his mother's (Parent) and his father's homes. Both parents are involved in making educational decisions for the Student. On some occasions, the Student's step-father also participates in meetings concerning the Student's education.
13. The District's 2016-2017 school year began on August 30, 2016.
14. The Student's IEP in place at the beginning of the 2016-2017 school year was developed in February 2016. The February 2016 IEP included annual goals in the areas of adaptive, behavior (organizational), behavior (social), math, and written expression, and provided for specially designed instruction to address those goals. The February 2016 IEP also included a course of study and the following post-secondary transition goals, which were based on "interviews" with the Student and the completion of a Student "interest survey":
 - Upon completion of high school the Student will be enrolled in either community college or a technical school.
 - Upon completion of high school the Student wants to be employed in the gaming industry.
 - Upon completion of high school the Student would like to live with friends or family.

The February 2016 IEP also included a behavioral intervention plan (BIP) and provided for special transportation. The IEP stated that the Student would spend fifty-three percent of his school week in a general education setting, and that he was enrolled in a special education behavior intervention and social skills training (BESST) program.

15. On October 21, 2016, the District completed the Student's triennial reevaluation and the evaluation group, including the Parent, determined that the Student continued to be eligible for special education under the category of autism. The evaluation report included information from the Student's teachers about his classroom performance, which stated:
 - Special education teacher (9th and 10th grade) – The Student was working up to his ability level except in the area of writing. The Student "does not like to write and often refuses to complete assignments or rushes to finish them." The Student's strengths are his reading skills and self-awareness. Areas that are difficult for the Student are "writing, sustaining attention/effort, organization, controlling his temper, controlling his mood, math operations, and explaining his thinking in math." The Student interacted appropriately with adults and peers in the special education program.
 - General education art teacher (10th grade) – The Student's strength was that he was "full of creative ideas". The Student was not working up to his ability level and seemed to have difficulty "listening, following directions, sustaining attention/effort, motivation, abstract thinking, organization, working quickly, self-esteem, making friends, independence, controlling his temper, controlling his mood, working in groups, and explaining his thinking."
 - General education science teacher (9th grade) – The Student's strengths are that he was friendly to his teachers, determined, and wanted to be successful. The Student did not work up to his

ability level and seemed to have “difficulty with following directions, sustaining attention/effort, work completion, controlling his temper, and controlling his mood.” The Student’s biggest difficulty was with focus and he required many reminders to stay on task and do work. When he did work, the “work was very good.”

- General education biology teacher (10th grade) – The Student was working up to his ability level, and his strength was that he wanted to do well in school. The Student seemed to have difficulty with appropriate behavior, making friends, independence, and controlling his mood. The Student did not interact appropriately with peers in his class, but most of time interacted appropriately with adults and was not a disruption to the class environment.
- General education health teacher (10th grade) – The Student interacted appropriately with adults, was not disruptive to the classroom environment, and interacted appropriately with peers most of the time. The Student had difficulty with “slow reading, writing, sustaining attention/effort, work completion, working quickly, and appropriate behavior”.

The evaluation report noted that the Student performed at a third grade level on assessments and curriculum in the area of math, but his daily work indicated his math problem solving skills in the fifth grade range. The Student’s writing skills were at the fifth grade level. The evaluation report did not include information about the Student’s post-secondary transition goals or any transition assessments that had been completed. The evaluation report recommended that the Student receive specially designed instruction in the areas of adaptive, behavior (social), math, and written expression.

16. Also on October 21, 2016, the Student’s IEP team developed a new IEP for the Student. The Parent, the Student’s step-father, and his father participated in the meeting. Based on the meeting notes, the IEP team discussed changing the Student’s expected graduation date from June 2019 to 2022, when the Student would turn twenty-one years old. The school psychologist explained that if the Student continued on his current projection, he would complete the twenty-four credits needed to graduate by June 2019. The Parent and the Student’s step-father expressed concern that the Student may not have obtained the necessary behavior skills by June 2019. The Parent requested that the Student’s course of study include classes which focused on his transition plan, such as computer programming, attending class at a local vocational skills center, or work based learning. The Parent also requested that the course of study include classes which focused on adaptive skills, such as food and nutrition and consumer economics. The Student’s father stated that this was the first time he had heard from the Parent that she wanted the Student to continue to receive services through age twenty-one. The IEP team did not agree to change the Student’s graduation date at that time, but agreed to meet again to discuss the possible change. The IEP team also discussed the Student receiving extended school year (ESY) services and agreed to make a determination regarding ESY services in May 2017. The Parent then requested that the IEP team meet quarterly to review the Student’s progress and the team agreed to the request, deciding to hold another meeting in January 2017. The Parent also requested that a representative from the state Division of Vocational Rehabilitation (DVR) be invited to future meetings and the IEP team agreed.

17. The Student's October 2016 IEP included annual goals in the areas of adaptive, behavior (social), math, and written expression. The October 2016 IEP provided for the following specially designed instruction to be delivered in a special education setting:

- Adaptive – 27 minutes 5 times weekly
- Behavior (social) – 28 minutes 5 times weekly
- Math – 55 minutes 5 times weekly
- Written Expression – 55 minutes 5 times weekly

The IEP also provided for the following supplementary aids and services:

- Special transportation – 5 days weekly
- Psychological Consult – 30 minutes 1 time monthly
- "Check-In" – 55 minutes 5 times weekly (provided by a special education teacher)

Additionally, the IEP also included a BIP and provided for multiple accommodations, which included shared paraeducator support within the general education setting. The IEP stated that the IEP team would determine by May 30, 2017, whether the Student required ESY services, and that the Student would take the Smarter Balanced "basic" state assessment in the areas of ELA and math and would also take a biology "basic" state assessment¹⁴. The IEP provided for testing accommodations.

18. Further, the Student's transition plan in the October 2016 IEP stated that information about the Student's interests and preferences had been obtained through a student interview, student interest survey, and information from previous IEPs, but the October 2016 IEP did not include information about the Student's interests and preferences. The IEP also did not include information about the Student's strengths, other than to state that the Student felt that "he could work successfully with people and also things." The IEP included the following post-secondary transition goals:

- Upon completion of high school the Student will be enrolled in either community college or a technical school.
- Upon completion of high school the Student wants to be employed in the gaming industry.
- Upon completion of high school the Student would like to live with friends or family.

The IEP also included the following course of study:

10th Grade – Semester 1

- Language Arts (special education)
- Math 2 (special education)
- Check and Connect (special education)
- Biology (general education)
- Health (general education)
- Studio Art 1

10th Grade – Semester 2

- Language Arts (special education)
- Math 2 (special education)
- Check and Connect (special education)
- Biology (general education)
- Fitness (general education)
- Studio Art 2

¹⁴ At the time the Student entered ninth grade (August 2015), there was a state requirement that students pass a Biology end-of-course (EOC) exam. The requirement was later rescinded in July 2017. See <http://app.leg.wa.gov/RCW/default.aspx?cite=28A.655.061>

11th Grade – Semester 1

- Language Arts (special education)
- Math 3 (special education)
- Check and Connect (special education)
- Computer Animation (general education)
- U.S. History 1 (general education)
- Fitness

11th Grade – Semester 2

- Language Arts (special education)
- Math 3 (special education)
- Check and Connect (special education)
- Nutrition (general education)
- U.S. History 2 (general education)
- Elective

12th Grade – Semester 1

- Language Arts (special education)
- Math 4 (special education)
- Check and Connect (special education)
- Work Experience
- Work Experience
- Consumer Economics (general education)

12th Grade – Semester 2

- Language Arts (special education)
- Math 4 (special education)
- Check and Connect (special education)
- Work Experience
- Work Experience
- Government (general education)

19. On November 16, 2016, the Student's IEP team, including the Parent, met to discuss the Parent's concerns about the Student's October 2016 reevaluation. Based on the meeting notes, the Parent requested that the Student be assessed in the area of functional transition skill using the Brigance – Transition Skills Inventory (Brigance assessment) and that the results be discussed at the upcoming January 2017 IEP meeting.¹⁵ The Parent wanted the assessment to be completed in order to further develop the Student's post-secondary transition plan. The school psychologist relayed that the District did not have the version of the Brigance assessment used for secondary students, but the IEP team agreed to ask if one of the neighboring school districts would lend the District the assessment. The IEP team also discussed that the Parent wanted additional information about one of the Student's medical diagnoses added to the October 2016 evaluation report, and the school psychologist relayed that the District did not have information about this diagnosis. The Parent stated that she would obtain the information and provide it the District. The school psychologist would then update the October 2016 reevaluation.

20. The high school's first semester ended on January 20, 2017, and the second semester began on January 24, 2017.

21. The Student's class schedule for the second semester of the 2016-2017 school year was as follows:

- Period 1: Foods and Nutrition (general education)
- Period 2: Math 2 (special education)
- Period 3: Biology (general education)
- Period 4: English Language Arts (special education)
- Period 5: Fitness (general education)
- Period 6: Check and Connect (special education)

¹⁵ Based on the documentation in this complaint, the IEP meeting was not later held in January 2017, but was instead held the first week of February 2017.

22. Also on January 24, 2017, the Student began completing portions of the Brigance assessment which focused on work ethic and attitude, job interview skills, pre-employment vocabulary, words phrases, directions found on employment forms, employment benefit information, information found in workplace manuals, computer skills, clothing, and housing. The District stated in its response to this complaint that it did not obtain the Parent's consent to conduct the Brigance assessment.

Timeline for this Complaint Begins on January 29, 2017

23. On February 6, 2017, the Student completed the portions of the Brigance assessment he began on January 24, 2017.

24. Also on February 6, 2017, some members of the Student's IEP team, including the Parent and the Student's father, met to discuss the Student's progress and the results of his Brigance assessment. Based on the meeting notes, a general education teacher did not attend the meeting. The IEP team reviewed a sample of the Student's writing from before and after the District's winter break, to determine if the Student had shown regression during the break. The IEP team agreed the Student's special education teacher would also take another writing sample before and after the District's spring break as part of the progress monitoring to determine if the Student was in need of ESY services. The school psychologist then shared that the results of the Brigance assessment showed that the Student needed to develop skills in the areas of: money and finance, job application vocabulary, and how to react in the workplace when you disagree with your boss. The school psychologist also shared that the Brigance assessment was meant to be taken again after a period of time. The IEP team then discussed picking one of the areas to focus on at that time. The team discussed that the Student had expressed interest in wanting to be a computer coder post high school. The Student's father indicated that post-secondary and independent living skills were both important areas of focus, and that transition skills were probably the most pressing at that time. The father also stated that he and the Parent had not yet discussed a graduation date for the Student. The team discussed that academically, the Student did not need extended time in high school, and that the Student's social, behavior, and adaptive skills were the areas the team may decide the Student needed to improve during an extended high school program. The Parent relayed that she wanted the Student to stay in an extended high school program to participate in work experience and meet his adaptive and social/behavior goals. The IEP team agreed the school psychologist would complete the independent living portion of the Brigance assessment with the Student, and that once it was completed, a draft IEP amendment would be sent home to the parents to review and obtain input, to ensure the Student's transition goals "aligned with the service page". The special education teacher stated that she would provide a copy of the Student's interest survey. Additionally, the special education teacher shared that the District was starting a community based instruction (CBI) program, and that the Student could possibly participate in the program after his senior year during the 2019-2020 school year. In preparation for this, the Student could spend the 2017-2018 and 2018-2019 school years preparing for a job and receiving social training.

25. On March 13, 2017, the Student completed portions of the Brigance assessment, which focused on independent living – food vocabulary and money and finance.
26. On March 13, 2017, the Student’s IEP team, including the Parent and the Student, met. Based on the meeting notes, a general education teacher did not attend the meeting. The IEP team discussed the need to amend the Student’s IEP math goal, because the Student had met his goal. The Student’s special education teacher shared that changes had been made to the Student’s post-secondary transition plan/goals as discussed at the February 6, 2017 IEP meeting. The Parent then shared several concerns about the Student’s transition plan that she wanted addressed, and the special education teacher took notes and agreed to make the changes to the Student’s IEP. The school psychologist then shared the Student’s ongoing progress with the Brigance assessment, and stated that she wanted to continue the assessment and use the results to inform the Student’s IEP going forward. The IEP team discussed the possibility of the Student attending a regional vocational/technical skills center during the fall of 2017. The special education teacher shared that she had concerns that the Student may not be ready for the level of independence and potential stress at the skills center, as the Student would not have the ability to take a break or leave the skills center when he is feeling stressed, as he did at the high school. The teacher relayed that the Student currently alternated between a general education class and a class within the BESST program, and that there were times when the Student struggled within his general education classes and needed to come to the BESST classroom in order to adequately manage his behaviors. The special education teacher expressed concern that the Student would not be able to sustain appropriate behaviors for the amount of time that the skills center would require, a three class period block. The Parent stated that she would like the Student to have paraeducator support at the skills center, and that there would be opportunities to have free time during the day. The Parent also shared that she would like the Student “to have the opportunity to fail in order to realize that perhaps the career path he has chosen is not going to be the best for him.” The special education teacher stated that there would be a meeting in mid-April to discuss the students who had applied to attend the skills center and determine who would be accepted. The teacher stated that the IEP team could meet after that time to continue the discussion regarding the skills center.
27. The District’s documentation in this complaint included an amendment to the Student’s October 2016 IEP, dated March 13, 2017.¹⁶ Based on the meeting notes from the March 13, 2017 meeting, it appears the IEP amendment was completed after the March 13 meeting. The amended IEP included a new math goal and updated post-secondary transition goals, which stated:
- Upon completion of high school [the Student] will be enrolled in either college or technical school to study video game production.
 - Upon completion of high school [the Student] would like to live with his family.

¹⁶ The March 13, 2017 IEP amendment is titled “IEP Amendment Without Reconvening the IEP Team”. It is assumed the title of this document is incorrect because the Student’s IEP team met on March 13, 2017 and agreed to amend his IEP.

The IEP amendment also included updated information regarding the Student's needs, aptitudes shown in school work and experience, and the Student's interests which were Dungeons and Dragons, gaming, and listening to music. Additionally, the IEP amendment included a revised course of study, which stated:

11th Grade – Semester 1

- Language Arts (special education)
- Math 3 (special education)
- Check and Connect (special education)
- Computer Animation (general education)
- U.S. History 1 (general education)
- Elective

11th Grade – Semester 2

- Language Arts (special education)
- Math 3 (special education)
- Check and Connect (special education)
- Elective (general education)
- U.S. History 2 (general education)
- Fitness

12th Grade – Semester 1

- Language Arts (special education)
- Math 4 (special education)
- Check and Connect (special education)
- Consumer Economics (general education)
- Computer Course (general education)
- Elective (general education)

12th Grade – Semester 2

- Language Arts (special education)
- Math 4 (special education)
- Check and Connect (special education)
- Government (general education)
- Computer Course (general education)
- Elective (general education)

28. The District was on break April 3-7, 2017.

29. Based on the documentation in this complaint, on May 9, 2017, the Parent met with the special education teacher to review a proposed amendment to the Student's IEP, which was based on the Parent's request to change the Student's BIP, post-secondary transition plan, and accommodations.

30. On May 11, 2017, the Student's IEP team, including the Parent and the Student's father, held a meeting at 2:30 p.m. Based on the meeting notes, a general education teacher did not attend the meeting. The IEP team reviewed and agreed upon the proposed changes to the Student's BIP. The IEP team then discussed making changes to the transition plan in regard to who was responsible for providing transition related services. The IEP team agreed not to make changes to the course of study at that time, as the Parent and the Student's father were still uncertain if the Student would attend a District program after his senior year of high school. The parents would discuss this further. The team also discussed adding access to speech-to-text software as an IEP accommodation. The Parent expressed that due to the Student's disability, the software would be helpful to the Student in the writing process. The Student's father expressed concern about the Student spending too much time learning to use the software, when the time could be spent learning other skills, and that the Student's desire to work as a computer programmer would require the Student to type. Additionally, the IEP team discuss the Student's eligibility for ESY services and the need to review the data that had been collected. The IEP team also discussed an update on the Brigance assessment and that post-secondary and independent living skills were a focus of the parents. Further, the IEP team discussed that the Student was not accepted into a program at the regional skills center, as the Student had relayed he did not want to attend the program until he graduated.

The Parent expressed that the Student would often say no to new experiences. The special education teacher shared that she felt the Student was not yet ready for the level of independence at the skills center, and that he could apply again. The special education teacher had to leave the meeting at 3:52 p.m., and the meeting concluded once she left.

31. The District's documentation in this complaint included an amendment to the Student's October 2016 IEP, dated May 11, 2017.¹⁷ The May amendment reflects the changes to the Student's BIP and the addition of the accommodation for speech-to-text software. The amendment also revised the Student's transition plan to state that the community experiences and CBI would be provided by the special education department at the high school, DVR, and the Arc of Washington.¹⁸ The transition plan also reflected that the family, the special education department at the high school, DVR, and the state office of Developmental Disabilities Administration (DDA) would be responsible for assisting the Student in developing independent living skills.
32. On June 5, 2017, the Student completed portions of the Brigance assessment, which focused on independent living skills – clothing and housing.
33. Also on June 5, 2017, the Student's IEP team, including the Student, the Parent, and the Student's father, held a meeting for one hour and forty minutes. The Student's general education biology teacher attended the meeting. Based on the meeting notes, the IEP team discussed the Student's eligibility for ESY services, but did not reach an agreement at that time. The District assistant director of special education, who was also at the meeting, presented information from WAC 392-172A-02000 regarding eligibility for special education once a student has met high school graduation requirements. The assistant director then had to leave the meeting due to another meeting, and the remaining members of the IEP team discussed the Student's class schedule for the 2017-2018 school year, as well as potential areas of need to support him. The team discussed that the academic load of the proposed schedule may be too difficult for the Student, but also discussed concerns about waiting too long to have the Student take a class related to his post-secondary career goal, in case that the Student found he was not successful in the class. The team agreed that if the proposed class schedule was too overwhelming for the Student, the team would reconvene and discuss the possibility of a Learning Lab class. The Student's father suggested using a log to have the Student track the amount of time he spent completing required tasks, and also asked if the IEP team could plan for the Student's junior year and then reassess the Student's progress and graduation date next year. The assistant principal, who had been at another meeting, then joined the IEP meeting at that time. Additionally, the IEP team discussed that the Student had met his IEP adaptive goal, and the school psychologist and the special education teacher presented two options for new adaptive goals based on the results of the Student's

¹⁷ The May 11, 2017 IEP amendment is titled "IEP Amendment Without Reconvening the IEP Team". It is assumed the title of this document is incorrect because the Student's IEP team met on March 11, 2017 and agreed to amend his IEP.

¹⁸ See <http://arcwa.org/aboutus>.

performance on the Brigance assessment. The goals were aimed at the Student comprehending work related vocabulary and housing resources/advertisements. The Parent stated that she wanted the Student to have an adaptive goal for each of the areas on his transition plan. The team then discussed the Student's results from the educational interest section on the Brigance assessment. The IEP team agreed the special education teacher would amend the IEP to reflect new goals and then send out a draft for approval by the team. Finally, the team discussed how the Student's behavior data was being tracked.

34. The District's documentation in this complaint included an amendment to the Student's October 2016 IEP, dated June 5, 2017.¹⁹ The June amendment reflected three new adaptive goals as follows:

- The Student will increase his ability to comprehend specific work related vocabulary by reading and comprehending pay and benefits employment vocabulary from 31% to 100% as measured by the Brigance job related knowledge and skills section.
- The Student will increase his adaptive skills by comprehending ads for housing from 50% to 100% as measured by the Brigance housing resources section.
- The Student will increase his adaptive skills by comprehending educational interests from 25% to 100% as measured by Brigance educational interests section.

The amendment also reflected that the Student qualified for ESY services in the area of math, and that the IEP team had not yet made a decision in regard to the Student continuing to attend the District after his senior year.

35. The District's 2016-2017 school year ended on June 9, 2017.

2017-2018 School Year

36. The District's 2017-2018 school year began on August 29, 2017. At that time, the Student began attending eleventh grade at the same District high school and his amended October 2016 IEP was in place.

37. The Student's class schedule for the first semester of the 2017-2018 school year was as follows:

- Period 1: Robotics (general education)
- Period 2: Math 3 (special education)
- Period 3: Check and Connect (special education)
- Period 4: U.S. History 1 (general education)
- Period 5: Geology (general education)
- Period 6: English Language Arts (special education)

38. On September 25, 2017, the Student's special education teacher emailed the high school assistant principal, school social worker, school psychologist, and the Student's three general

¹⁹ The June 5, 2017 IEP amendment is titled "IEP Amendment Without Reconvening the IEP Team". It is assumed the title of this document is incorrect because the Student's IEP team met on June 5, 2017 and agreed to amend his IEP.

education teachers, stating that an IEP meeting was scheduled for October 20. The special education teacher asked that the staff members attend the meeting if their schedules permitted, and that if they were unable to attend, to email her any issues/concerns that they wanted her to share with the family. In response, the assistant principal stated that he would be unable to attend the meeting and that another District administrator would need to attend.

39. On October 2, 2017, the Parent emailed the Student's special education teacher with concerns that the Student was getting a "D" grade in his three general education classes and asked that the special education teacher look into this. The Parent asked if the Student needed to be "pulled out" of any of the classes due to not understanding or completing the materials assigned. The Parent asked if the Student was getting appropriate assistance for the classes. In response, the special education teacher provided information that the Student had not completed his make-up work when he returned from being absent, which was affecting his grades. The teacher provided information about what assignments the Student was missing, and stated that she did not think the Student needed to be pulled from any of his classes at that time. The teacher later sent a follow up email on October 4, stating that the Student had turned in all his work, with the exception of getting a syllabus signed.
40. On October 11, 2017, the Student's special education teacher emailed the Parent and the Student's father, informing them of changes to the way IEP meetings would be run that school year. The teacher stated that she would send each parent a draft copy of the IEP on October 12, 2017 for the parents to review, and that if the parents felt that changes were needed, they should submit the changes to the special education teacher by October 18, 2017, two days before the IEP meeting. The teacher also stated that she would send home a parent input form that the parents could complete, if they wanted additional information added to the IEP. The teacher said that the idea was that the IEP meeting would last no longer than thirty minutes, and that the purpose of the meeting was to hear from the Student's individual teachers regarding his current classroom performance. The IEP team would also discuss ways to continue to support the Student in all of his classes, and to discuss options if IEP team members were unsure how to proceed in regard to graduation and ESY services. Additionally, the teacher stated that if the parents wanted to schedule any additional meetings prior to the next quarterly meeting, this could be discussed at the October 20 meeting.
41. On October 16, 2017, the Parent received a draft copy of the Student's October 2017 IEP.
42. From October 16-18, 2017, the Parent and the Student's special education exchanged emails regarding the draft IEP. The emails are summarized below:
 - The Parent provided some initial feedback regarding the draft. The Parent wanted the transition plan to reflect that the family and high school staff would be responsible for assisting the Student in obtaining post-secondary education and training, employment, and independent living skills. The Parent stating that CBI was mentioned as part of transition services, and asked if the Student was participating in CBI during the current semester and if this would be discussed further. In regard to the Student's participation in state assessments, the Parent stated that the IEP draft

indicated the Student had met the graduation requirement for the ELA assessment, but the Student had never passed a state assessment, and had always been well under passing. The Parent asked what test the Student had been given and at what grade level. The Parent had similar questions about the science assessment. The Parent also stated the draft IEP said the Student's disability did not impact his performance on assessments. The Parent wanted this to be further explained. Additionally, the Parent said that the draft IEP stated that the Student would graduate with a "CAA", but the parents wanted him to graduate with a general diploma.

- The special education teacher responded that a "CAA" was a regular diploma and a "CIA" was an "IEP diploma". The teacher also stated that the Student had passed the tenth grade ELA SBA at the basic level, which meant that the test had not been altered in any way, but the Student was allowed to pass with a Level 2 score. The teacher said that the Student had passed the biology EOC at a Level 3 and the test was not altered in anyway. The teacher stated that at that time the Student had passed two state assessments without any alterations and it appeared his disability did not impact his performance.
- The Parent replied asking what grade level the Student passed the ELA SBA and biology exam at. The Parent then listed other concerns about the draft and stated several items from the Student's prior October 2016 IEP were not reflected on the October 2017 IEP draft.
- The teacher responded that the Student passed the biology exam at the tenth grade level, and passed the ELA SBA with a Level 2 on a tenth grade test. The teacher also addressed the Parent's other concerns.
- The Parent replied that she was "stumped" as to how the Student had passed the ELA SBA when he struggled with writing and writing prompts. The Parent asked if the Student had a scribe for the test.
- The teacher responded that the Student did not have a scribe, but had told the Student the test was a graduation requirement and that if he passed it the first time, he would not have to retake it. The teacher thought this may have been the motivation the Student needed.

43. On October 20, 2017, the Student's IEP team met to develop the Student's annual IEP. The Student, the Parent, the Student's step-father, and the Student's father participated in the meeting. A representative from DVR also participated in the meeting. Based on the meeting notes, the Parent signed an excusal form to excuse the assistant principal from the meeting. The IEP team then discussed the draft IEP and the discussion centered on the Student's current transition needs and the family's desire that the Student attend school until he was twenty-one years old. The special education teacher shared that the Student was on track to graduate, as he had met his state assessment requirements in ELA and science²⁰, but had not yet taken the math SBA. The IEP team discussed that due to the Student's Level 2 score on the ELA SBA, he was eligible to receive a CIA. The Parent asked how the Student had passed the ELA SBA at the standard level 2, as the Student had never before passed a state assessment. The team discussed that the Student had passed the Biology EOC at a Level 3. The Student's general education geology teacher then arrived at the meeting, and shared information about the Student's progress, stating that the Student came to class and participated, did not need help from a paraeducator very often, and was normally able to

²⁰ The documentation in this complaint supports that the special education teacher was referring to the Student's completion of the Biology EOC exam, which was not a graduation requirement. Additionally, the Student had not yet completed the Washington Comprehensive Assessment of Science, which was required during the 2017-2018 school year.

complete assignments independently. The team then returned to discussing the Student's transition plan and his graduation year. The special education teacher shared that the District's policy had changed and "the practice of allowing the family to determine if a student will remain in school until they are 21 is now a team decision." The Parent and the step-father raised questions about this and requested that a District special education administrator be able to answer follow-up questions. The representative from DVR shared that an issue she could foresee was that the Student was not eligible for DDA services until he turned twenty-one years old, and that services provided by DVR were for students who were ready for competitive employment. The DVR representative stated that the District was responsible to provide the Student with the services he needed to be ready for transition. The DVR representative questioned whether the Student was ready for competitive employment. The special education teacher shared that at that time, the Student was scheduled to participate in the CBI program, which placed students at a job site in order for them to gain job skills, and assess their transition needs related to competitive employment. The special education teacher then stated that she had to leave for another meeting in approximately twenty minutes and that a follow-up meeting with the District executive director of special education to discuss graduation dates could be scheduled. The team then further discussed the wording in the Student's transition plan and then agreed to continue the meeting on October 25, 2017.

44. Later on October 20, 2017, the Parent emailed the special education teacher, asking to reschedule the October 25 IEP meeting for October 24, and that the meeting be 1-1.5 hours in length due to the many things that needed to be addressed.
45. On October 23, 2017, the special education teacher responded to the Parent's request to change the IEP meeting date. The teacher stated that she could meet on October 24, but was only able to meet for forty-five minutes due to another commitment. The teacher also stated that she had contacted the District executive director of special education to see if she could attend the IEP meeting, but the executive director was unable to attend on October 24 or 25. The teacher asked if the Parent was willing to sign the IEP without the executive director's input in regard to the Student's graduation date and obtaining a CAA versus a CIA. The teacher also asked that the Parent provide her notes, so the teacher could make changes to the draft IEP that the team had not been able to discuss at the October 20 meeting. The teacher then provided a tentative agenda for the meeting. In response, the Parent stated that she did not wish to sign the IEP without hearing from the executive director, because the Parent wanted everyone to have full, correct information regarding CAAs and CIAs. The Parent agreed to send a later email with her notes about the IEP draft.
46. In the morning on October 24, 2017, the special education teacher emailed the Parent, apologizing that she inadvertently left off the most recent information about the Student's adaptive goal, which was from the June 2017 amendment to the October 2016 IEP, when drafting the Student's October 2017 IEP.

47. Later that morning, the Parent emailed the special education teacher with the list of things that she wanted changed in the IEP draft, along with some questions. Among other things, the Parent stated that the parents had agreed that the Student's graduation date should be 2020 with a possibility of 2021. The Student's post-secondary education and training goal was incomplete and needed additional language that stated to "study video game production." In regard to the Student's course of study, the Parent asked if the Student needed to take U.S. History 2,²¹ as this was previously listed in his course of study, but was no longer listed. The Parent stated that she was still confused about how the Student had passed the tenth grade level ELA assessment, as she had been told the Student passed at a Level 2, but had also been told that the Student needed a Level 3 score to graduate. The Parent said that the IEP now stated that the Student would graduate with a CIA, which the parents had not agreed to. In response, the special education teacher stated that the IEP team could use the Parent's information as they reviewed the IEP later that day, and that the assistant special education director would be attending to answer questions regarding the CAA, CIA, and graduation timelines.
48. Also on October 24, 2017, the Student's IEP team met to continue their discussion from the October 20, 2017 IEP meeting. The Parent, the Student's step-father, and the Parent's advocate attended the meeting. Based on the meeting notes, a District assistant special education director attended the meeting, but a general education teacher was not present. The IEP team discussed that the area of behavior (organization) had been removed from the Student's October 2016 IEP consistent with the recommendations in the October 2016 evaluation report. The IEP team also discussed that the parents wanted the Student to stay in high school longer, but that the high school team did not feel the Student needed to stay additional years in high school based on his current skills. The special education teacher proposed the Student participate in work based instruction for the 2018-2019 school year. The IEP team then discussed that the Student's transition goal was to work in the video game industry, and the family expressed that the Student needed more time in school to increase his math skills. The assistant director and the school psychologist then expressed that the IEP team needed more information about the Student's path forward, and the advocate asked if the Student's transition goals were realistic for the Student. The team then discussed the option of the Student participating in CBI during the upcoming second semester of the 2017-2018 school year. The assistant director also stated that the IEP team may not be able to determine a graduation date until the team had more information about the Student's transition plan. The team then discussed the graduation assessment requirements, that the Student had passed the ELA SBA with a Level 2 in the 2016-2017 school year, and had the first opportunity to take the math SBA in November 2017. The team discussed whether the Student would earn a CAA or CIA and that he was currently identified as earning a CIA. The advocate shared that a CAA versus a CIA did not matter in terms of a regular high school diploma, as a diploma was a diploma. The IEP team recommended that the Student complete a career interest survey and continue career exploration and goal setting for after high school.

²¹ The graduation requirements for students entering high school during the 2015-2016 school year include completing one full credit of a U.S. History course, which is two semesters.

The IEP team agreed to meet after the Student completed the math SBA to continue the discussion about graduation. The IEP team then reviewed the Student's IEP goals, accommodations, and BIP.

49. On October 26, 2017, the special education teacher emailed the parents, stating that she had sent home copies of the October 2017 IEP with the Student. The teacher stated that based on the Parent's concerns about the Student's writing goal, she had updated the goal. In response, the Parent stated that at the next IEP meeting, the Student's graduation date needed to be discussed, as well as opportunities for field trips, such as worksorce events, career/college fairs, etc. The Parent and the teacher exchanged additional emails and the teacher agreed to email the Parent an electronic copy of the IEP and meeting notes. The teacher then scanned and emailed the documents to the Parent, but the Parent did not receive the meeting notes.
50. The District's documentation in this complaint included a copy of an October 2017 IEP, which had an effective date of October 26, 2017 and is signed by the Parent and the Student's step-father, noting their disagreement with the IEP. The IEP included annual goals in the areas of adaptive, behavior (social), math, and written expression. The October 2017 IEP provided for the following specially designed instruction to be delivered in a special education setting:
- Adaptive – 15 minutes 5 times weekly
 - Behavior (social) – 64 minutes 5 times weekly
 - Math – 40 minutes 5 times weekly
 - Written Expression – 40 minutes 5 times weekly

The IEP also provided for the following supplementary aids and services:

- Special transportation – 5 days weekly
- Shared paraeducator support – 5 times weekly

Additionally, the IEP also included a BIP and provided for multiple accommodations. The IEP stated that the IEP team would determine by May 1, 2018, whether the Student required ESY services. The October 2017 IEP stated that the Student had passed ELA SBA at the basic Level 2, and had passed the state biology assessment at a Level 3, which met the state graduation requirement. The IEP did not indicate whether the Student had yet taken the math SBA, but indicated that the Student would participate in the assessment with accommodations. The IEP stated that the Student "will participate in the regular assessment, but the disability impacts the student to the extent that the student will receive a passing score at basic level." The IEP did not address the requirement for the Student to take the Washington Comprehensive Assessment of Science.

51. The transition plan in the October 2017 IEP stated that information about the Student's interests and preferences had been obtained through interviews and information from previous IEPs. The transition plan noted that the Student's strengths were preferring to work with information and things, and stated that he only liked to work with specific people at specific times. The transition plan stated that the Student's preferences were being open to working alone or with people, depending on the situation and the people, and that he

preferred to work inside. The transition plan also stated that the Student’s interests included playing video games and Dungeons and Dragons, and being on Youtube. The transition plan included the following post-secondary transition goals:

- Upon completion of high school the Student will attend community college/technical school to study video game production.
- Upon completion of high school the Student wants to be employed in the video production/gaming industry.
- Upon completion of high school the Student would like to live with friends or family.

The October 2017 IEP also included the following course of study²²:

11th Grade – Semester 1

- Language Arts (special education)
- Math 3 (special education)
- Check and Connect (special education)
- U.S. History 1 (general education)
- Robotics (general education)
- Geology (general education)

11th Grade – Semester 2

- Language Arts (special education)
- Math 3 (special education)
- Check and Connect (special education)
- CBI (general education)
- Robotics (general education)
- CBI (general education)

12th Grade – Semester 1

- Language Arts (special education)
- Math 4 (special education)
- Check and Connect (special education)
- Consumer Economics (general education)
- CBI (general education)
- CBI (general education)

12th Grade – Semester 2

- Language Arts (special education)
- Math 4 (special education)
- Check and Connect (special education)
- Government (general education)
- CBI (general education)
- CBI (general education)

52. The District’s documentation in this complaint also included a prior written notice, dated October 24, 2017, proposing to initiate the Student’s IEP on October 26, 2017. The notice stated that the IEP team met, reviewed, and discussed the draft IEP, and that the IEP team “agreed on the final version of the IEP.” The notice did not include any information about other options the IEP team had considered and rejected, or other information about the decisions made at the IEP team meeting.

53. On October 27, 2017, the Parent emailed the other members of the Student’s IEP team, thanking them for attending the October 2017 IEP meetings and scheduling a November 15 IEP meeting. The Parent stated that “there was much to discuss”. The Parent stated that she had not received her copy of “draft #3” of the Student’s IEP or the meeting notes, but indicated that a paper copy of the IEP had been sent home with the Student and that she should receive it when the Student returned from his father’s house. The Parent asked if a copy of data and tests she had requested would also be provided. The Parent then stated that school staff had kept stating that the Student was on track academically to graduate, but

²² The IEP also included classes the Student took during the 2015-2016 and 2016-2017 school years, which are omitted here. It is noted that the course of study listed for the second semester of the 2015-2016 and 2016-2017 school years do not align with the Student’s transcript.

the Parent had concerns that the Student still struggled in writing due to his disability, and was below his peers in math, as he has just begun learning pre-algebra topics. The Parent also stated that she wanted to remind the team that the Student's social, executive functioning, and organization needs impacted the Student's progress in all of his academic classes. The Parent asked if the Student would be redoing "career cruising" to identify his career interests. The Parent also asked how she would go about requesting that a transition counselor from the regional educational service district (ESD) be part of the Student's IEP team. The Parent then listed several items she wanted to discuss as part of the upcoming discussion regarding the Student's participation in the job force and needed job skills.

54. On October 29, 2017, the Parent sent a follow-up email to her October 27, 2017 email, stating that she had now read the copy of the Student's IEP and that the family did not agree to the first draft, nor the second draft proposal, and that there was to be a third draft discussion at the upcoming November 15 IEP meeting. The Parent stated that she had only signed the IEP at the October 24 meeting as being in attendance, and expressed that the family had not received all available information.
55. On October 30, 2017, the school psychologist emailed the Parent, the Student's father, and District staff members a copy of the IEP meeting notes for the October 24 IEP meeting. In response, the Parent stated that the first draft of the October 2017 IEP had the Student identified as earning a CAA, and the Parent was unsure why the second draft stated CIA, when the IEP team knew how the parents stood on the Student's graduation. The Parent stated the family had always been focused on a CAA. The Parent also stated that in regard to writing, the Student had deficits, which tended to bring up behaviors for him. Additionally, he did not have the skills and the concept/understanding for various types of writing, as narrative writing had been the primary focus since elementary school. The Parent then expressed other concerns about things that had been removed from the IEP as compared to prior IEPs. The Parent stated that she had not received the meeting notes from the October 20 IEP meeting.
56. On October 31, 2017, the Parent emailed the school psychologist, asking for a copy of the meeting notes for the October 20 IEP meeting. The psychologist responded the next day and provided a copy of the notes.
57. On November 2, 2017, the Parent emailed the other members of the Student's IEP team, stating that the Student needed a "college prep diploma". Due to this, the Student would need to pass the ELA SBA at a level 3. The Parent stated that the Student wanted his future career to be in technology, preferably in the video gaming field, but that he did not know how to get there. The Parent said that the Student would need more computer courses and computer related courses, a budgeting class, job experience (internship/volunteering), job shadowing, and career development to see what was related to his field of interest. The Parent stated that having a transition specialist from the regional ESD join the IEP team and having the Student participate in regional career development programs could help the Student achieve the best education. The Parent said that District staff had stated that the

Student was academically ready to graduate on time, but the focus should be on the Student's social and work skills development, since the Student had deficits in those areas.

58. On November 8, 2017, the Student took the math SBA. The results of the exam showed the Student did not pass the exam with a Level 3 or 4 score, but earned a Level 1 score. A Level 1 score is not sufficient for the Student to access the cut-score alternative.²³ The Student's results were not available at the time of the November 15, 2017 IEP meeting.
59. On November 12, 2017, the Parent emailed the special education teacher, asking how the Brigance assessment was going, and also asked if a transition specialist from the regional ESD would attend the November 15 IEP meeting. The Parent also asked if the Student had taken the math SBA and if CBI was listed as a course for the second semester of the school year. The Parent also expressed that she did not want the Student's time in high school to be a waste and that the support provided by the District and put in the Student's IEP could assist and support him in college.
60. On the morning of November 15, 2017, the Student's father emailed the special education teacher, commenting on the Student's October 2017 IEP to be reviewed at the IEP meeting later that day. The father asked that the IEP included a description of the CBI the Student would receive as part of his transition services. In response, the teacher agreed to type a brief description and attach a copy to the Student's IEP.
61. On November 15, 2017, the Student's IEP team, including the Parent, Student, and his father, met to discuss the Student's post-secondary transition plan and plan for graduation. Based on the meeting notes, the special education teacher shared that the IEP team needed to determine what the Student's post-secondary educational goal and plan was. The teacher stated that she had met with the transition specialist from the regional ESD, who had provided information about a career exploration and career assessment and vocational assessment system related to training, education, and employment that the Student could participate in it. The special education teacher then provided the family with permission forms and information about the service. The special education teacher also provided feedback from the transition specialist in regard to the Student's adaptive goal, which the specialist thought should focus on the Student recognizing his own triggers that would be a barrier in the workplace and being able to describe his disability and needs. The IEP team then discussed where the family saw the Student post high school, and the Parent shared the Student wanted a good job, but did not know how to get there. The Student shared he was unsure what he wanted to do, but indicated that during his exploration of careers, video game making had stood out. The Student's father then asked the Student if he knew what community college was, but the Student did not know. The father shared that he did not see the Student attending a university, as the Student was uncertain what he wanted to do post high school. The team discussed that the Student needed to narrow down his transition plans, and the special education teacher shared that they could explore more local options

²³ See <http://www.k12.wa.us/assessment/GraduationAlternatives/HSPE-MSP-COEBasic.aspx>. See also <https://washingtonsbe.wordpress.com/2015/08/06/688/>.

for education and job shadowing. The special education teacher stated that prior to the Student participating in CBI, she wanted to work with the Student on transit training with a paraeducator. The teacher then shared the idea of having the Student take care of the computers in the BESST classroom, and then in the school career center during the second semester. In response, the Student stated that he was okay with taking care of the computers in the BESST classroom, but did not want to do so outside of the BESST classroom. The IEP team discussed a scaffolded approach, starting by introducing the Student to the career center and staff. The teacher also shared information about CBI for the 2018-2019 school year. Additionally, the teacher shared that as the IEP team continued to explore the Student's transition plan, this would help in determining if the Student would earn a CAA or a CIA, and his graduation date. The special education teacher then provided information about the Student's participation in the math SBA, stating that the Student became very frustrated and expressed that the test was too hard for him. The teacher was uncertain if having the Student continue to take math courses beyond the 2018-2019 school year would enable him to pass the test. The results of the test would be available in a few months. The IEP team then further discussed the Student's current math program, and that the Student would likely begin Algebra at the end of the school year. The Parent then expressed concern about the Student's behavior goals, and the team discussed that the goals were aimed at self-advocating and self-monitoring, which he currently did not do. The special education director then shared information about graduation requirements and regulations, stated that if a student has met the three components (see finding of fact no. 2), they must graduate, and the District could not hold them from graduating. The Parent shared that the Student had changed his mind about attending the regional skills center, and now wanted to attend. The school social worker shared that the Student had been exploring the programs at the skills center. The IEP team agreed that they would meet again in January 2018, prior to the beginning of the second semester, and agreed to the following recommendations:

- The Student would participate in the continuous career exploration through career assessments and interviews with school staff
- The Student would be in charge of resetting the computers in the BESST classroom
- Second semester the Student would be a teacher's assistant working in the computer lab
- The IEP team would amend the adaptive goal
- During the high school's 4th quarter the Student would receive transit training to ride the bus
- Fade paraeducator support in U.S. History class
- Continue with Brigance testing

62. On November 16, 2017, the Parent emailed the special education teacher and copied other staff members. The Parent stated that the October 24, 2017 prior written notice stated the IEP team was in agreement and needed to be retracted. The Parent stated that at the October 20 IEP meeting, she did not sign anything; and that the October 24 IEP meeting, she only signed in attendance and stated that she was in disagreement with the draft/proposal of the October 2017 IEP.

63. Based on the District's documentation in this complaint, on December 15, 2017, the special education teacher emailed the Parent a copy of the meeting notes from the November 15, 2017 IEP meeting.
64. On December 19, 2017, the Student completed a portion of the Brigance assessment, which included sections on functional writing skills – personal data, "career interests simple employment application", and career choices. The Student was able to answer 10/22 items regarding personal data, and did not fully complete any of the components in the career interest section. In the career choices section, the Student answered many of the answers, with "I don't know", and the results showed the Student did not understand the value of money.
65. The District was on break December 20, 2017 through January 2, 2018.
66. On December 26, 2017, the Parent emailed the District members of the Student's IEP team, asking that at the January 2018 IEP meeting, the IEP team provide clarification regarding why the Student's IEP was changed from stating the Student would earn a CAA to a CIA, why the staff believed the Student should graduate on time, and if the Student's transition program would focus on functional skills. The Parent also asked if the Student's second semester schedule would be ready to review at the January IEP meeting.
67. On January 2, 2018, the Parent sent a follow-up email to her December 26, 2017 email, repeating her question and also asking that the IEP team discuss computer courses, budgeting, finances, job experience, skills center courses, and job shadowing in the Student's fields of interest while focusing on social and work skills where the Student had deficits. The Parent also asked if data was being collected regarding ESY services.
68. On January 5, 2018, the special education teacher responded to the Parent's email, stating that the January 10, 2018 IEP meeting would cover the progress that had been made regarding the recommendations from the November 15, 2017 IEP meeting. The special education teacher then provided an update on the recommendations, stating that the Student had not yet begun participating in the career assessment program recommended by the transition specialist at the ESD, because the family had not yet provided a signed permission slip. The teacher also stated that the IEP team would discuss the Student's proposed adaptive goals and amend the IEP. The teacher said that if the Parent had any specific concerns regarding a graduation date and ESY services, this could be discussed depending on time, and/or a second meeting could be scheduled to cover any additional issues.
69. On the morning of January 10, 2018, the special education teacher emailed the Parent, stating that the special education director would not be able to attend the IEP meeting later that day, due to being ill, and asked if the Parent wanted to reschedule the meeting. The teacher stated that the high school assistant principal would attend the meeting as the District representative. In response, the Parent agreed to continue with the scheduled meeting.

70. On January 10, 2018, the Student completed a portion of the Brigance assessment, which focused on job related writing skills such as job applications, resumes, and employment eligibility forms. The assessment also focused on job interview skills.
71. Also on January 10, 2018, the Student's IEP team, including the Parent, the Student, and his father, met to discuss the progress that had been made regarding the recommendations from the November 15, 2017 IEP meeting. Based on the meeting notes, the Parent stated that the permission slip for the career assessment program did not have a place to sign, and the special education teacher agreed to resend the form. The IEP team discussed that the Student had completed a different career assessment and chose video game design as his career of interest. The team also discussed that the Student would take a consumer economics class during the upcoming second semester, and would take the career assessment again in this class and complete a career plan. Additionally, the special education teacher and the school social worker had completed interviews with the Student, and the Student had expressed wanting to be a video game designer, but beyond this, he had no solidified plans. The special education teacher then asked the parents what they had discussed with the Student about post-high school plans and the Student's father shared that the Student had expressed wanting to design video games, but lacked the drive to follow through with learning the tools to make the games. The Student shared that he just needed a push to "get on it", and the father shared that he was not pushing the Student to pursue this career if the Student did not want to work toward it. The IEP team then further discussed the possibility of video game design, and the Parent shared that the regional skills center should be an option, but felt like this had been "shot down." The school social worker shared that the barrier for the Student to access the skills center was his level in math, as the video game design program at the skills center required higher level math and programming. The Student shared that he did not like his general education robotics class because of the coding aspect. The IEP team then discussed that the Student had completed additional portions of the Brigance assessment and as a result, it was recommended that the Student work on completing "simple" employment applications, completing resumes, and learning his address. The special education teacher then shared that she had concerns about the Student passing the math SBA, and that the Student had struggled significantly with frustration when he took the test. The IEP team then discussed graduation requirements and it was clarified that a regular diploma includes a CIA or CAA. The Parent expressed that she strongly felt the Student needed a CAA, as a CAA would look better on his transcript. The Parent also shared that she talked with the Student about what he wanted to do after high school, but he was unsure. The Student then expressed that he did not want to continue in his general education robotics course, but wanted to find a different class for robotics. The team discussed that the math required by the robotics class was becoming too difficult for the Student, and the special education teacher recommended the Student take a PE class. The IEP team then discussed that the Student had been resetting the computers in the BESST classroom, and that it did not work out for the Student to be a teacher's assistant in the school computer lab. The special education teacher shared that they may look into having the Student reset the computers in the school library and would work on building a task list. The IEP team also discussed that the Student would receive transit training during the second semester. The

IEP team recommended that the team reconvene to continue the discussion on CAA or CIA, that the Student's class schedule be changed to include a PE course instead of robotics, and that the Student receive transit training. The next meeting was scheduled for February 7, 2018.

72. On January 16 and 17, 2018, the Parent and the special education exchanged emails about changing the date of the February 2018 IEP meeting and agreed to hold the meeting on February 13, 2018.

73. The high school's first semester ended on January 19, 2018, and the second semester began on January 23, 2018.

74. The Student's class schedule for the second semester of the 2017-2018 school year was as follows:

- Period 1: Fitness (general education)
- Period 2: Consumer Economics (general education)
- Period 3: Check and Connect (special education)
- Period 4: Geology (general education)
- Period 5: Math 3 (special education)
- Period 6: English Language Arts (special education)

75. On January 28, 2018, the Parent filed this complaint.

76. On January 29, 2018, the special education teacher emailed the high school guidance counselor, asking if the counselor could attend a staff meeting on February 7, 2018, to discuss the Student. The special education teacher stated that the staff meeting would occur prior to the meeting with the family the following week, and the staff would discuss CIA versus CAA. The teacher stated that the Parent wanted the Student to have the option of attending a four-year university, so she was pushing for the Student to earn a CAA. The teacher asked that the counselor let her know prior to February 7, where the Student was in terms of meeting the requirements to attend a four-year university, or to share the information at the meeting. In response, the school counselor agreed to attend the staff meeting.

CONCLUSIONS

Issue 1: Procedures for Conducting Transition Assessments – The purpose of transition assessments is to provide an IEP team with information so that it can develop an IEP, which includes transition services. Transition services, as defined by the IDEA, means a coordinated set of activities for a student eligible for special education that: is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate his movement from school to post-school activities, including post-secondary education, vocational education, integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation, and is based on the individual student's needs, taking into account the student's strengths, preferences, and

interests. Absent appropriate transition assessments, the IEP team cannot develop a comprehensive and appropriate transition plan.

Additionally, a school district must obtain parental consent prior to conducting an assessment of student, and then complete the assessment within thirty-five school days after obtaining consent. The District stated in its response to this complaint, that it did not obtain consent prior to beginning the Brigance assessment with the Student on January 24, 2017, or at a later date. Additionally, the District did not complete the Brigance assessment with the Student within thirty-five school days, and the District's documentation shows that at present, the Student still has not completed portions of the assessment, and that other portions, while attempted, did not result in comprehensive, informative data. The lack of complete and informative data directly resulted in the IEP team's continued confusion about whether the Student's post-secondary transition goals were appropriate for the Student and what transition services, including course work and community experiences, the Student was in need of. Further, at the November 15, 2017 IEP meeting, the IEP team agreed to have the Student complete additional career assessments in order to better inform the Student's IEP team, but the District did not follow up with the Parent to obtain her permission for several weeks, which delayed the completion of the assessments. The District will promptly obtain the Parent's consent for the Brigance assessment, and then ensure that the Student completes all portions of the assessment by April 27, 2018, in order to help inform the Student's IEP team what areas the Student's transition services should focus on. To the extent allowed by the assessment procedures, the District will assist the Student in staying focused while taking the assessment and providing complete answers. If needed, the District will arrange for the Student to complete portions of the assessment outside of regular school hours, such as after school or on a weekend, in order to allow for enough time to complete the assessment.

Issue 2: Procedures for Developing the Student's IEP, including procedures for determining whether the Student must take an alternative assessment and determining transition goals, course of study, and services –

IEP Team – An IEP team is composed of: the parent(s); not less than one regular education teacher; not less than one special education teacher; a representative of the school district who is qualified to provide or supervise the provision of specially designed instruction, who is knowledgeable about the general education curriculum, and who is knowledgeable about the availability of district resources; an individual who can interpret the instructional implications of evaluation results; any individuals who have knowledge or special expertise regarding the student, including related services personnel; and when appropriate, the student. A required IEP team member can be excused from attending an IEP meeting in whole or in part, if the parents and districts agree in writing that an IEP team member's participation is not necessary and if the team member's area of curriculum or related services is not being modified or discussed in the meeting. If the meeting involves a modification to or discussion of the team member's area of the curriculum or related services and the parties both consent in writing to the excusal of the team member, the excused team member must submit written input into the development of the IEP prior to the meeting. Here, the documentation in this complaint shows that during the

timeline for this complaint, which began on January 29, 2017, a general education teacher did not attend the February 2017, March 2017, May 2017, or October 24, 2017 IEP meetings and the District did not obtain the Parent's agreement to excuse a general education teacher from the meetings. Additionally, the documentation shows that at other meetings, staff members arrived late to meetings or left the meetings early, without the District obtaining the Parent's agreement to excuse the staff members. Further, at some of the meetings, even though a District representative attended the meeting, the documentation indicates that the representative did not have the necessary knowledge about graduation assessment requirements to assist the IEP team in making informed decision. The District failed to follow procedures for ensuring the composition of the IEP team and follow procedures for excusing staff members.

Alternate Assessments – If an IEP team determines that a student must take an alternate assessment instead of a particular regular state or district-wide assessment, 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. Washington State regulations require that all students who entered high school during the 2015-2016 school year participate in the ELA and math SBA graduation assessments or an alternative to the tests, when appropriate. If a student has significant cognitive challenges, the student's IEP team can determine that participation in the ELA and math SBA is not appropriate, and that the student should instead participate in the WA-AIM. Here, the Student does not have significant cognitive challenges, and therefore, he was required to take the high school ELA and math SBA. The Student's October 2016 IEP, which was in place on January 29, 2017, when the timeline for this complaint began, stated that the Student would take the ELA SBA "basic" and math SBA "basic". An ELA SBA "basic" and math SBA "basic" are not one of the assessment options available for a student, and the Student's IEP should not have stated this, but should have instead stated that he would participate in the ELA SBA and the math SBA. Additionally, the Student's October 2017 IEP should not have stated that the Student would participate in the math SBA "basic", but instead reflected participation in the math SBA.

Graduation Assessment Alternatives – Any student who does not earn a Level 3 or 4 score on either the ELA or math SBA assessment, can retake the exam or access an assessment alternative. For students eligible for special education, additional assessment alternatives are available, and a student's IEP team determines what assessment alternative a student will access. One of the available assessment alternatives an IEP team can choose, is the cut-score alternative, which allows a student to fulfill the graduation assessment requirement with a Level 2 score, also referred to as basic score. Here, the Student's October 2016 and October 2017 IEPs both stated that the Student would access the "basic" cut-score alternative for the math SBA even though the Student had not yet taken the math exam. Because the Student had not yet taken the math SBA, the Student's IEPs should not have reflected that he would access the cut-score alternative, as the IEP team would not have had enough information to determine if the cut-score alternative was the appropriate assessment alternative for the Student at that time. Additionally, the Student's October 2017 stated that the Student has "passed" the ELA SBA with a Level 2 score, but the documentation in this complaint indicates that the IEP team, which includes the Student's parents, did not make this determination, but rather the District predetermined that the cut-

score alternative was the appropriate assessment alternative for the Student. The District will hold an IEP meeting to discuss the SBA retake option and all of the assessment alternative options available to the Student, determine the appropriate option(s), and then document the decisions and the reasons behind the decision in the Student's IEP. Once the IEP team determines the appropriate assessment alternative(s), this will inform whether the Student will earn a CAA or a CIA. Regardless if the Student earns a CAA or a CIA, the Student will graduate with a regular diploma, as the CAA or CIA does not affect the type of diploma a student receives.

Assessment Accommodations – An IEP must include any individual modifications necessary to measure the student's academic achievement and functional performance on state assessments. The Student's October 2017 IEP did not include information about his required participation in the Washington Comprehensive Assessment of Science and any modifications/accommodations the Student may require to take the test. Additionally, based on the documentation in this complaint, the IEP team never even discussed the science assessment requirement, which indicates that District staff have not been appropriately informed of current state assessment requirements. The District will hold an IEP meeting to determine what modifications/accommodations the Student will need to take the science assessment and document this in an amendment to the Student's IEP.

Transition Goals – Beginning no later than the first IEP to be in effect when a student turns sixteen, a student's IEP must include appropriate, measurable post-secondary goals related to training, education, employment, and independent living skills. Here the Student's October 2016, which was in place on January 29, 2017, when the timeline for this complaint began, included the following post-secondary transition goals:

- Upon completion of high school the Student will be enrolled in either community college or a technical school.
- Upon completion of high school the Student wants to be employed in the gaming industry.
- Upon completion of high school the Student would like to live with friends or family.

In March 2017, based on the Parent's concerns that the Student's transition plan lacked specificity, the Student's post-secondary goals were changed to state:

- Upon completion of high school [the Student] will be enrolled in either college or technical school to study video game production.
- Upon completion of high school [the Student] would like to live with his family.

In October 2017, the Student's IEP team developed his annual IEP, which included the following post-secondary goals:

- Upon completion of high school the Student will be enrolled in either community college/technical school to study video game production.
- Upon completion of high school the Student wants to be employed in the video production/gaming industry.
- Upon completion of high school the Student would like to live with friends or family.

While the Student's October 2016 IEP, subsequent amendments, and his October 2017 IEP included post-secondary goals, the documentation in this complaint shows that the Student,

along with the IEP team, were unsure if the education and training and employment goals were appropriate for the Student. This was evidenced by the IEP team's, including the Student's, lack of information about the specific job skills and training/higher education requirements needed to work in the video game production industry, and a lack of comprehensive information about the Student's functional skills and career interests due to incomplete transition assessments as discussed above in issue no. 1. The documentation also shows that the District did not take reasonable steps to help the IEP team obtain the needed information, through a process such as a District staff person to either assist the Student, or on their own, briefly research video game production programs at regional technical schools or colleges to determine the entrance requirements and course requirements for such programs. Information about the requirements could have then steered the IEP team into designing a transition program that focused on preparing the Student to meet these requirements, or could have helped the Student determine that the program requirements were not in his area of interest or skill level and facilitated a discussion about other career paths. Additionally, having this information available in October 2016, when the IEP team developed the Student's October 2016 IEP, could have helped alleviate the need to have so many subsequent IEP meetings around this topic. The District will designate a staff person to research the regional college/technical school entrance requirements and course requirements needed to obtain a degree/certificate in video game production, so that the Student and the Student's IEP team can determine if the Student's current post-secondary transition goals are appropriate for him.

Course of Study – Beginning no later than the first IEP to be in effect when a student turns sixteen, the student's IEP must include a course of study needed to assist the student in reaching his post-secondary transition goals. As discussed above, the Student's post-secondary transition goals, although modified slightly during the 2016-2017 and 2017-2018 school years, generally included attending community college or a technical school to study video game production, working in the video production/gaming industry, and living with family or friends. Therefore, the Student's course of study should have included course work which would assist the Student in reaching those goals. The course of study in the Student's October 2016 IEP, subsequent amendments, and his October 2017 IEP included classes, such as foods and nutrition and consumer economics, which were aimed at helping the Student develop independent living skills. Additionally, his course of study included computer technology classes, which presumably taught some of the computer skills needed to participate in a college level video game production program. However, the course of study stated in the Student's IEPs did not always align with the courses the Student was enrolled in. For example, the Student's October 2016 IEP, which was in place at the beginning of the 2017-2018 school year, stated that the Student would take a computer animation course in the fall of 2017, but he was instead enrolled in a robotics course. The District is reminded that the course of study in the IEP should be updated, if a student's course selections change, and the course of study should accurately reflect the courses a student has taken in past school semesters, in addition to upcoming courses. The District will review the course of study in the Student's current IEP to ensure it aligns with his transcript and current class schedule.

Additionally, it is noted that the Student's course of study does not appear to take into account the twenty-four high school credit requirement, which the Student must earn in order to obtain a regular high school diploma (see finding of fact no. 3). For example, students who entered high school during the 2015-2016 school year are required to earn two art credits, but the Student's transcript shows he has only completed one art class (.5 credit), and his course of study does not reflect the Student being scheduled to take additional art courses. Another example is that the Student is required to earn one credit for completing a U.S. History course, but the Student has only completed U.S. History 1 (.5 credit) and his current course of study does not account for U.S. History 2. While there may be times, when due to the nature of a student's disability, he/she will not be able to complete a graduation course requirement and will instead need take an alternate course, this is a decision that must be made by following the District's procedures established under WAC 180-051-068. It is recommended that the District review its procedures under WAC 180-051-068 to determine whether the Student meets the exemption exceptions for any graduation course requirements. If the Student does not meet the exemption exception, he must be permitted to access required courses in order to make progress in the general education curriculum. The IEP team will review the Student's course of study to ensure that it aligns with the high school credit graduation requirements.

CORRECTIVE ACTIONS

By or before **April 27, 2018, May 4, 2018, May 11, 2018, June 1, 2018, August 24, 2018, and September 21, 2018**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

In its response to this complaint, the District proposed taking actions to address the Parent's concerns. OSPI is not adopting these proposals as corrective actions specific to this complaint, but there is nothing that would prevent the District taking those steps, in addition to the corrective actions ordered below, if it deems it appropriate.

1. The District will immediately take steps to obtain the Parent's consent for the Brigance assessment, and then ensure that the Student completes all portions of the assessment by **April 27, 2018**, in order to help inform the Student's IEP team what areas the Student's transition services should focus on. To the extent allowed by the assessment procedures, the District will assist the Student in staying focused while taking the assessment and providing complete answers. If needed, the District will arrange for the Student to complete portions of the assessment outside of regular school hours, such as after school or on a weekend, in order to allow for enough time to complete the assessment.
2. The District will immediately designate a staff person to research the college/technical school entrance requirements and course requirements needed to obtain a degree/certificate in video game design, so that the Student and the Student's IEP team can determine if the Student's current post-secondary transition goals are appropriate for him. By **April 27, 2018**, the District will provide a copy of the information to all members of the Student's IEP team,

so the team can review the information prior to the IEP meeting. The District will also provide a copy of the information to OSPI by **April 27, 2018**.

3. By **May 4, 2018**, the District will hold an IEP meeting to:
 - Review the results of the Brigance assessment, the information regarding the entrance requirements and course requirements for the video design program(s), and any other transition assessment information available, and determine if the Student's post-secondary goals are appropriate for the Student. If the IEP team determines that the post-secondary goals are no longer appropriate, the IEP team will develop new goals.
 - Discuss the SBA retake and all graduation assessment alternative options available to the Student and the impact on the requirements for graduation, determine the appropriate option(s), and then document the decisions and the reasons behind the decisions in the Student's IEP.
 - Discuss any accommodations the Student needs to take the Washington Comprehensive Assessment of Science and document these in the IEP.
 - Review the Student's course of study to ensure that it aligns with his transcript, the high school credit graduation requirements, and the Student's post-secondary goals.

The IEP team will include the Student's assigned guidance counselor. By **May 11, 2018**, the District will submit 1) a copy of any meeting invitations; 2) a copy of the Brigance assessment and consent form; 3) a copy of the new or amended IEP, which meets the specifications stated above; and, 4) a copy of any related prior written notices.

4. By **August 24, 2018**, the District provide OSPI with: 1) a copy of the Student's class schedule for the first semester of the 2018-2019 school year, and 2) documentation that the Student has either completed the Washington Comprehensive Assessment of Science or is registered to take the exam. If the Student is scheduled to participate in any community based instruction courses, the District will provide documentation that steps have been taken to ensure the Student can begin the courses during the first week of the District's 2018-2019 school year.

DISTRICT SPECIFIC:

By **May 4, 2018**, the District will develop and/or review and revise its procedures for: 1) determining whether a student must take an alternate assessment (i.e, WA-AIM) instead of a regular state assessment; 2) determining what assessment alternative is appropriate for a student, after a student participates in the ELA or math SBA; 3) completing transition assessments, including standardized assessments, interviews, interest surveys, etc. to ensure there is sufficient information to inform post-secondary IEP goals, transition services, and a course of study; and 4) procedures for determining when a student cannot participate in a high school course needed for graduation due to the nature of the student's disability or limitation, including when to involve school counselors in the process, and how such determinations must be documented.

By **May 4, 2018**, the District will submit a draft of the procedures. OSPI will approve the written guidance or provide comments by May 14, 2018 and provide additional dates for review, if needed.

By **June 1, 2018**, the District will provide OSPI with documentation showing it provided all District high school certificated special education staff, including ESAs, principals, and assistant principals with the procedures. ESAs include school psychologists, physical therapists, occupational therapists, speech language pathologists, school counselors, school nurses, and other service providers. This will include a roster of all staff members who were required to receive the procedures, so OSPI can cross-reference the list with the actual recipients.

By **September 14, 2018**, all District high school principals will review and discuss the procedures with all certificated special education teachers and high school guidance counselors assigned to work in their buildings. By **September 21, 2018**, the District will provide OSPI with documentation that the principals have reviewed the checklist with all required staff. The documentation will include a roster of all principals.

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

RECOMMENDATIONS

It is recommended that the District review WAC 392-172A-03095 regarding the requirements for IEP team membership and the process for excusing IEP team members, the requirements for meeting notifications under WAC 392-172A-03100, and the requirements for prior written notices as stated in WAC 392-172A-05010.

Dated this ____ day of March, 2018

Glenna L. Gallo, M.S., M.B.A.
Assistant Superintendent
Special Education
PO BOX 47200
Olympia, WA 98504-7200

THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS COMPLAINT

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