

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-112**

### **PROCEDURAL HISTORY**

On November 16, 2018, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from a teacher (Complainant) at iGrad Academy (Program) in the Kent School District (District). The Complainant alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the education of all students with disabilities (Students) who attend.

On November 21, 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 December 3, 2018, OSPI received part one of the District's response to the complaint and selected a representative sample of students to investigate (Students 1-10). OSPI asked the District to provide additional responsive documents.

On December 14, 2018, OSPI received the District's response to the complaint. OSPI forwarded the Complainant a redacted version of the District's response letter on December 17, 2018. OSPI did not provide the District's supporting responsive documents to the Complainant as these documents contained student personally identifiable information. OSPI invited the Complainant to reply with any information he had that was inconsistent with the District's information.

On January 8, 2019, the OSPI complaint investigator conducted a phone interview with the Complainant.

Also on January 8, 2019, the OSPI complaint investigator conducted a phone interview with the District executive director, director, and Program compliance specialist.

On January 11, 2019, the OSPI complaint investigator conducted a phone interview with a Program special education teacher.

Also on January 11, 2019, the OSPI complaint investigator conducted a phone interview with the District director and Program compliance specialist.

OSPI considered all of the information provided by the Complainant and the District as part of its investigation. It also considered the information received during phone interviews.

### **SCOPE OF INVESTIGATION**

This decision references events that occurred prior to the investigation time period, which began on November 17, 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 provide a free appropriate public education (FAPE) to Students, when it required parents to provide computers for the Students from November 17, 2017 to November 16, 2018?
2. Did the District follow procedures for determining whether the Students required special transportation as part of their individualized education programs (IEPs) from November 17, 2017 to November 16, 2018?

## LEGAL STANDARDS

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

Definition of a Free Appropriate Public Education (FAPE): A “free appropriate public education” (FAPE) consists of instruction that is specifically designed to meet the needs of the child with a disability, along with whatever support services are necessary to permit him to benefit from that instruction. The instruction and support services must be provided at public expense and under public supervision. They must meet the State’s educational standards, approximate the grade levels used in the State’s regular education system, and comport with the child’s IEP. *Hendrick Hudson District Board of Education v. Rowley*, 458 U.S. 176, 186-188, (1982). Every student eligible for special education between the ages of three and twenty-one has a right to receive a FAPE. 34 CFR §300.101; WAC 392-172A-02000. An eligible student receives a FAPE when he or she receives, at public expense, an educational program that meets state educational standards, is provided in conformance with an IEP designed to meet the student’s unique needs and includes whatever support services necessary for the student to benefit from that specially designed instruction. 34 CFR §300.17; WAC 392-172A-01080.

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

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

Provision of Services: Special education and related services must be provided by appropriately qualified staff. Other staff including general education teachers and paraprofessionals may assist in the provision of special education and related services, provided that the instruction is designed and supervised by special education certificated staff, or for related services by a certificated educational staff associate. Student progress must be monitored and evaluated by special education certificated staff or for related services, a certificated educational staff associate. 34 CFR §300.156; WAC 392-172A-02090(i).

Specialized Transportation as a Component in the IEP: In determining whether to include transportation in a student's IEP, and whether the student needs to receive transportation as a related service, the IEP team must consider how the student's impairments affect the student's need for transportation. Included in this consideration is whether the student's impairments prevent the student from using the same transportation provided to nondisabled students, or from getting to school in the same manner as nondisabled students. If transportation is included in the student's IEP as a related service, a school district must ensure that the transportation is provided at public expense and at no cost to the parents, and that the student's IEP describes the transportation arrangement. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,475, 12,479 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 33); *Yakima School District*, 36 IDELR 289 (WA SEA 2002). The term "transportation" is defined as: travel to and from school and between schools; travel in and around school buildings; and specialized equipment, such as special or adapted buses, lifts, and ramps, if required to provide special transportation for students eligible to receive special education services. 34 CFR §300.34(c)(16); WAC 392-172A-01155(3)(p).

## **BACKGROUND FACTS**

1. The iGrad Academy (Program) is a computer-based instructional program administered by the District and is designed to reengage youth that have dropped out of school or at risk to dropping out. Students can participate in one or more program options: District diploma, Washington State diploma, District general education diploma, high school equivalency certificate, college certificate, and two-year degree. The classes are at no cost to parents or students. Students attend both onsite and also attend through online courses. The online course could be accessed by students outside of the hours they were physically onsite at the program attending classes.<sup>1</sup> During the 2017-2018 school year, the Students were required to attend the program onsite at least three hours a week, while during the 2018-2019 school year, the Students were required to attend the onsite program a minimum of nine hours a week. There was no minimum number of hours of online instruction.

## **COMPLAINT FACTS**

2. On November 16, 2018, OSPI received the complaint and opened an investigation. The complaint stated that the seventy-two Students eligible for special education services who attended the Program from November 17, 2017 to November 16, 2018 were denied a free

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<sup>1</sup> Throughout this decisions, references to "online" instruction mean instruction or potential instruction that is occurring outside of the hours a student physically attends the Program at the onsite location.

appropriate public education (FAPE) based on the District failing to provide the Students with a computer to access their specially designed instruction online. The Complainant also alleged that the District failed to provide special transportation as a related service to the Students.

3. The OSPI investigator interviewed the Complainant, who is one of the two special education teachers at the Program, regarding the allegations. The Complainant stated that Students were being denied FAPE because they were required to provide their own computer to access their specially designed instruction while online. When asked if Students received their specially designed instruction according to their IEP, the Complainant affirmed that Students did receive their services in accordance with the IEP, when the Students attended onsite. However, the Complainant explained that Students sometimes received their specially designed instruction online, which required a computer. The Complainant explained that the computer instruction was modified to meet the individual needs of the Students. Therefore, the Students were accessing their specially designed instruction anytime they logged online. The Complainant also stated the District failed to provide special transportation as a related service because some Students did not have transportation to the onsite Program and as a result, were not able to access their special education services. The complaint did not name any Students who were unable to access their special education services because of the lack of transportation.
4. OSPI requested the District provide the documentation for ten students as a representative sample of the seventy-two students who attended the Program from November 17, 2017 to November 16, 2018.

### **STUDENT SPECIFIC FACTS**

#### **Student 1**

The Student enrolled in the Program on April 19, 2018 and still attends the Program.

The Student's February 2017 individualized education program (IEP) (February 25, 2017 – February 24, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Calculation	45 Minutes/5 times weekly	General Education
Reading Comprehension	55 Minutes/5 times weekly	Special Education
Social/Emotional	15 Minutes/3 times weekly	General Education

The Student's IEP provided for regular transportation.

The Student's November 2017 IEP Amendment (November 7, 2017 – November 6, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Calculation	45 Minutes/5 times weekly	General Education
Written Expression	35 Minutes/3 times weekly	Special Education

Social/Emotional	15 Minutes/3 times weekly	General Education
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The description of services in the Student's November 2017 IEP stated:

[Program] students study one course at a time, with the expectation of completing one .5 credit course per month. [Program] [special education] SE students will be provided specially designed instruction as provided in their IEPs which relates specifically to the course they are working on. For example, if a student is working on math, he/she will receive SDI and accommodations/modifications for the math course, but will not be given SDI for written expression for the math course as it does not apply. SDI for written expression will commence when the student is studying the relevant course work for written expression.

The Student's IEP provided for regular transportation.

The Student's November 2018 IEP (November 5, 2018 – November 4, 2019) provided the following specially designed instruction:

Special Education Services	Frequency	Location
Math Calculation	20 Minutes/2 times weekly	General Education
Written Expression	20 Minutes/2 times weekly	Special Education
Social/Emotional	15 Minutes/3 times weekly	General Education

The Student's IEP provided for regular transportation.

## Student 2

The Student enrolled in the Program on February 2, 28, 2018 and withdrew on August 28, 2018.

The Student's December 2016 (December 19, 2016 – December 18, 2017) provided the following specially designed instruction:

Special Education Services	Frequency	Location
Written Expression	25 Minutes/5 times weekly	General Education
Math Calculation	25 Minutes/5 times weekly	General Education
Math Problem Solving	25 Minutes/5 times weekly	General Education
Reading Comprehension	25 Minutes/5 times weekly	General Education
Basic Reading Skills	25 Minutes/2 times weekly	General Education
Behavioral Instruction	10 Minutes/1 time weekly	General Education
Social/Emotional	20 Minutes/1 time weekly	General Education

The Student's IEP provided for regular transportation.

The Student's December 2017 IEP (December 7, 2017 – December 5, 2018) provided the following specially designed instruction:

Special Education Services	Frequency	Location
Written Expression	15 Minutes/5 times weekly	General Education
Math Calculation	25 Minutes/5 times weekly	General Education

Math Problem Solving	30 Minutes/5 times weekly	General Education
Reading Comprehension	15 Minutes/5 times weekly	General Education
Basic Reading Skills	25 Minutes/2 times weekly	General Education
Behavioral Instruction	10 Minutes/1 time weekly	General Education
Social/Emotional	10 Minutes/1 time weekly	General Education

The Student's IEP provided for regular transportation.

### **Student 3**

The Student enrolled in the Program on April 4, 2016 and withdrew with a GED (General Education Diploma) on September 21, 2018.

The Student's June 2017 IEP (June 5, 2017 – June 4, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Calculation	30 Minutes/1 time weekly	General Education
Math Problem Solving	30 Minutes/1 time weekly	General Education
Behavioral Instruction	30 Minutes/1 time weekly	General Education

The Student's IEP provided for regular transportation.

The Student's May 2018 IEP (May 28, 2018 – May 27, 2019) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Calculation	30 Minutes/1 time weekly	General Education
Math Problem Solving	30 Minutes/1 time weekly	General Education
Behavioral Instruction	30 Minutes/1 time weekly	General Education

The Student's IEP provided for regular transportation.

### **Student 4**

The Student enrolled in the Program on January 24, 2017 and withdrew on February 28, 2018.

The Student's November 2016 IEP (November 22, 2016 – November 21, 2017) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Reading Skills	50 Minutes/5 times weekly	Special Education
Math Skills	50 Minutes/5 times weekly	Special Education

The Student's IEP provided for regular transportation.

The Student's January 2018 IEP (January 10, 2018 – January 9, 2019) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Basic Reading Skills	60 Minutes/1 time weekly	General Education
Math Problem Solving	60 Minutes/1 time weekly	General Education
Reading Comprehension	60 Minutes/1 time weekly	General Education

The Student's IEP provided for regular transportation.

### **Student 5**

The Student enrolled in the Program on February 28, 2018 and still attends the Program.

The Student's March 2018 IEP (March 28, 2018 – March 28, 2019) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Reading Fluency	25 Minutes/2 times weekly	General Education
Math Skills	50 Minutes/5 times weekly	Special Education

The Student's IEP provided for special transportation. And, according to the District, the Student is provided a bus pass for public transportation in order attend the Program and benefit from the special education services. According to the Student's attendance, the records show the Student attended semi-regularly but at different times in the day.

### **Student 6**

The Student enrolled in the Program on November 13, 2017 and withdrew on November 30, 2018.

The Student's September 2017 IEP (September 29, 2017 – September 28, 2018) provided the following specially designed instruction.

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Problem Solving	55 Minutes/5 times weekly	General Education
Written Expression	55 Minutes/5 times weekly	General Education

The Student's IEP provided for regular transportation.

### **Student 7**

The Student enrolled in the Program on August 31, 2017 and still attends the Program.

The Student's May 2016 IEP (May 4, 2016 – May 3, 2017) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Calculation	20 Minutes/5 times weekly	General Education
Written Expression	20 Minutes/5 times weekly	General Education
Basic Reading Skills	30 Minutes/2 times weekly	General Education

The Student's IEP provided for regular transportation.

The Student's November 2017 IEP (November 8, 2017 – November 7, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Calculation	50 Minutes/1 time weekly	General Education
Written Expression	25 Minutes/1 time weekly	General Education
Basic Reading Skills	25 Minutes/1 time weekly	General Education

The Student's IEP provided for regular transportation.

### **Student 8**

The Student enrolled in the Program on September 17, 2018 and still attends the Program.

The Student's February 2017 IEP (February 25, 2017 – February 24, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Written Expression	30 Minutes/5 times weekly	Special Education
Math Calculation	55 Minutes/5 times weekly	Special Education
Reading Comprehension	25 Minutes/5 times weekly	Special Education
Basic Reading Skills	25 Minutes/5 times weekly	Special Education
Social/Emotional	55 Minutes/5 times weekly	Special Education

The Student's IEP provided for regular transportation.

The Student's June 2017 IEP (June 2, 2017 – June 1, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Written Expression	30 Minutes/5 times weekly	Special Education
Math Calculation	55 Minutes/5 times weekly	Special Education
Reading Comprehension	25 Minutes/5 times weekly	Special Education
Math Problem Solving	30 Minutes/5 times weekly	Special Education
Behavior Instruction	55 Minutes/5 times weekly	Special Education

The Student's IEP provided for regular transportation.

The Student's December 2017 IEP (December 9, 2017 – December 8, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Written Language	100 Minutes/1 times weekly	Special Education
Math	100 Minutes/1 time weekly	Special Education
Reading	100 Minutes/1 time weekly	Special Education
Social/Emotional	30 Minutes/2 times weekly	Special Education



The IEP stated the Student did not require special transportation.

**Student 9**

The Student enrolled in the Program on September 25, 2017 and withdrew on September 28, 2018.

The Student's August 2017 IEP (August 7, 2017 – October 13, 2017) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Specialized Academic Instruction	110 minutes weekly	Special Education
College Awareness	55 minutes weekly	Special Education
Career Awareness	55 minutes weekly	Special Education
Other Transition Service	55 minutes weekly	Special Education

The Student's December 2017 IEP (December 6, 2017 – December 5, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Written Expression	30 Minutes/2 times weekly	General Education
Math Problem Solving	30 Minutes/2 times weekly	General Education
Math Calculation	30 Minutes/2 times weekly	General Education
Speech-Language	30 Minutes/3 times monthly	Special Education

The IEP stated the Student did not require special transportation.

**Student 10**

The Student enrolled in the Program on September 27, 2017 and withdrew on September 6, 2018.

The Student's November 2016 IEP (November 9, 2016 – November 1, 2017) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Calculation	55 Minutes/5 times weekly	Special Education
Reading Comprehension	55 Minutes/5 times weekly	Special Education

The Student's IEP provided for regular transportation.

The Student's November 2017 (November 3, 2017 – November 2, 2018) provided the following specially designed instruction:

<b>Special Education Services</b>	<b>Frequency</b>	<b>Location</b>
Math Calculation	30 Minutes/3 times weekly	General Education

The Student's IEP provided for regular transportation.

## DISTRICT WRITTEN RESPONSE

### FAPE

5. The District's written response to the complaint stated:

Students are given access to desktops/word processor/computer when in class at the [Program] location. This is when they access their special education case manager and services for assistance with assignments. Freeware-text to speech options are available through web access as well as word predictability. Students have elected to attend an alternative school, reengagement program. Some students will go on to enroll in [College] while attending [Program] for free. At this time, District hires two special education certificated employees to help students with disabilities while attending [Program]. When reviewing the IEPs from the 10 students, no student was denied access to a desktop computer. This aligns with the sections of the IEP indicating accommodations/modifications regarding: access to, location, and frequency. Students were provided a FAPE during their time at [Program]. Since [Program] is a choice alternative school, at any time, a student could reenroll at their neighborhood school if they live within the [District] boundaries...

### Special Transportation

6. The District's written response stated:

After careful review, only one of the students indicated on the list provided by OSPI indicates a related service special education transportation in their IEPs. [Program] provides bus passes to this student, [Student 1]. General education transportation is indicated on all the remaining IEPs. Students still have the option to attend their neighborhood high school if they live within the [District]. Some student are not residents in the boundaries of the [District]. [Program] accepts applications from all over the state and determines attendance eligibility pursuant to the guidelines posted on the [District] website. When a student enrolls in an out-of-boundary school not placed in a specific program location by an IEP team, parents/students are responsible to provide transportation as indicated in the procedures adopted by the board. Applications are done through the Family and Student Support Services office. (3.4) *Parents must agree to provide their own transportation to requested school except in cases where it is a necessary related service.*

## DISTRICT STAFF INTERVIEWS

7. On January 8, 2019, the OSPI investigator interviewed the District executive director, director, and Program compliance specialist. The District staff explained that the Program provided computer-based instruction both onsite and online. Regarding specially designed instruction, they stated that specially designed instruction was to be provided only onsite. Each Student and their case manager or guidance counselor scheduled when the Student would receive their specially designed instruction according to their IEP. When asked if the Students were receiving their specially designed instruction in accordance with their IEPs, the staff replied affirmatively.

8. On January 11, 2019, the OSPI investigator and monitoring consultant interviewed one of the two special education teachers in the Program. The teacher had been teaching at the Program since September 2018 and worked half-days. The teacher described the Program as more of a “drop-in” program where the Student choose to come onsite whenever they wanted to. Students took one course—i.e., one subject area such as math, writing, etc.—at a time. Notably, the teacher explained that Students received only the specially designed instruction that was relevant to the course a student was taking. The teacher stated some students would attend regularly according to their schedule, while others did not attend regularly, so the specially designed instruction could not be implemented. When asked if the Students received their specially designed instruction online, the teacher stated since instruction is computer-based, a student could access their instruction when not onsite at the Program, but the teacher would not be available to provide the specially designed instruction based on the individual student’s needs.
9. Also on January 11, 2019, the OSPI investigator interviewed the District director and Program compliance specialist to ask follow up questions. The staff confirmed that special education services were scheduled individually, and that Students generally take only one course at a time. The staff also confirmed that specially designed instruction would be provided only when relevant to the course the Student was taking at the time.<sup>2</sup>

Regarding transportation, the staff stated the decision to provide special transportation as a related service is normally based on a student’s disability, but consideration is also given to the availability of general transportation for a student to attend the Program.

## **CONCLUSIONS**

**Issue 1 – Denial of FAPE:** The Complainant alleged that the District failed to provide the seventy-two eligible students with FAPE because the students were not provided computers with which they could access their specially designed instruction.

A district is required to offer a *free* appropriate public education (FAPE) to each eligible student, which means at no cost. The offer of FAPE must be in the form of an individualized education program (IEP) for the student. A student’s IEP must be implemented as written. The special education services in a student’s IEP, including specially designed instruction, must be provided by qualified staff.

Here, the IEPs of the ten Students randomly selected for reviewing in this investigation provided for specially designed instruction for each Student, typically in the areas of reading, math, or written expression. All of the IEPs stated that instruction was to be provided either in the special education classroom or the general education classroom. There was no reference to online

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<sup>2</sup> For example, if a student’s IEP provided for specially designed instruction in math, reading, and writing, the student would receive the math specially designed instruction only when the Student was taking a math course. During the time the Student was taking the math class, he or she would not receive specially designed instruction in reading or written expression.

instruction. According to the Program's administrators, the Program's policy was that Students receive their specially designed instruction only onsite. Both special education teachers and District administrators stated that Students generally received the specially designed instruction onsite, depending on the Students' attendance in the Program, without the need for online instruction. The Complainant's contention that Students with disabilities accessed their specially designed instruction online was not supported by the Program's policy, practice, or the definition of specially designed instruction. OSPI notes that while a computer may be a platform for instruction, the provision of special education and related services must be provided by appropriately qualified staff, not a computer. Students may have accessed their general education instruction online but there was insufficient evidence to conclude that the Students were receiving their specially designed instruction online and thus required access to a computer when they were not onsite at the Program. The District substantiated that students are not required to provide their own computers to access their special education services.

While the Students may not have required a computer to receive their specially designed instruction, the District stated that the Students received special education services when they were onsite at the Program. However, the Students' IEPs were not implemented as written. All of the Student IEPs reviewed listed minutes of specially designed instruction in multiple areas (e.g., math, reading, and writing) that were provided daily or weekly. For example, Student 1's most recent IEP provided for services in the areas of math calculation, written expression, and social/emotional two to three times weekly. Student 7's IEP provided for services in the area of math calculation, written expression, and basic reading skills once a week in each area. Yet, the Program's policy limited the specially designed instruction that a student would receive, at any given time, to only those services that were relevant to the general education course that the Student was taking. Therefore, the policy to provide only services relevant to the general education class being taken at the time, which resulted in Students not receiving the services on their IEPs that were not relevant to the general course. For example, when a student was taking a math class, he or she would not receive specially designed instruction in reading or writing, even if the IEP included math, reading, and writing minutes daily or weekly. The IEP is required to be implemented as written, regardless of the course the student was taking at the time. The Program's policy resulted in a substantial denial of services to the Students that requires compensatory services to remedy. A violation is found.

**Issue 2 – Special Transportation:** The Complainant alleged that the District failed to provide special transportation to Students when the Students did not have transportation to the onsite Program, which denied them access to their special education services.

A district must consider a student's need for specialized transportation. The district must consider how the student's disability affects the student's need for transportation and whether transportation is required for the student to access their special education services.

Here, nine of the Students' IEPs out of the ten provided for regular transportation. Student 1's IEP provided for special transportation. According to the District, the District provided a bus pass to enable the Student to attend the Program onsite. Without the special transportation, the Student would have been unable to attend the Program onsite to access the special education

program. The documentation showed that each Student's IEP addressed special transportation and the decision was based on student-specific needs, including whether special transportation was required for a student to access their special education program. No violation is found.

### **CORRECTIVE ACTIONS**

By or before **February 8, 2019, February 21, 2019, March 15, 2019, March 29, 2019, April 12, 2019, April 30, 2019, May 10, 2019, June 5, 2019, and September 16, 2019**, the District will provide documentation to OSPI that it has completed the following corrective actions.

#### **STUDENT SPECIFIC:**

##### **Specially Designed Instruction**

Beginning immediately, the District will ensure that each Student's IEP is implemented as written. By **April 30, 2019**, the District will review all student IEPs and revise, as needed, each student's IEP to ensure that it is designed to meet the student's unique needs and that the specially designed instruction will be implemented as written.

- By **May 10, 2019**, the District will provide OSPI with a copy of each Student's IEP, prior written notice of any proposal or refusal, the schedule of services, and the progress reports for all the annual goals.

##### **Compensatory Services**

By **September 6, 2019**, the District will offer and make available to each of the seventy-two eligible students, 25 hours of compensatory services consistent with the service areas and specially designed instruction identified in each student's current IEP (e.g., in the areas of reading, writing, math, and behavior, etc.). The 25 hours of compensatory services will be delivered over a five or six week period not to exceed five hours per day during the summer of 2019. The services will be provided by certificated special education teachers with support from paraeducators. The District will also provide transportation for the students.

- By **February 1, 2019**, the District will notify the seventy-two parents and adult students (in their primary mode of communication as necessary), informing them of this complaint decision and that compensatory services are being offered during the summer of 2019. The letter will include the dates and times the compensatory services will be offered, as well as the location of the summer services. The letter will specify that parents or adult students must inform the District if they will participate by March 1, 2019.
- By **March 15, 2019**, the District will submit copies of all letters sent to the parents and adult students of the seventy-two Students.
- By **March 29, 2019**, the District will submit a roster of all students who will participate in the summer program.

- By **April 30, 2019**, the District will submit documentation that it has entered into contracts with a certificated special education teacher(s) and a paraeducator(s) to provide services for 25 hours over 5-6 weeks in the summer of 2019.
- By **September 16, 2019**, the District will provide attendance records for the summer program. The District will also provide documentation that it provided parents or adult students progress reporting regarding any of the students' IEP goals addressed during the summer program.

**DISTRICT SPECIFIC:**

By **March 29, 2019**, the District, in collaboration with the Puget Sound Educational Service District 121, will review and revise as appropriate the Program's policy regarding the implementation of specially designed instruction and provide training to all Program administrators and special education staff regarding the findings of this complaint and the new policy. The District will also provide documentation that students are receiving their special designed instruction in accordance with their IEP.

- By **February 8, 2019**, the District will submit a draft of the new policy. OSPI will approve the draft or provide comments by February 15, 2019 and additional dates for review, if needed.
- By **February 21, 2019**, the District will provide a draft of the training materials to OSPI for review. OSPI will approve the materials or provide comments by March 15, 2019 and additional dates for review, if needed.
- By **April 12, 2019**, the District will submit documentation that staff participated in the training. This will include 1) a sign-in sheet, and 2) a roster of who should have attended so OSPI can verify that staff participated.

By **June 5, 2019**, the District will provide OSPI with documentation, including the IEP and evidence that the IEP services were being implemented as written, for each Student with a disability that was enrolled in the Program at any period from the date of these findings, January 15, 2019, to May 31, 2019.

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.

Dated this \_\_\_\_ day of January, 2019

Glenna Gallo, M.S., M.B.A.  
 Assistant Superintendent  
 Special Education  
 PO BOX 47200  
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**THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS COMPLAINT**

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