

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-17

PROCEDURAL HISTORY

On February 7, 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 Bethel School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student's education.

On February 7, 2018, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District Superintendent on the same day. OSPI asked the District to respond to the allegations made in the complaint.

On February 28, 2018, OSPI received the District's response to the complaint and forwarded it to the Parent on March 1, 2018. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information.

On March 14, 2018, OSPI received the Parent's reply and forwarded that reply to the District on March 15, 2018.

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

OVERVIEW

During the 2017-2018 school year, the Student attended a District elementary school and was eligible to receive special education services under the category of autism. On January 22, 2018, the Student became upset when he was told he could not attend recess at a specific time and as a result, tried to leave his classroom without permission. In response, staff blocked the Student's path to keep him from leaving the classroom, and while doing so, the Student bit the vice principal. Later that same evening, the Student relayed to his physician that a staff member had picked him up and carried him into the classroom, which caused him to be in pain. The Student relayed to the Parent that staff grabbed him by the armpits and pinched him. The Parent then contacted the District and asked for a copy of the incident report regarding the use of restraint, and requested that the Student be moved to another classroom with a different teacher. District administrators then held a meeting with the Parent and stated that a restraint had not occurred on January 22, but agreed to provide written statements from the staff involved in the January 22, 2018 incident. The three staff members provided statements regarding the incident, but the staff members' account of the incident did not support that a staff member carried the Student or that staff grabbed or pinched the Student. As a result, the District did not complete a restraint report.

The Parent alleged that the District failed to follow procedures for reporting the use of any isolation and/or restraint, which occurred on January 22, 2018, consistent with the requirements of WAC 392-172A-02110. The District denied the allegation.

ISSUE

1. Did the District follow procedures for reporting the use of any isolation and/or restraint, which occurred on January 22, 2018, consistent with the requirements of WAC 392-172A-02110?

LEGAL STANDARDS

Likelihood of Serious Harm: Likelihood of serious harm as defined in RCW 70.96B.010 means: (1) A substantial risk that: (a) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide, or inflict physical harm on oneself; (b) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or (c) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or (2) The person has threatened the physical safety of another and has a history of one or more violent acts. WAC 392-172A-01109.

Imminent: Imminent as defined in RCW 70.96B.010 means: The state or condition of being likely to occur at any moment or near at hand, rather than distant or remote. WAC 392-172A-01092.

Isolation: Isolation as defined in RCW 28A.600.485 means: Restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavioral intervention plan. WAC 392-172A-01107.

Isolation Conditions: Isolation shall be used only when a student's behavior poses an imminent likelihood of serious harm. The use of isolation as defined by RCW 28A.600.485 is subject to each of the following conditions: the isolation must be discontinued as soon as the likelihood of serious harm has dissipated; the isolation enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy; the isolation enclosure shall permit continuous visual monitoring of the student from outside the enclosure; an adult responsible for supervising the student shall remain in visual or auditory range of the student at all times; either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student, and any staff member or other adults using isolation must be trained and certified by a qualified provider in the use of isolation, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency. School districts must follow the documentation and reporting requirements for any use of isolation consistent with RCW 28A.600.485. WAC 392-172A-02110.

Restraint: Restraint as defined in RCW 28A.600.485 means: Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or

therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to participate in activities safely. WAC 392-172A-01162.

Restraint Conditions: Restraint device shall be used only when a student's behavior poses an imminent likelihood of serious harm. The use of restraint as defined by RCW 28A.600.485 is subject to each of the following conditions: a) the restraint must be discontinued as soon as the likelihood of serious harm has dissipated; b) The restraint shall not interfere with the student's breathing; and c) any staff member or other adults using a restraint must be trained and certified by a qualified provider in the use of such restraints, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency. School districts must follow the documentation and reporting requirements for any use of restraint consistent with RCW 28A.600.485. WAC 392-172A-02110.

Follow-up and Reporting Requirements: School districts must follow the documentation and reporting requirements for any use of isolation or restraint consistent with RCW 28A.600.485. WAC 392-172A-02110. Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include: reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents. Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at a minimum, the following information: the date and time of the incident; the name and job title of the individual who administered the restraint or isolation; a description of the activity that led to the restraint or isolation; the type of restraint or isolation used on the student, including the duration; whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents. The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language. RCW 28A.600.485.

FINDINGS OF FACT

1. During the 2017-2018 school year, the Student attended a District elementary school (elementary school 1) and was eligible to receive special education services under the category of autism.

2. On September 25, 2017, the Student's individualized education program (IEP) team met to develop his annual IEP. The IEP included annual goals in the areas of behavior and social/communication and provided for specially designed instruction to address the goals. The IEP stated that the Student had previously had difficulties with elopement, and would leave an assigned area without staff permission. The Student also had a history of running out of the classroom or leaving the playground. Additionally, the IEP stated that the Student's autism impacted his "perspective taking skills" and that he had difficulty participating in activities not of his choice" and transitioning from one activity to another. The IEP said that when frustrated, the Student would retreat from a situation and would sometimes leave the classroom or another designated area. The IEP included a behavioral intervention plan (BIP)¹ and also provided for multiple accommodations, which included:
 - Cool down spots inside and outside where the Student could be left alone while remaining in view of staff members
 - Advance notice of transitions
3. Based on the documentation in this complaint, in or before early January 2018, the Parent expressed multiple concerns about the Student's educational program, and it was agreed the Parent would have a phone meeting on January 26, 2018, with the District director of special services (director) and the executive director of special services (executive director) to discuss these concerns.
4. On January 20, 2018, the Parent emailed the District executive director and the director, expressing concern that the Student's special education teacher was disregarding the IEP team's decisions, specifically in regard to the use of a reward system with the Student. The Parent asked for the executive director and the director's help in stopping any changes the teacher was making until the IEP team agreed on them.
5. On January 22, 2018, an incident occurred in which the Student became upset when he was not allowed to go to recess. The Student and the District have differing accounts of what occurred as a result of the Student becoming upset. This is discussed further below.
6. According to a statement from the Student, the following occurred on January 22, 2018:
 - Another student was chasing the Student after "recess".
 - A staff member suggested the students think of a solution to solve the problem, and the students suggested that they not have recess at the same time.
 - As a result, the Student was assigned to have lunch after recess, which he did not like.
 - The Student became upset about not being allowed to go to lunch before recess.
 - The Student asked staff to go to recess, but was told no.
 - The Student then tried to go out of the classroom door, and staff "pushed" him back, "blocked the door", and let other students leave the classroom.
 - The Student became "even more mad" at the staff, and then tried to calm down by "stacking all the chairs" he could find. However, this "didn't work" and he then "started to try again" to leave the classroom.

¹ Neither the District nor the Parent provided a copy of the Student's BIP.

- Staff then called the vice principal, and the Student tried to exit the classroom “as quickly as possible before the vice principal came.”
 - As the Student was attempting to leave the classroom, staff “grabbed” him by the “armpits tightly” and “pinched” him.
 - The Student then “bit” the vice principal.
 - The Student then gave up trying to “get out to recess”, and sat in the corner and cried for “about 5-10 minutes.”
7. According to a statement from the Student’s special education teacher at elementary school 1, the following occurred on January 22, 2018:
- The Student was given lunch, and seven students lined up to attend recess. While the other students were transitioning to recess, the Student tried to sneak out of the classroom pushing the others students as a result.
 - The special education teacher was working with another student out in the hallway and used her body to block the door and asked the classroom paraeducator to call the office for help.
 - The vice principal arrived, and the special education teacher and the vice principal used their bodies to block the door.
 - The Student pushed and tried to shove the teacher and the vice principal out of the way. The Student tried to squeeze between the wall and a desk, pushing the desk into the teacher.
 - The teacher and the vice principal used their bodies to “herd” the Student into the classroom.
 - The teacher offered the Student lunch, but the Student declined, stating he did not like the lunch.
 - The teacher asked the Student to either sit at the table where his lunch was sitting or sit at a desk.
 - The teacher then noticed a “cardboard gun and hammer/axe” and removed the items from the desk.
 - The Student was given the option of sitting at his desk and having access to art supplies, but the Student declined.
 - Another student then needed the teacher’s attention in the hallway, but the Student was at the front door of the classroom. As a result, the teacher attempted to exit through another door into the classroom next door. The Student ran and blocked that door.
 - The teacher exited through the front door while the vice principal blocked the Student’s access to the front door with her body. While the teacher was leaving, the Student bit the vice principal.
 - When the teacher returned to the classroom, the Student indicated that he did not like any of his lunch and that he was not hungry. The teacher offered the Student a snack and he ate the snack. The Student then started working on a math assignment.
8. According to a statement from a paraeducator who worked in the Student’s classroom at elementary school 1, the following occurred on January 22, 2018:
- The Student was “pushing the door” and “teachers”, and was making “rude comments to staff and kids”.
 - The Student “would lean up against teachers and try to squeeze between teachers and through the door.”
 - The Student “would grab handles and arms and try to pull his way between staff and/or doorways.”

- The Student “would try to run out of the class and squeeze by adults” and when he was unsuccessful, he would return to his seat and “repeat”.
- The staff “were redirecting calmly trying to divert attention or make a plan for what [the Student] could do next.”
- Two to three staff members blocked the Student by standing in doorways, and as the Student tried to move around staff, they would “move side to side and shoulder to shoulder” to block his way.
- The paraeducator did not “see anyone use restraint or pick [the Student] up.”

9. According to a statement from the vice principal at elementary school 1, the following occurred on January 22, 2018:

- The vice principal was called to assist the Student’s special education teacher in the Student’s classroom.
- When the vice principal arrived at the classroom, the special education teacher was standing outside of the classroom with the Student, and the Student’s back was to the classroom door.
- The Student was trying to leave the classroom to go to recess.
- Another student was in the hallway, near the classroom door eating his lunch at a desk. The teacher told the Student he was in the other student’s space.
- The teacher told the Student that he needed to go to his desk, because lunch had just arrived.
- The Student refused to go to his desk, and tried to go around both the vice principal and the teacher.
- The staff members then blocked the Student’s path moving in front of him as he moved.
- The Student tried to squeeze under a desk nearby in order to find a path around the staff members, but the vice principal moved the desk, while the teacher stood in front of the Student.
- The Student continued to get around the staff, attempting to “get through our legs, trying to squeeze between us and between [the special education teacher] and the wall.”
- The vice principal and the teacher “stood in front of [the Student], moving together forward using close proximity to him until he was almost in the classroom door.”
- The Student then tried to grab a student who was seated in a chair, and the vice principal used “hand over hand” to remove the Student’s hand from the other student.
- The vice principal and the teacher continued to “use proximity” with the Student until he moved in through the classroom door. The vice principal then shut the classroom door and held on to the door handle with her back to the door.
- The Student got behind the vice principal, positioning his back against the vice principal’s back, trying to push the vice principal free from the door.
- The teacher went to the Student’s desk to prepare his lunch and in the process, moved some cardboard.
- The Student yelled at the teacher, stating that the cardboard was his, and started jumping on the special education teacher to get to the cardboard.
- The teacher stated that the Student needed to sit at his desk and she would return the cardboard.
- The Student refused to go to his seat and continued to follow the teacher around for about two minutes, jumping and grabbing at the teacher’s hand.
- The teacher then noticed that the student who had been sitting in the hallway was no longer there, and the vice principal moved to block the Student from the doorway, so the teacher could leave the classroom.

- On her way out of the classroom, the teacher bumped the vice principal, who in turn stepped forward with extended arms. The Student then bit the vice principal on the arm.
 - The vice principal told the Student that it was unacceptable to bite, and the Student went over and sat in the corner of the classroom.
 - The principal then arrived.
10. Also on January 22, 2018, the principal at elementary school 1 called and left the Parent a voice message regarding the incident.
11. On January 23, 2018, the Parent emailed the principal at elementary school 1, the District director, and the executive director. The Parent stated that she had received the principal's voice message in regard to the January 22 incident. The Parent stated that the principal relayed that the Student wanted to attend a recess period he was not assigned to, that teachers had blocked the doors to prevent the Student from leaving the room, and that the Student had gotten mad and bit the vice principal on the arm. The Parent also stated that she had a few questions about the incident and asked that the District provide a copy of the incident report and follow-up reports and/or procedures. The Parent's questions were:
- Was the Student or any other student/adult likely in imminent danger of serious harm to suggest the need to isolate or restrain the Student?
 - Were there video cameras that record in the areas the incident took place?
12. Later on January 23, 2018, the Parent met with the school principal to discuss the January 22 incident. According to the documentation in this complaint, during the meeting, the Parent expressed her concern that the Student had been restrained, and the principal disclosed that he was not aware of a restraint occurring and agreed to find out what had occurred by speaking with the staff members involved.
13. On January 24, 2018, the Parent emailed the executive director and the director, asking that they review the attached documents prior to the January 26, 2018 meeting. The attached documents included:
- Three pictures of the Student's left armpit area showing redness and red spots.
 - A statement from the Student regarding the January 22 incident.
 - Suggestions for the Student's functional behavior assessment (FBA).
 - A January 22, 2018 medical report from the Student's physician.
 - A January 24, 2018 letter from the Parent addressed to the executive director.
14. The January 22, 2018 medical report from the Student's physician stated:
- This is a [] you man whose mother brought him in today to document trauma to his left axillary region. The patient states that he left the classroom before recess and was forcibly carried back into the room by the vice principal by his axilla bilaterally. Patient's complaining of bruising in the left axillary region. Patient states that he bit the [vice] principal over his wrist. He states he was then told to sit at his desk but he chose to sit in the corner of the classroom after the incident. He also states that he injured his back on a slide today and he wanted it checked out as well. His mother states the story was different from the principal. Patient denies any significant pain or discomfort at this time.

The medical report also stated that the physician “noted a very small petechiae² in the left axillary region none on the right.”

15. The Parent’s January 24, 2018 letter to the executive director provided background information about the Student’s disability and how it impacted his executive functioning skills, social interactions, and his ability to transition between activities. The Parent stated that the Student benefited and thrived from a positive behavioral plan in combination with structure, consistency, and understanding what was expected of him. The Parent stated that she did not consent to any “negative behavior techniques including: restraint, seclusion, physical management, seclusionary time outs, forcible holding, dragging, use of ties and straps, slaps, deliberate humiliation, or deprivation of nutrition or exercise.” The Parent stated that if school staff did not feel that they could respond to the Student in a safe and non-threatening way, they were encouraged to contact the Student’s emergency contacts, starting with the Parent. The Parent expressed that positive behavior supports were not used on January 22, 2018, and stated that the special education teacher could have built on the incident by strategizing with the Student about a solution. The Parent stated that unless the likelihood of imminent serious harm was going to occur, the use of restraint and isolation were extremely inappropriate reactions to the Student’s behavior on January 22. Additionally, the Parent requested that the Student be placed in a different program or that the special education teacher, the classroom paraeducator, and the vice principal not be allowed to have contact with the Student. The Parent then expressed concerns regarding the special education teacher and the paraeducator’s past interactions with the Student. Further, the Parent stated that the “omission of the restraint during the incident on January 22” by the special education teacher and the vice principal was “dishonest” and that the omission suggested the staff were a threat to the Student’s safety. The Parent then requested that the Student receive support from a behavior technician to help administer applied behavior analysis (ABA) techniques under the supervision of a board certified behavior analyst (BCBA). The Parent also requested that a FBA be conducted and that the Student’s BIP be updated. The Parent also asked that a mediation session be scheduled as previously requested, because she did not feel that the parents and the professionals on the Student’s IEP team were being heard.

16. On January 25, 2018, the District director responded to the Parent’s January 24 email, stating that she and the executive director had reviewed the Parent’s documentation. The director thanked the Parent for providing the documentation and stated that staff were looking forward to their conversation with the Parent on January 26, 2018. The director stated that the elementary school principal would also attend the meeting, and then provided an agenda for the meeting, per the Parent’s request. The meeting agenda included the following topics for discussion:

- Communication
- Isolation and Restraint Usage
- Program Placement
- ABA

² A petechiae is a pinpoint, round spot that appears on the skin as a result of bleeding. The bleeding causes the petechiae to appear red, brown, or purple. www.mayoclinic.org/symptoms/petechiae/basics/definition/sym-20050724

- IEP
- FBA/BIP
- Mediation

In response, the Parent stated that she had not received a copy of the incident report or the information she requested in her January 23, 2018 email. The Parent stated that she wanted to review these documents prior to the January 26 meeting.

17. On January 26, 2018, the executive director, director, principal at elementary school 1, and the Parent met to discuss the Parent's concerns. The Parent participated in the meeting via phone. Based on the District's January 31, 2018 prior written notice, at the meeting, the group discussed that the Parent felt that she was not receiving the communication she needed in order to develop trust in the Student's current program, and the group agreed to continue to discuss how to communicate with the Parent and the format for the communication. The Parent then shared that the Student had informed her he had been restrained and as a result, she had followed up with his physician. The principal stated that staff had blocked the door on January 22, but did not restrain the Student. The Parent stated that she had not received written statements from staff about the incident, and the principal agreed to follow up with written statements from the staff. The Parent requested a change in location for the Student, as she did not feel the current program was meeting his needs, and the group agreed to discuss this further in a mediation session. The group also agreed to discuss the Student's IEP, FBA, BIP, and services from a behavior technician at the mediation session. The group agreed the mediation would be done in-house, with the option of later participating in mediation session conducted by an outside provider. The mediation was scheduled for January 29, 2018. According to the Parent's reply to the District's response to this complaint, at the meeting, the principal stated that at some point during the incident on January 22, the Student left the classroom and that the Student may have received the "bruising on his armpit in the doorway."
18. On January 27, 2018, the Parent visited a special education classroom at another District elementary school (elementary school 2).
19. On January 29, 2018, the Parent participated in a mediation session with the executive director, director, and a special education teacher from elementary school 2. Based on the District's January 31, 2018 prior written notice, the group agreed that the Student would move to elementary school 2 and the special education teacher shared her practices for communicating with families. The group also agreed that a behavior technician would be added to the Student's educational program, with a BCBA providing oversight. The BCBA would also work on revising an FBA for the Student and developing a BIP reflective of the Student's new school and program. The Student's IEP would be amended to reflect the behavior technician and other changes to the Student's program.
20. On February 1, 2018, the District director emailed the Parent and attached a copy of the January 31, 2018 prior written notice.
21. On February 7, 2018, the Parent filed this citizen complaint.

22. The District's documentation in this complaint included a letter from the principal at elementary school 1, dated February 8, 2018, which is addressed to the Parent. According to the Parent's reply to the District's response to this complaint, she did not receive the February 8, 2018 letter until March 6, 2018, as result of OSPI forwarding the District's response and accompanying documentation to the Parent. The letter included a summary of the principal's investigation regarding the January 22 incident and a response to the Parent's January 23, 2018 email, requesting a copy of the incident report and answers to her other questions. The letter stated that there was not an incident report regarding the January 22 incident, as a report was completed when a student was restrained or isolated, and neither of these had occurred on January 22. The letter stated that according to the statements from the special education teacher, paraeducator, and the vice principal, on January 22:

[The Student] on numerous occasions attempted to push his way past staff members as they stood in the doorway. The staff members stood shoulder to shoulder and would move side to side blocking his ability to run out the door. [The Student] would push up against them with his shoulder, try to reach past them, squeeze between them and the door or try to go between the adults' legs to get past them. The adults throughout were reported to simply move side to side and block him from running out of the classroom. At one point, [the Student] pushed past the adults to end up on the outside of the door and the staff, using proximity, moved closer back towards the door each time [the Student] stopped trying to push past them. The staff[] were standing next to each other and continuing to move side to side to make sure [the Student] was unable to leave the classroom. Other students³ and staff remained in the classroom as this was occurring. Other staff indicated that they could not see what was going on.

The letter stated that the principal did not conduct a follow-up interview with the Student as the principal had already received a statement of the Student's perspective from the Parent. Additionally, in response to the Parent's question about the Student, staff, or other students being in danger of imminent harm, which would suggest the need to use isolation or restraint with the Student, the letter reiterated that the Student was not restrained or placed in isolation. In regard to the Parent's question about cameras recording in the area near the Student's classroom, the letter stated that there was one camera in the area, but that it did not point in the area in which the incident occurred. The principal had asked to review the footage, but had not yet received the footage.

23. On February 9, 2018, the Parent emailed the principal at elementary school 1, stating that she had not received an incident report from January 22, 2018. The Parent stated that it had been fourteen school days since the incident, and that she was supposed to receive a report within five school days.

CONCLUSIONS

School districts must follow the documentation and reporting requirements for any use of isolation or restraint consistent with RCW 28A.600.485. Isolation as defined in RCW 28A.600.485

³ According to the Parent's reply to the District's response to this complaint, the Student stated that other students were taken out of the room during the time of the incident on January 22, 2018.

means: Restricting the student alone within a room or any other form of enclosure, from which the student may not leave. Restraint as defined in RCW 28A.600.485 means: Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. Based on the documentation in this complaint, the Student was not isolated on January 22, 2018, because the Student was not restricted alone within a room, as at least three staff members were in the classroom with the Student, and the documentation supports that others student were also in the classroom.

The documentation in this complaint does not substantiate whether or not the Student was restrained on January 22, as the Student's account of the events on January 22 is in contrast to the three staff members' accounts. Given the accounts from the three staff members supporting that the Student was not restrained, it was not unreasonable for the District to determine that it was not required to follow the documentation and reporting requirements in RCW 28A.600.485. Nevertheless, the District did take several steps to follow up with the Parent about the January 22 incident. These steps included: the principal contacting the Parent on the day of the incident to inform her about it, meeting with the Parent on January 23 to discuss what had occurred, agreeing to look into the incident further, and following up with staff members to obtain more information about the incident, which was later provided to the Parent. Additionally, District staff also met with the Parent on January 26 to discuss the incident as well as the Parent's other concerns, and then held a mediation session with the Parent on January 29, where the District agreed to move the Student to a new school, conduct an FBA, develop a new BIP, and amend his IEP to provide for support from a behavior technician with oversight from a BCBA. Given the actions the District has taken to ensure that the Student has an educational program that addresses his needs, the District is not required to take any further corrective action. However, the District is reminded that it must ensure a student's IEP, including a BIP, is implemented as written and recommends that the District review the January 22, 2018 incident with the staff at elementary school 1 to discuss what could have been done differently in light of the Student's IEP accommodations.

CORRECTIVE ACTIONS

STUDENT SPECIFIC: None

DISTRICT SPECIFIC: None

Dated this ____ day of April, 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.)