

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-33

PROCEDURAL HISTORY

On April 6, 2018, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint filed by a complainant¹ (Complainant) on behalf of students eligible for special education services (Students) attending preschool at Woodland Primary School in the Woodland 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 Students' education.

On April 9, 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 April 19, 2018, the District provided a list of preschool students, eligible for special education, who attend Woodland Primary School. On April 20, 2018, OSPI requested that the District provide documentation regarding ten of the listed students (Student 1-10).

On April 27, 2018, the District requested an extension of time to respond to the complaint. OSPI granted the request and extended the timeline to May 8, 2018 for the District to respond.

On May 8, 2018, OSPI received the District's response to the complaint and forwarded it to the Complainant on May 9, 2018. All student personally identifiable information was removed. OSPI invited the Complainant to reply with any information he had that was inconsistent with the District's information. The Complainant did not reply.

On May 10, 2018, OSPI requested clarifying information from the District. On May 11, 2018, OSPI spoke with the District's Executive Director of Learning Supports and Alternatives and the District's Attorney. On May 11, 2018, OSPI also requested additional information from the District on the ten students and on an additional student (Student 11), and the District provided the requested information on May 15, 2018. OSPI forwarded the information to the Complainant the same day.

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

OVERVIEW

During the 2017-2018 school year, approximately twenty-nine preschool students at a District primary school were eligible to receive special education services, delivered in the early

¹ The Complainant is a representative employed by a Washington labor organization.

intervention preschool class taught by a special education teacher (teacher 1).² Of the eleven Students selected in this complaint for review (Students 1-11), all were found eligible for or were already eligible for special education services during the 2017-2018 school year. This meant that for some of the Students, their initial individualized education program (IEP) was developed during the 2017-2018 school year, and for other Students, their annual IEP was developed. None of the Students' IEPs were amended during the school year. The Complainant alleged that the District failed to properly develop or amend the Students' IEPs, specifically the Complainant alleged that the District made changes to IEPs without input from the Students' case manager or a properly formulated IEP team. The District denied the allegations.

ISSUE

1. Did the District follow procedures for developing and/or amending the Students' individualized education programs (IEPs) during the 2017-2018 school year?

LEGAL STANDARDS

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

² Teacher 1 had anywhere from fourteen to twenty-one preschool students in a class at a time, as some students were found eligible for special education services mid-year and other students transferred out of the district.

(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.

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).

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, 9).

Parent Participation in Meetings: Each school district must ensure that a parent of each student eligible for special education is a member of any group that makes decisions on the educational placement of the parent's child. In implementing the requirements of (a) of this subsection, the school district must use procedures consistent with the procedures described in WAC 392-172A-03100 (1) through (3). If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the school district must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. A placement decision may be made by a group without the involvement of a parent, if the school district is unable to obtain the parent's participation in the decision. In this case, the school district must have a record of its attempt to ensure their involvement. When conducting IEP team meetings and placement meetings and in carrying out administrative matters such as scheduling, exchange of witness lists and status conferences for due process hearing requests, the parent and the district may agree to use alternative means of meeting participation such as video conferences and conference calls. 34 CFR §300.501; WAC 392-172A-05000.

IEP Amendments: After the annual IEP team meeting for a school year, the parent of a student eligible for special education and the school district may agree not to convene an IEP team

meeting for the purposes of making changes to the IEP, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP the school district must ensure that the student's IEP team is informed of those changes and that other providers responsible for implementing the IEP are informed of any changes that affect their responsibility to the student. Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated. 34 CFR §300.324; WAC 392-172A-03110.

Least Restrictive Environment: School districts shall ensure that the provision of services to each student eligible for special education, including preschool students and students in public or private institutions or other care facilities, shall be provided: to the maximum extent appropriate in the general education environment with students who are nondisabled; and special classes, separate schooling or other removal of students eligible for special education from the general educational environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR §300.114; WAC 392-172A-02050.

Placements: When determining the educational placement of a student eligible for special education including a preschool student, the placement decision shall be determined annually and made by a group of persons, including the parents, and other persons knowledgeable about the student, the evaluation data, and the placement options. The selection of the appropriate placement for each student shall be based upon: (a) The student's IEP; (b) The least restrictive environment requirements contained in WAC 392-172A-02050 through 392-172A-02070, including this section; (c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals; and (d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs. Unless the IEP of a student requires some other arrangement, the student shall be educated in the school that he or she would attend if nondisabled. In the event the student needs other arrangements, placement shall be as close as possible to the student's home. A student shall not be removed from education in age-appropriate general classrooms solely because of needed modifications in the general education curriculum. 34 CFR §300.116; WAC 392-172A-02060.

FINDINGS OF FACT

2017-2018 School Year

1. The District operates a primary school that serves students in preschool through fourth grade. The majority of the students who attend a preschool program at the primary school are eligible for special education services.
2. According to the District's response to this complaint, generally, preschool students at the primary school are placed in classroom taught by one of three special education teachers (teacher 1, 2, and 3). During a phone call with the District's executive director of learning supports and alternatives (executive director) and the District's attorney, the District stated

to OSPI that during the 2017-2018 school year, only teacher 1's early intervention classroom had preschool students. Teacher 1's class was a mix of three to five year old students who were eligible for special education services and a few general education preschool peers.

3. The District's 2017-2018 school year started on September 5, 2017.
4. The early intervention preschool program operates Tuesday through Thursday, from either 8:50-11:20 a.m. or from 12:50-3:20 p.m., with some students attending class during the morning session and some students attending class during the afternoon session. Related services such as occupational therapy, physical therapy, and speech are provided on an individual basis during the school day, depending on the schedule of the specific provider and the students' IEPs.
5. In its response to this complaint, the District provided a list of twenty-nine (29) students who were identified as attending the early intervention preschool program at the primary school during the 2017-2018 school year. As part of this investigation, OSPI reviewed the evaluations, IEPs, and other related records of eleven of the twenty-nine students. These eleven students (Students 1-11) are discussed further below.
6. **Student 1**³ – In April 2017, Student 1 was found eligible for special education services under the category of speech or language impairment. The evaluation report recommended specially designed instruction in communication and Student 1's initial IEP was developed, including a goal in communication and the following specially designed instruction from April 21, 2017 until April 16, 2018 in a special education setting:
 - Communication – 30 minutes, 1 time per week (provided by an SLP⁴)

The Student only attended the primary school for speech services.

On March 5 and 6, 2018, the District invited Student 1's mother to an annual IEP meeting scheduled for April 9, 2018. On April 9, 2018, Student 1's parents, the SLP, and the school psychologist met to develop Student 1's annual IEP.⁵ Student 1's 2018 IEP included a new goal in communication and the following specially designed instruction in a special education setting:

- Communication – 30 minutes, 1 time per week (provided by an SLP)

Student 1's 2018 IEP also stated that starting in August 2018, Student 1 would attend preschool for 600 minutes per week, and 95% of her time would be spent in a general

³ The District's response to this complaint identified this student as "student 2"; however, in its April 20, 2018 letter to the District, OSPI identified this student as Student 1.

⁴ SLP – speech language pathologist.

⁵ The District's response contained an "initial IEP meeting participant signature page" for the 2017 IEP meeting, but not for the 2018 IEP meeting. According to the District's response, Student 1's parents did attend the 2018 IEP meeting.

education setting. Student 1's 2018 IEP was implemented on April 9, 2018, and according to the documentation in this complaint, has not been amended since it was implemented.

7. **Student 2⁶** – On January 31, 2018, Student 2's mother signed consent for the District to evaluate Student 2 for special education and Student 2 was subsequently evaluated. On January 29, February 7, and March 14, 2018, the District invited Student 2's mother to meet to review the evaluation report, determine eligibility, and develop Student 2's initial IEP. On March 19, 2018, Student 2's parents met with the school psychologist, occupational therapist (OT), teacher 1, and the SLP, and determined that Student 2 was eligible for special education under the category of other health impairment. Student 2's evaluation report recommended services in the areas of social skills, adaptive skills, and communication. Also on March 19, 2018, Student 2's IEP team developed his initial IEP, which included goals in the areas of communication, social/emotional, and adaptive skills. Student 2's IEP provided for the following specially designed instruction in a special education setting:

- Adaptive – 75 minutes, 3 times per week
- Social Skills – 65 minutes, 3 times per week
- Communication – 30 minutes, 1 time per week (provided by an SLP)

Student 2 attends the early intervention preschool class three days a week. Student 2's IEP was implemented on March 19, 2018, and according to the documentation in this complaint, has not been amended since it was implemented.

8. **Student 3** – In June 2016, Student 3 was found eligible for special education services under the category of developmental delay and the evaluation report recommended specially designed instruction in the areas of social/emotional, adaptive skills, and communication. Student 3's IEP in place at the beginning of the 2017-2018 school year was developed on June 14, 2017, when Student 3's mother met with the school psychologist, teacher 1, and the SLP to update the Student 3's annual IEP. The June 2017 IEP included goals in the areas of social/emotional, adaptive, adaptive, and communication and provided for the following specially designed instruction in a special education setting:

- Social/emotional – 90 minutes, 3 times per week
- Adaptive – 60 minutes, 3 times per week
- Communication – 30 minutes, 1 time per week (provided by an SLP)

Student 3 attends the early intervention preschool class three days a week. According to the District's response, Student 3's IEP has not been amended during the 2017-2018 school year.

9. **Student 4** – On November 28, 2017, Student 4's mother signed consent for the District to evaluate Student 4 for special education and Student 4 was subsequently evaluated. On January 5, 11, 15, and 19, 2018, the District invited Student 4's mother to a meeting to discuss eligibility and to develop Student 4's initial IEP. On January 22, 2018, Student 4's mother met with the school psychologist, occupational therapist (OT), SLP, teacher 1, and the general

⁶ The District's response to this complaint identified this student as "student 1"; however, in its April 20, 2018 letter to the District OSPI identified this student as Student 2.

education preschool teacher from the District's co-op preschool and determined that Student 4 was eligible for special education services under the category of developmental delay. The evaluation report recommended that Student 4 receive specially designed instruction in the areas of social/emotional, adaptive skills, and communication. Also on January 22, 2018, Student 4's IEP team developed her initial IEP, which included goals in social/emotional, communication, and adaptive skills. The IEP provided Student 4 with the following specially designed instruction from January 22, 2018 until June 14, 2018 in a special education setting:

- Adaptive – 65 minutes, 3 times per week
- Social/emotional – 75 minutes, 3 times per week
- Communication – 30 minutes, 1 time per week (provided by an SLP)

The IEP also provided Student 4 with the following specially designed instruction from August 28, 2018 until January 21, 2019:

- Adaptive – 30 minutes, 5 times per week
- Social/emotional – 20 minutes, 5 times per week
- Communication – 30 minutes, 1 time per week (provided by an SLP)

During the 2017-2018 school year, Student 4 attended the early intervention preschool class three days a week and also attended a general education District co-op preschool. According to the documentation in this complaint, Student 4's IEP was not amended after it was implemented on January 22, 2018.

10. **Student 5** – On October 4, 2017, Student 5's mother signed consent for the District to evaluate Student 5 for special education and Student 5 was subsequently evaluated. On October 4, 6, and 25, 2017, the District invited Student 5's parents to a meeting to review the evaluation report and develop the initial IEP. On November 8, 2017, Student 5's parents, the school psychologist, the OT, the SLP, and teacher 1 found Student 5 eligible to receive special education under the category of developmental delay. The evaluation report recommended that Student 5 receive specially designed instruction in the areas of social/emotional, adaptive, communication, and fine motor. On November 8, Student 5's IEP team also developed his initial IEP, which included goals in communication, social/emotional, adaptive, and fine motor skills and provided him with the following specially designed instruction in a special education setting:

- Social/Emotional – 70 minutes, 3 times per week
- Adaptive – 63 minutes, 3 times per week
- Communication – 30 minutes, 1 time per week (provided by a SLP)
- Fine motor – 20 minutes, 1 time per week (provided by an OT)

Student 5 attended the early intervention preschool class three days a week, and according to the documentation in this complaint, his IEP has not been amended since it was implemented on November 8, 2017.

11. **Student 6** – In November of 2016, the District evaluated Student 6 and found her eligible for special education services under the category of developmental delay. Student 6's evaluation

report recommended that she receive specially designed instruction in the areas of adaptive skills, communication, and cognitive pre-academic skills in math, reading, and writing.

Student 6's IEP in place at the beginning of the 2017-2018 school year was developed in November 2016. On September 27, 2017, the District invited Student 6's mother to the annual IEP meeting. On November 6, 2017, Student 6's mother, teacher 1, the school psychologist, and the SLP met to develop her annual IEP. Student 6's IEP included goals in the areas of communication, adaptive skills, reading, math, and writing, and provided her with the following specially designed instruction in a special education setting:

- Adaptive – 40 minutes, 3 times per week
- Communication – 30 minutes, 1 time per week (provided by an SLP)
- Math – 35 minutes, 3 times per week
- Reading – 45 minutes, 3 times per week
- Writing – 20 minutes, 3 times per week

Student 6 attended the early intervention preschool class three days a week. According to the documentation in this complaint, Student 6's 2017 IEP has not been amended since it was implemented on November 6, 2017.

12. **Student 7** – On April 19, 2018, in its response to this complaint, the District identified Student 7 as attending the District's primary school. On May 8, 2018, the District's response clarified that Student 7 is not yet three years old, and does not attend the primary school. Student 7 has been evaluated for IDEA Part C services and has an individualized family service plan (IFSP). Student 7 currently attends a 0-2-year-old program in a different school district in Washington.

13. **Student 8** – In April 2016, the District evaluated Student 8 and found him eligible for special education services under the category of developmental delay. Student 8's evaluation report recommended that he receive specially designed instruction in adaptive skills and cognitive skills in the areas of math, reading, and writing. Student 8's IEP in place at the beginning of the 2017-2018 school year was developed in March 2017. On January 29, 2018, the District invited Student 8's mother to meet and review Student 8's current IEP. On March 20, 2018, Student 8's mother met with the school psychologist, a kindergarten general education teacher, teacher 1, and teacher 3 to develop Student 8's annual IEP.⁷ The March 2018 IEP included goals in the areas of adaptive, reading, writing, and math, and provided him with the following specially designed instruction from March 20, 2018 until June 14, 2018 in a special education setting:

- Adaptive – 75 minutes, 3 times per week
- Reading – 30 minutes, 3 times per week
- Math – 25 minutes, 3 times per week
- Writing – 20 minutes, 3 times per week

⁷ The District's response contained a "review IEP meeting participant signature page" for the March 2017 IEP meeting, but not for the 2018 IEP meeting. According to the District's response, Student 8's parents did attend the 2018 IEP meeting.

The March 2018 IEP also stated that the Student would be transitioning to kindergarten in the fall of 2018 and provided for the following specially designed instruction from September 9, 2018 until March 19, 2019:

- Adaptive – 5 minutes, 5 times per week (special education setting)
- Reading – 10 minutes, 5 times per week (general education setting)
- Math – 10 minutes, 5 times per week (general education setting)
- Writing – 10 minutes, 5 times per week (general education setting)

Student 8 attended the early intervention preschool program three days a week. According to the documentation in this complaint, neither Student 8's 2017 IEP nor 2018 IEP were amended during the 2017-2018 school year.

14. **Student 9** – On April 19, 2018, in its response to this complaint, the District identified Student 9 as attending the District's primary school. On May 8, 2018, the District clarified that Student 9 moved out of the District prior to the start of the 2017-2018 school year.
15. **Student 10** – In March 2017, the District evaluated Student 10 and found him eligible for special education services under the category of developmental delay. The evaluation report recommended specially designed instruction in communication, social skills, adaptive, reading, math, and written language.

Student 10's IEP in place at the beginning of the 2017-2018 school year was developed in March 2017. On January 24, 2018, Student 10's mother provided consent for the District to reevaluate Student 10 in order to prepare for his transition to kindergarten during the 2018-2019 school year. On January 24, 31, and March 5, 2018, the District invited Student 10's mother to a meeting to review the results of the reevaluation and develop Student 10's annual IEP. On March 12, 2018, Student 10's mother, the school psychologist, OT, SLP, and teacher 1 met and determined that Student 10 continued to be eligible for special education services. The evaluation report recommended that Student 10 receive specially designed instruction in communication, social skills, and adaptive skills, and stated that he met or exceeded his goals in the areas of reading, math, and written language and no longer needed specially designed instruction in those areas. On March 12, 2018, Student 10's IEP team also developed his annual IEP, which included goals in communication, social/emotional, and adaptive skills. The March 2018 IEP provided for the following specially designed instruction from March 12, 2018 until June 15, 2018 in a special education setting:

- Communication – 30 minutes, 1 time per week (provided by an SLP)
- Adaptive – 65 minutes, 3 times per week
- Social skills – 75 minutes, 3 times per week

The March 2018 IEP also provided the following specially designed instruction from September 9, 2018 to March 11, 2019 in a general education setting by a special education teacher:

- Communication – 30 minutes, 1 time per week (provided by an SLP)
- Adaptive – 100 minutes, 5 times per week
- Social skills – 130 minutes, 5 times per week

Student 10 attended the early intervention preschool class three days a week. According to the documentation in this complaint, neither Student 10's March 2017 IEP nor his March 2018 IEP were amended during the 2017-2018 school year.

16. **Student 11** – In June 2016, Student 11 was found eligible for special education services under the category of developmental delay. Student 11's evaluation report recommended that he receive specially designed instruction in communication, adaptive skills, social/emotional, math, reading, and writing. Student 11's IEP in place at the beginning of the 2017-2018 school year was developed in May 2017. The May 2017 IEP included goals in the areas of reading, math, writing, adaptive skills, social/emotional, receptive language, and expressive language. The May 2017 IEP provided for the following specially designed instruction from September 6, 2017 until May 23, 2018 in a special education setting:

- Communication – 30 minutes, 1 time per week (provided by an SLP)
- Adaptive – 30 minutes, 5 times per week
- Social/emotional – 59 minutes, 5 times per week
- Math – 20 minutes, 5 times per week
- Reading – 20 minutes, 5 times per week
- Writing – 20 minutes, 5 times per week

Student 11's IEP noted that he would attend the early intervention preschool class three days a week during the 2016-2017 school year, and that he would transition to kindergarten in the fall of 2017 where he would participate with his general education peers as much as possible.

During the 2017-2018 school year, Student 11 received special education support within the "kinder-1st grade self-contained program" (teacher 2's class). On April 9, 2018, according to the District's prior written notice, the location of Student 11's services was changed to the early intervention preschool class after the parents requested this change based on concerns about escalated behaviors and academic regression. The prior written notice stated that Student 11 would receive his "developmentally age appropriate specially designed instruction within a preschool program setting. His time at school will remain the same; 8:50 a.m. – 12:30 p.m. IEP goals will be implemented as stated in IEP." Student 11 attended the early intervention preschool class five days a week.

On April 13, 2018, the District invited Student 11's parents to a meeting scheduled for April 24, 2018 to develop the Student's annual IEP. On April 24, 2018, Student 11's IEP team, including his mother⁸, met and developed Student 11's annual IEP, which included goals in the areas of reading, math, writing, adaptive skills, social/emotional, and communication. The April 2018 IEP provided for the following specially designed instruction from April 24, 2018 until June 22, 2018 in a preschool special education setting:

- Adaptive – 25 minutes, 5 times per week
- Social/Emotional – 30 minutes, 5 times per week
- Math – 20 minutes, 5 times per week
- Reading – 20 minutes, 5 times per week

⁸ According to the District's response, Student 11's mother attended the April 2018 IEP meeting by phone.

- Writing – 15 minutes, 5 times per week
- Communication – 30 minutes, 1 time per week (provided by an SLP)

Student 11's 2018 IEP stated that he would transition to first grade in the fall of 2018 and provided him with the following specially designed instruction from August 28, 2018 to April 23, 2019:

- Communication – 30 minutes, 1 time per week (provided by an SLP)
- Adaptive – 80 minutes, 5 times per week
- Social/Emotional – 85 minutes, 5 times per week
- Math – 40 minutes, 5 times per week
- Reading – 45 minutes, 5 times per week
- Writing – 30 minutes, 5 times per week

Student 11 continued to attend the early intervention preschool class five days a week during the 2017-2018 school year. According to the documentation in this complaint, Student 11's IEPs were not amended during the 2017-2018 school year.

CONCLUSION

The Complainant alleged that the District failed to properly develop or amend the IEPs of preschool students eligible for special education attending the primary school. At the beginning of each school year, a district must have in effect an individualized education program (IEP) for every student who is eligible to receive special education services; and, a student's IEP must be reviewed and revised periodically, but not less than annually. The IEP should include a student's present levels of academic achievement, annual goals, how progress will be measured and reported, special education and related services, the extent to which students will participate in the general education classroom, and any modifications or accommodations. The IEP team should consist of the parent(s) of the student, a general education teacher if the student is or may be participating in a general education setting, a special education teacher, a representative of the school district, an individual who can interpret the evaluation results, and any individuals who have knowledge or special expertise regarding the student. The parents of a student eligible for special education are equal participants along with school personnel in developing and revising the student's IEP and a district must ensure that one or both parents are present at each IEP team meeting or are afforded the opportunity to participate.

Based on the documentation in this complaint, during the 2017-2018 school year, twenty-seven of the twenty-nine students initially identified by the District in response to this complaint attended the early intervention preschool program at the District's primary school. The review of Students 1-6, 8, 10, and 11 shows that for each of these Students, the District followed procedures for developing his or her initial or annual IEP during the 2017-2018 school year. The District's documentation indicates that for each Student, his or her parent was invited to and attended a meeting to develop the Student's IEP. The IEP team for each Student consisted of at least one parent, the school psychologist, teacher 1, and, when appropriate, a general education teacher, SLP, or OT. The other required roles were fulfilled by the District staff in attendance. Each Student's IEP included annual goals, and provided for specially designed instruction, and

when needed, accommodations. There is no evidence that any of the Students' IEPs were amended during the 2017-2018 school year. The location of Student 11's services did change when he was moved from a kindergarten classroom back to teacher 1's early intervention class at the request of his parent. However, his IEP was not amended because his placement was not changed.

The District properly developed each IEP and included the required team members on each Student's IEP team.

CORRECTIVE ACTIONS

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

None.

Dated this ____ day of June, 2018

Glenna 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.)