

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-68**

### **PROCEDURAL HISTORY**

On June 26, 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 Shoreline 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 June 27, 2018, OSPI informed the Parent that the complaint lacked sufficient information regarding her allegations. On June 29, 2018, the Parent provided additional information to begin the complaint process.

On July 2, 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 July 24, 2018, OSPI received the District's response to the complaint and forwarded it to the Parent on July 25, 2018. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information.

On August 6, 2018, OSPI received the Parent's reply. OSPI forwarded that reply to the District on August 7, 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 high school and was eligible to receive special education services under the category of other health impairment. The January 2017 individualized education program (IEP) provided academic and functional services in the special education classroom, and the Student took two general education courses. The Student also participated in cross country in the fall of 2017 and track in the spring of 2018. In October 2017, the Student was evaluated and the results showed significant academic and cognitive delays, which the Parent disputed. The Parent wanted to emphasize academic skills in order for the Student to be able to work in office management and with computers. In January 2018, a new IEP was developed and the District provided special education services in the areas of reading, math, written expression, adaptive behavior, and vocational skills. The Parent was concerned about the Student's lack of progress academically, the implementation of the IEP, and wanted the Student to be able to take more general education classes. In May 2018, some of the annual goals and data collection were revised. The Parent alleged the following:

- The IEP did not provide measurable goals
- The District did not use data to monitor progress

- The Student was put on a bus when he was not riding the bus
- The District failed to develop an appropriate secondary transition plan
- The District did not provide support for nonacademic and extracurricular activities
- The District failed to review and revise to address the Student's lack of progress
- The evaluation did not properly assess the Student's behavior
- The District did not properly implement the accommodation and modifications
- The District regularly dismissed the Student early from school
- The Student was not placed in the least restrictive environment
- The District did not provide math services on June 15, 2018

The District denied the allegations.

### **ISSUES**

1. Did the District follow procedures for developing the Student's individualized education program (IEP), including addressing:
  - Measurable annual goals;
  - The Student's needs for special transportation;
  - A post-secondary transition plan, including course of study; and,
  - The Student's participation in nonacademic services and extracurricular activities, including field trips and track and field, and any needed accommodations or supplementary aids and services?
2. Did the District follow procedures to review and revise the Student's IEP as appropriate?
3. Did the District follow procedures for determining the Student's placement in the least restrictive environment?
4. Did the District follow procedures for monitoring and reporting progress towards the Student's reading goal?
5. Did the District follow evaluation procedures regarding the Student's behavior?
6. Did the District implement the accommodations and modifications in the Student's IEP regarding copies of notes and handouts?
7. Did the District provide the Student specially designed instruction and related services consistent with his IEP, including on June 15, 2018?

### **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 (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.

Measurable Annual Goals: IEPs must include a statement of the student's measurable annual goals, including academic and functional goals designed to: meet the student's needs that result from the student's disability so that he or she can be involved in and make progress in the general education curriculum; and, meet each of the student's other educational needs that result from the student's disability. Additionally, for students who take alternate assessments aligned to alternate achievement standards, the statement of measurable annual goals should include a description of the benchmarks or short-term objectives the student should meet. 34 CFR §300.320(a)(2); WAC 392-172A-03090(1)(b).

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).

Transition Requirements for IEPs: Beginning not later than with the first IEP to be in effect when a student eligible for special education turns 16, or younger if determined appropriate by the IEP team, the student's IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services including courses of study needed to assist the student in reaching those goals. 34 CFR §300.320(b); WAC 392-172A-03090(1)(j).

Nonacademic Services: Each school district must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students eligible for special education an equal opportunity for participation in those services and activities. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available. 34 CFR 300.107; WAC 392-172A-02025.

IEP Revision: A student's IEP must be reviewed and revised periodically, but not less than annually, to address: any lack of expected progress toward annual goals or in the general education curriculum; the results of any reevaluations; information about the student provided to, or by, the parents; the student's anticipated needs; or any other matters. 34 CFR §300.324(b); WAC 392-172A-03110(3).

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: 1) To the maximum extent appropriate in the general education environment with students who are nondisabled; and 2) 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.

A student's IEP team has the responsibility to determine the student's LRE, and must consider the following factors when making the determination: the educational benefits to the student of a placement in a general education classroom; the nonacademic benefits of interaction with students who are not disabled; the effect of the student's presence on the teacher and other students in the classroom; and, the cost of mainstreaming the student in a general education classroom. *Sacramento City Unified School District, Board of Education v. Rachel Holland*, 14 F.3d 1398, 1400 (9<sup>th</sup> Cir. 1994).

Educational placement decisions must be determined annually, or sooner if appropriate, and be made by a group of persons, including the parents, and other persons knowledgeable about the student, the evaluation data, and the placement options that provide a reasonably high probability of assisting the student to attain his or her annual goals, and a consideration of any potential harmful effect on the student or on the quality of services the student needs, based on the student's IEP and LRE requirements. 34 CFR §300.116; WAC 392-172A-02060. A student should not be removed from his or her age-appropriate general education classroom solely because of needed modifications in the general education curriculum. 34 CFR §300.116(e); WAC 392-172A-02060(4).

Progress Reports: The purpose of progress reporting is to ensure that, through whatever method chosen by a school district, the reporting provides sufficient information to enable parents to be informed of their child's progress toward the annual IEP goals and the extent to which that progress is sufficient to enable the child to achieve those goals. *Amanda J. v. Clark County Sch. Dist.*, 267 F.3d 877, 882 (9th Cir, 2001) (parents must be able to examine records and information about their child in order to "guarantee [their] ability to make informed decisions" and participate in the IEP process). IEPs must include a statement indicating how the student's progress toward the annual goals will be measured and when the district will provide periodic reports to the parents on the student's progress toward meeting those annual goals, such as through the use of quarterly or other periodic reports concurrent with the issuance of report cards. 34 CFR §300.320(a)(3); WAC 392-172A-03090(1)(c).

Reevaluation Procedures: The reevaluation must be conducted in all areas of suspected disability and must be sufficiently comprehensive to identify all of the student's special education needs and any necessary related services. 34 CFR §300.304; WAC 392-172A-03020(3).

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. 34 CFR § 300.323(a); WAC 392-172A-03105(1). 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. Each school district must ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. 34 CFR §300.323; WAC 392-172A-03105(3)(a).

## **FINDINGS OF FACT**

### **2016-2017 School Year**

1. During the 2016-2017 school year, the Student was a tenth grader enrolled in a District high school that was not his home school by the Parent's choice. The Student was eligible to receive special education and related services under the category of other health impairment. The January 2015 evaluation results stated the Student was diagnosed with chromosome disorder and a history of mild to moderate intellectual disability.
2. On January 19, 2017, the Student's individualized education program (IEP) team, including the Parent, met to develop the Student's annual IEP. The January 2017 IEP stated the Student was friendly but needed assistance with self-regulation, including to using his "high school" voice. The IEP also stated that the Student's behavior interfered with his learning or that of others. When frustrated, the Student would scream, throw pencils or other objects, lay his head on the desk, run from staff, fall to the ground, or imitate other students. His adaptive behavior was moderately low when compared to others his age. The Student had made progress but still needed support.

Additionally, the IEP stated that academically, the Student was reading at the second grade level and in math, the Student could count money up to \$30 without difficulty, and that editing was a strength in writing, but the Student still had difficulty identifying grammar errors. The Student had communication needs in oral expression and listening comprehension, which were met by in-class and small group speech/language support. However, the IEP stated that the Student no longer needed specially designed instruction in the area of communication. The IEP stated the Student would take the Washington-Access to Instruction & Measurement (WA-AIM) state alternate assessment next school year in English language arts, math, and science.

In addition, the IEP included the following post-secondary goals:

- Upon leaving public school, [Student] will receive on the job training from an employment specialist to help him learn new skills and maintain employment.
- Upon leaving public school, [Student] will obtain employment in a position that allows him to work in an environment suitable to his needs, interest, and preferences.
- Upon leaving public school, [Student] will live at home or in a supported setting as independently as possible.

The secondary transition plan in the IEP provided for transition services in the areas of job training, vocational internships, and self-advocacy. The course of study included classes in daily living, functional math skills, functional English skills, vocational, adaptive or regular physical education, and electives as appropriate. The IEP also stated that from 2018-2021, the Student would attend the Shoreline Community-Based Transition Program "through either age 21 if he is DDA [Developmental Disabilities Administration] qualified. Otherwise, he will attend until age 20 (2020)."

The IEP provided for annual goals, along with benchmarks or short term objectives, in the areas of adaptive behavior, reading, math, written expression, vocational skills. The reading and math annuals goals were as follows:

- **Reading:** By January 25, 2018, when given a passage with EdMark Functional Words in context at an instructional level, [Student] will demonstrate comprehension of the EdMark Words related to health and safety in context improving his reading comprehension with EdMark Words related to health and safety from 50% comprehension with level 2 assistance to 80% or above comprehension with level 2 assistance as measured by student work and teacher observations.
  - Objective: By January 25, 2018, [Student] will demonstrate comprehension of EdMark Functional Words in context at instructional level 80% of the time.
  - Objective: By January 25, 2018, [Student] will demonstrate comprehension of EdMark Words related to food in context improving his reading comprehension to 90% after instruction.
- **Reading:** By January 25, 2018, when given an informational passage at instructional level that utilizes high-frequency words (Dolce words list primary-third grade), [Student] will understand the high-frequency words in context improving reading comprehension from 75% comprehension of words in context to 90% comprehension of words in context as measured by teacher observations and student work.

- Objective: By January 25, 2018, [Student] will accurately read 57 WPM.<sup>1</sup>
- Objective: By January 25, 2018, [Student] will accurately read 62 WPM.
- **Math:** By January 25, 2018, when given a dollar amount, [Student] will state or produce the next dollar amount up using different bill combinations improving his ability to use money in a functional manner from counting money using dollar up and various bills on 5 out of 10 trials to counting money using dollar up and various bills on 10 out of 10 trials as measured by teacher assessment and observations.
  - Objective: By January 25, 2018, [Student] will count money via dollar up using various bills on 7 out of 10 trials.
  - Objective: By January 25, 2018, [Student] will count money via dollar up using various bills on 9 out of 10 trials.
- **Math:** By January 25, 2018, when given a dollar amount, [Student] will count money via “over the amount” strategy when given various bill combinations improving his ability to count money in a functional manner from 3 out of 10 trials to 8 out of 10 trials as measured by teacher assessment and observations.
  - Objective: By January 25, 2018, [Student] will count money via “over the amount strategy when given various bill combinations on 5 out of 10 trials.
  - Objective: By January 25, 2018, [Student] will count money via “over the amount strategy when given various bill combinations on 7 out of 10 trials.

The IEP provided for the following special education and related services, all in the special education classroom, which is a total of 1,295 minutes per week:

- Written expression – 50 minutes/3 times weekly
- Daily living/Adaptive – 100 minutes/5 times weekly
- Vocational skills – 90 minutes/3 times weekly
- Reading – 50 minutes/3 times weekly
- Math – 75 minutes/3 times weekly

The IEP stated that the remaining 30% of the Student’s school week would be spent in general education. The January 2017 IEP provided for the following accommodations/modifications:

- Access/Use of the following: visual aids
- Access/Use of the following: gum available in the classroom
- Behaviorally related: reinforcement
- Behaviorally related: adult proximity
- Behaviorally related: frequent breaks
- Content area: check work frequently to ensure understanding
- Content area: give short, concise directions
- Content area: extra time if student effort is shown
- Content area: give student a copy of his schedule
- Grading modifications: “P” (pass) grade as determined by general education teacher with IEP team
- Testing accommodations: calculator for allowed items
- Testing accommodations: frequent breaks during testing period
- Testing accommodations: test items can be presented auditorily
- Testing accommodations: small group setting

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<sup>1</sup> Words Per Minute.

3. Also on January 19, 2017, the District provided the Parent with prior written notice, stating it proposed to implement the new IEP.
4. On June 18, 2017, the Parent emailed the school counselor, asking how the Student could receive a "certificate of academic completion".<sup>2</sup> The Parent stated:

I received his WA state test for 10th grade and his modified scores showed they were over the graduation rate. He has done very well in all of his GE (general education) electives and because he has always been globally delayed, he is progressing academically in the last two years. I held [Student] at [previous school] for his Freshman year as I was promised he would get more GE classes which never happened! While he is chronologically a Senior next school year, I want him to stay at [current school] for not only 2017-2018 but also 2018-2019 for academics. Thus, I want a plan for him to take his missing credits for the Certificate of Academic Completion with one on one support and/or instruction. He has shown an increase in maturity, control, and aptitude in the last two years and it is important that the school district give him full support to complete.
5. On June 23, 2017, the 2016-2017 District school year ended.

#### **The Timeline for this Complaint Begins on June 30, 2017**

6. On August 22, 2017, the Parent emailed the special education coordinator, director of secondary student services, high school principal, and the special education teacher. The Parent stated that her expectation had always been that the Student attend a college certificate program. The Parent requested the Student remain at his high school until he was twenty-one to work toward a Washington academic diploma and all of his academic goals should be aligned with passing the COMPASS test.<sup>3</sup> The Parent stated, "This may mean that [Student] needs one on one instruction, tutoring, and extended school year as well." The Parent also requested a different classroom paraeducator and an IEP meeting.
7. On August 24, 2017, the special education teacher responded and asked the Parent when she would be available to meet.
8. On August 30, 2017, the Parent emailed the special education teacher, expressing her concern that "staff have given him the same math for 8 years" and he was not learning sentence structure. The Parent stated that the "education and employment goal for him is computer/tech education..." and that she was concerned about the classroom distractions for the Student. On the same day, the special education teacher replied and proposed moving up the Student's triennial reevaluation that was due in January 2018.
9. Also on August 30, 2017, the Student's private speech/language pathologist (SLP) wrote a letter to the District, recommending that the Student's program emphasize academic skills

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<sup>2</sup> Washington has two diploma options: the Certificate of Academic Achievement and the Certificate of Individual Achievement. It appears the Parent is referring to the Certificate of Academic Achievement.

<sup>3</sup> COMPASS is a set of college placement tests.



over job training. The SLP recommended an "audit" of the Student's IEPs over the past ten years.

### **2017-2018 School Year**

10. On September 6, 2017, the 2017-2018 District school year began. The Student was an eleventh grader who continued to attend the District high school and continued to be eligible for special education and related services.
11. The Student's fall semester class schedule for the 2017-2018 school year was as follows:
  - 1<sup>st</sup> Period – Walking/Yoga (general education class)
  - 2<sup>nd</sup> Period – Functional English (special education)
  - 3<sup>rd</sup> Period – Essential Math (special education)
  - 4<sup>th</sup> Period – Work Experience Skills (special education)
  - 5<sup>th</sup> Period – Independent Living (special education)
  - 6<sup>th</sup> Period – Video Production (general education class)
  - SAS – In Condo<sup>4</sup>

The Student also was placed at a community agency where he was participating in a work experience class. The documentation did not indicate how often the Student attended the community agency.

12. Students at the high school are dismissed from school at 2:35 p.m. The Student participated after school on the cross country team during the fall semester. It is unclear from the documentation whether the Student received any supports during practice or events, although in a March 6, 2018 email from the track and field coach to an unknown recipient stated: "In the fall, three of our students did Cross Country with two paras..."
13. On September 7, 2017, the Parent, the principal, and the special education teacher met. The Parent gave written consent for the triennial reevaluation and provided the District with the letter from the Student's private SLP.
14. On September 15, 2017, according to the Parent, the Parent came to school to pick up the Student after school. After waiting several minutes, the Parent went to the Student's classroom and was told the Student rode the bus that day. Rather than returning the Student to school, the bus dropped the Student off at another location. According to the Parent, the Student had not been transported on the bus since 2016 because the Parent picks him up. The Parent expressed concern that the Student, "with no concept of safety or strangers," would be allowed to leave the school's campus.
15. On September 26, 2017, the Parent exchanged emails with the video production teacher, stating, "...I do not want the paras to do [Student's] work for him; I want him to learn and try himself." The Parent also requested that the teacher simplify technical terms used in class.

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<sup>4</sup> SAS is an advisory period that takes place in a classroom with a kitchen, laundry, and living room that resembles a condominium, which is the "condo."

The teacher responded and requested a meeting to discuss the use of the paraeducator, class notes, and other issues. The Parent replied that in previous years, the paraeducators "did everything for him" and "his state testing showed that his IEP goals were far below his level of understanding and intelligence."

16. On October 2, 2017, the Parent emailed a school psychologist (school psychologist #1), requesting information about the testing that the District would use to conduct the reevaluation. The Parent stated she wanted the "independent psychologist" to perform the same testing to provide their own conclusions.
17. On October 3, 2017, school psychologist #1 responded to the Parent, providing the testing information and stated that repeated testing using the same assessment might invalidate the results. The Parent responded, requesting that another school psychologist conduct the evaluation because school psychologist #1 had the "reputation to insert [her] opinions into testing."
18. On October 10, 2017, school psychologist #1 emailed the Parent and stated that another school psychologist (school psychologist #2) would be conducting the evaluation.
19. On October 18, 2017, the Parent emailed the special education teacher, expressing concern about the disruptions in the Student's classroom and stated that she wanted to the Student moved to another classroom for math and English.
20. October 24, 2017, the Parent emailed school psychologist #2, stating:

...I have consulted with [Student's] being tested with the WAIS-IV (Wechsler Adult Intelligence Scale) test for IQ which is at adult levels. They all believe this is not the accurate level to test him at due to the fact he has been documented since the age of 3 with global developmental delays. The district was provided these reports at the age of 3 [private evaluator], [clinic] (age 5 and 7), and [agency] (age 9). This has also been documented by his primary care provider [provider] and his psychologists at [clinic]. I can provide you with letters from the last 2 providers who disagree with [Student] being tested at his biological age because his global developmental delays actually place him at the age level of 11-14 years old. Please administer the child WAIS IQ test to measure results. If you do not, I will have results invalidated and ask Shoreline School District for an independent IQ test at the school district's expense...<sup>5</sup>
21. On October 26, 2017, the Parent emailed school psychologist #2, stating that she was opposing all of the Student's general education teachers' input into the reevaluation because of the manner in which the paraeducators were used with the Student. The Parent stated that although the Student received letter grades of "A's" and "B's," the paraeducators made unilateral decisions to modify the curriculum, which the Parent did not approve. The Parent stated, "I clearly articulated to all in the meeting that it is my 100% expectation for [Student] to complete all the work in [general education teacher's] class with weekly visual supports and

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<sup>5</sup> The Wechsler Adult Intelligence Scale (WAIS) is an IQ test designed to measure intelligence and cognitive ability in adults and older adolescents.

notes provided by [general education teacher to [Student] and [Student] to be graded on his own work completed on his own merit even if that grade was a failing one..."

22. On October 27, 2017, the Student's evaluation group met to discuss the results of his reevaluation. The reevaluation results showed that the Student had significant delays in reading, math, and written language. In the classroom, the Student was reading at the second grade level. The Student's scores in cognitive performance ranged from the 1<sup>st</sup> percentile to the 4<sup>th</sup> percentile. Regarding daily living/adaptive behavior, the input from the Parent placed the Student in the seventh percentile while the District staff's input placed the Student in the first percentile. The evaluation report stated:

There is a significant discrepancy between [Student's] mother's evaluation of [Student's] adaptive skills and that of his teacher and paraeducator. Some examples of the differences include [Student's] ability to think through consequences before acting. This behavior is of greater concern to school personnel than it is to [Student's] mother. Providing additional explanation when others need is a skill not demonstrated at school but is not a concern at home. Responses indicate different perceptions of [Student's] ability to compromise in order to get along with peers.

The evaluation report stated that contrary to the Parent's belief that the paraeducator was completing all of the Student's classroom work, the paraeducator responsibilities were as follows: takes notes during class lessons as supplement; ventures out with the Student to take pictures; check in on the Student's understanding and progress; looks over shoulder while the Student is working, and assists when needed. Additionally, the report stated that the Student's supervisor at the community agency stated that the Student had "passion" for the job. He had performed basic job skills but sometimes lost focus. He thrived on routine-oriented tasks, such as looking through products to see if they have been on the shelf for more than three weeks. Sometimes, the Student engaged in inappropriate hugging. The evaluation report also stated that the District and Parent discussed the Student's progress in his video production class. The report stated:

Mother reported that review of [Student's] assignment sheet, there are no notes stating what is required in the shots. [Video production teacher] reported that [Student] did in fact have notes until shot 8, but lost them. He was given a copy of the notes, but these may have also been lost as well. By the time mother got to see it, it was a blank copy. Mother reported that [Student] has a binder for each class and she checks them frequently. She also stated that [Student] has not been repetitively taught some aspects of being a typical student (i.e., organization, note-taking). [Special education teacher and case manager] disagreed, and reported that they practice skills in the self-contained classroom. [Special education teacher and case manager] reported that [Student] can often leave belongings behind, which [general education teacher] agreed with. [General education teacher] also reported that the paraeducator would repeat directions to [Student] and he would take notes, which was reinforced by the teacher. [General education teacher] would have [Student] look at the storyboard and draw it on the board. Mother further emphasized the need for pre-teaching materials as he was not given direct instruction on how to take notes. Another idea from mother was to have an AVID tutor to teach him these skills. Mother would like [Student] to have an IEP goal on being prepared for class.

The evaluation report further stated that according to the transition assessment, the Student had no preference for what to do after high school, except with the Parent's idea about working with animals. The Student preferred visual stimulation and learning. Finally, the evaluation report recommended the following areas of specially designed instruction: reading; math; written expression; daily living/adaptive; and vocational skills. No related services or supplemental aids and services were recommended.

23. Also on October 27, 2017, the District provided the Parent with prior written notice, proposing to continue the Student's eligibility for special education.
24. Later on October 27, 2017, the Parent emailed the District director for secondary student services (secondary director), stating that she was requesting a "full neuropsychological IEE" (independent educational evaluation).
25. On November 2, 2017, the secondary director replied to the Parent and included the District's IEE policy and criteria. The director also asked what specific areas of the evaluation the Parent disagreed with and why she disagreed.
26. On November 5, 2017, the Parent emailed the special education teacher, stating:

When I picked up [Student] on Friday, he was very angry and explained to me, in detail, that you keep giving him "clocks" as math especially as he met the IEP goal in the 6<sup>th</sup> grade! He completed single digit multiplication through the 9's his sophomore year, another goal met. Move him forward with the same multiplication worksheets you gave him all summer long. It is the expectation that he completes all goals in the 3<sup>rd</sup> grade curriculum that he was tested at by [school psychologist #2] until we meet for the IEP meeting.
27. Also on November 5, 2017, the Parent emailed the secondary director again, requesting an IEE. The Parent requested an "age appropriate transition assessment in the following areas: academic, cognitive, daily living adaptive, and vocational." The Parent stated:

"I do not agree with the District in these areas. The student information provided by the team members does not represent my son's needs and abilities. [School psychologist #2] even stated in the evaluation meeting, in front of all meeting attendees, the IQ score does not accurately reflect the student's, true IQ due to the large gap between scores.
28. On November 7, 2017, the special education teacher emailed the Parent, requesting an IEP meeting on November 16, 2017. On November 9, 2017, the Parent replied that she was getting clarification about the "30-day evaluation timeline" and requested "a more experienced IEP goal writer, as the last one was very poor." The Parent stated she expected the Student be instructed in every skill in the third grade curriculum and when his goals are completed, he will move on to the next grade level.
29. On November 15, 2017, the District issued a report of the Student's progress towards his annual goals in special education. Based on the measurable data provided on the report, sufficient progress was being made to achieve all the annual goals within the duration of the IEP, except for one goal. The goal for the Student to communicate his frustration or anger was mastered.

30. On November 27, 2017, the Parent emailed the special education teacher and the principal, requesting new proposed meeting dates. The Parent stated:  
...Please provide me with an advanced copy of your proposed IEP goals as I will be presenting my own as well from private educational testing. [Student] is on the list for his IEE at [hospital] and [private evaluator] as all providers on the District list provided do not provide those services any longer. Both neuropsychologists believe we should change IEP goals now and they can be readjusted as needed with the results.
31. Also on November 27, 2017, the principal emailed the Parent about possible IEP meeting dates. The principal stated that a new case manager had been assigned to the Student, and the principal offered to take the Parent to the transition program at the community college. On November 30, the Parent replied that she was open to hearing about the transition program and insisted that the Student attend four years at [high school], walk in graduation with his peers in June 2019, and receive his diploma in June 2021.
32. On November 30, 2017, the Parent and school counselor exchanged emails regarding the Student's accumulated credits and community service hours. There was confusion over whether the requirements for community service hours were waived for the Student or the Student had completed the necessary number of hours. The case manager was able to clarify that the community service hours had been waived.
33. On December 1, 2017, the Parent emailed the Student's case manager about a Washington State History class being waived, as indicated on the Student's transcript. The Parent stated she never waived it or was asked about it. The case manager replied that all students with disabilities "in the [classroom] have that requirement waived."
34. On December 4, 2017, the Parent emailed the principal, expressing her concern about interactions between the Student and another student in his class, which caused the Student anxiety.
35. On December 7, 2017, the case manager emailed the Parent with proposed IEP meeting dates. A meeting was later scheduled for January 12, 2018.
36. On December 14, 2017, the Parent's attorney emailed the District director of student services the following requests:
- [Student] stays at [high school] for the 2018-2019 school year as a fourth-year senior. [Student] is in his third year at the high school now and he should attend for four years as all other high school students.
  - [Student] "walks" through the graduation ceremony with his peers in June of 2019. Then he will attend a Transition program that meets his Transition Plan for the school years 2019-2020 and 2020-2021.<sup>6</sup>
  - For this current IEP, [Student's] Transition Plan on his IEP needs to be revised to state what his Employment Goal actually is: Office Management with tasks to include but not limited to Word Processing, spreadsheets, presentations, internet research, manual and electronic filing,

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<sup>6</sup> This is already allowed under Kevin's law – <https://app.leg.wa.gov/rcw/default.aspx?cite=28A.155.170>

calendaring, Accounting and Computer-based Web design and administration. The current Transition Plan is very vague and with one that states his specific post-high school goal, an IEP can be better designed to work on skills he needs to meet his goal.

- With this Employment goal, [Student's] Transition Plan Education/Training needs to state he will increase his skills in reading, writing, mathematics, and computer skills. These are skills he needs to meet his Employment Goal.
- Reading goals for this IEP that increase skills and are not "vocation specific" or "functional". This means the request is for a Reading Fluency Goal that seeks to increase his reading level which I believe is currently 3<sup>rd</sup> grade. The fluency goal would state "increase reading fluency from XX cwpm at the 3<sup>rd</sup> grade level to 80-120 cwpm on a cold read at the 4<sup>th</sup> grade level. Then a Reading Comprehension goal would be to answer factual and inferential questions about the material he is reading at 90%.
- Writing goals for this IEP that increase skills at both the sentence level (i.e., grammar, spelling, and punctuation) and the paragraph level (i.e., write a 3 paragraph essay about a topic using opening sentence, 3-4 supporting details, and closing sentence).
- Math goals for this IEP increase skills in this area across the four mathematical functions in solving work problems as well as to increase money skills, but also include multi-digit addition, subtraction, multiplication, decimals and division.
- The proposed Daily Living and Adaptive goals are fine. The issue for this is more the job site he has been working in. [Parent] would like to see him in an office environment where he will have more tasks to do that are office related and include computer work.
- For the second semester of this year and for next year, [Parent] would like [Student] to be in the English Skills class and the Math Skills class and not in the self-contained class he is currently attending. [Student's] skills are higher and he needs to be in more academic environment. [Parent] has paid for [Student] to do language arts and math through IXL and she wants him to work on those lessons during those class periods.
- For his other classes for the second semester this year, [Parent] wants [Student] in some History class instead of the Walking/Yoga 1<sup>st</sup> period and instead of the Video Production class that could be an Intro to Multi-Media class. For fall of 2018, the request is for [Student] to take Senior Civics class with other seniors, a computer elective class and AVID.

The attorney also posed the following questions to be addressed either at the next IEP meeting or by email:

- At what level did [Student] pass State and District testing and in what format?
- Have classes that are completed and on his transcript been Modified? Which ones and how can we tell by looking at the Transcript?
- Has Video Production been modified?

The Parent's attorney also sent the District a proposed list of twenty-one accommodations, special education and related services, and a course of study.

37. From December 20, 2017 to January 2, 2018, the District was on winter break.

38. On January 3, 2018, the case manager emailed the Parent in response to the questions that were asked by the Parent's attorney. The questions and answers were as follows:

- At what level did [Student] pass State and District testing and in what format? *The Washington Access to Instruction & Measurement (WA-AIM) is an alternative assessment based on alternative achievement standards aligned to the Common Core State Standards for students with significant*

*cognitive challenges. Off-Grade level WA-AIM: Student took the grade 3 ELA/Math (English Language Arts) and/or the grade 5 Science WA-AIM. Meeting standard is scoring at or above the established Level 3 cut-score for the grade/content.*

- Have classes that are completed and on his transcript been Modified? Which ones and how can we tell by looking at the Transcript? *When looking at [Student's] transcript, all of the classes [Student] has taken and received a "P" have been modified. Receiving Pass as a grade is a modification of the grading system.*
- Has Video Production been modified? *[Student] will be receiving a Pass or Fail. So yes, Video Production has been modified.*

39. On January 3, 2018, the Parent emailed the general education video production teacher, stating that the Student should receive a letter grade, not pass/fail. According to the documentation in this complaint, the District agreed to give the Student a letter grade.

40. On January 9, 2018, the case manager emailed the Parent an agenda for the upcoming IEP meeting, a draft copy of the IEP, and the Student's class schedule for the second semester. The Parent responded and proposed a new agenda and a number of changes to the draft IEP. The Parent's proposed employment goal stated:

[Student] will obtain a position in office management with tasks to include but not limited to word processing, spreadsheets, presentations, internet research, manual and electronic filing, calendaring, accounting, and computer-based web design and administration.

The Parent's proposed transition services were:

[Student] will receive career related education such as course work in MS (Microsoft) Word, MS Excel, MS Powerpoint, MS Outlook, Computer Applications, Keyboarding, Filing, Keyboarding and MS Publisher. He will also have job placement in office setting to apply skills achieved in course work.

41. On January 12, 2018, the Student's IEP team, including the Parent, met to develop a new IEP. Regarding behavior, the January 2018 IEP stated that positive behavior supports and strategies were being used when the Student's behavior was in the "yellow zone." The Student has difficulty with new staff at the beginning of the school year.

The IEP also included the following: **Secondary Transition Plan** – The IEP stated that the Student's projected graduation date was June 13, 2021. The plan had the following transition goals and transition services:

- Employment/Training – Upon leaving public school after graduation, [Student] will receive on the job training from an employment specialist to help him learn new skills and maintain employment.
- Services – Job training will include continued exposure and training in varying employment options. If this area continues to be of interest to [Student], there will be a focus on different positions available in Office related jobs, and in different types of office locations. Parent requests that "[Student] will receive progressive goals and instructional in the areas of Reading, Writing, Math, Computer Applications, and organization/note taking."
- Employment – Upon leaving public school after graduation, [Student] will obtain employment in a position that allows him to work in an environment suitable to his needs, interests, and preferences. Parent describes [Student's] employment goal as office management.

Services – Parent requests that “Student’ will receive career related education such as course work in Computer Applications and office productivity tools, and a job experience in an office setting. He will also have job placement in office setting to apply skills achieved in course work.

- Independent Living – Upon leaving public school after graduation, he would like to “live independently, in an apartment (away from Washington state) in Florida, NY, WA DC or Pennsylvania. [Student] shows the capacity to live in supported or group living arrangements. Services – Instruction in recreation opportunities, leisure, community involvement, Metro use, general housekeeping duties, cooking, meal planning, shopping and budgeting, personal needs, social skills and self-advocacy, are needed in order to live with support in independent or group living situation. “Parent expects to teach many daily living skills outside of school.”

The course of study included the following classes that the Student would be taking:

2017-2018 Second Semester

- Adaptive/Daily Living
- Math Skills
- English Skills
- Vocational Skills
- Work Experience
- General Education Science (elective) with support

2018-2019 School Year

- Adaptive/Daily Living
- Math Skills
- English Skills
- Vocational Skills
- Work Experience
- General Education elective with support

2019-2020 School Year

- Community College
- District Transition Program
- Work Experience Training

2020-2021 School Year

- Community College
- District Transition Program
- Work Experience Training

The IEP stated no outside agency linkage for the Student was needed at the time.

**Annual Goals<sup>7</sup>**

- Reading – when given a reading sample in appropriate lexile [Student] will correctly read and comprehend improving reading level from Lexile 162 to Lexile 262 as measured by teacher data sheet.
- Reading – when given a list of grade level sight words [Student] will read words accurately improving the level of vocabulary from 82% accuracy at 2<sup>nd</sup> grade level to 100% accuracy at the 3<sup>rd</sup> grade level as measured by teacher made data/checklist.
- Written Expression – when given a writing assignment with written question, word examples, and guidance [Student] will write a comprehensive sentence with correct conventions improving conventions (spelling, capitalization, notation) within single sentences from 40% accuracy to 90% accuracy as measured by the teacher made assessment.
- Written Expression – when given directions and materials to write or type a single paragraph on topic [Student] will write a five sentence expository essay including three supporting details as well as an opening and closing sentence improving writing abilities from able to write two single sentences on topic to able to write a five sentence expository paragraph on topic as measured by student writing samples.

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<sup>7</sup> The annual goals also included benchmarks or short-term objectives. These were not listed since the annual goals are required to be measurable.



- Math – when given story problems involving addition, subtraction, multiplication, or division [Student] will choose the correct math concept needed improving understanding of application of math concepts in context from 40% accuracy to 90% accuracy as measured by teacher made data.
- Math – when given math problems with the use of ‘real’ paper money and coins, [Student] will improve his ability to solve functional money problems improving making change, and setting up and solving math problems involving money from 10% accuracy to 80% accuracy as measured by teacher collected data.
- Math – when given math computation problems [Student] will use a calculator to solve problems involving various processes improving use of calculator with increasingly difficult problems from solving simple single step addition and subtraction problems in the tens to solving math problems in the hundreds and/or involving multiplication, division, decimal point and percentage as measured by teacher made data.
- Daily Living/Adaptive – when given school community tasks appropriate for his age, such as: running notes, checking staff mailboxes, alphabetizing, etc., [Student] will complete jobs independently and accurately improving ability to accurately and independently complete a number of different school community tasks from Level 3 – needing verbal support and training to Level 4 – working independently as measure by Shoreline Performance Rating Scale.
- Daily Living/Adaptive – when given the need to take notes in a class setting [Student] will take notes from the board or printed material at his desk improving independence in note taking from Level 2 – significant assistance- to Level 4 – Independent as measured by teacher made assessment.
- Vocational Skills – when given a new task needing training, [Student] will clarify the directions given with an adult improving independence in gaining knowledge and accuracy on new jobs from 10% of the opportunities to 80% of the opportunities as measured by teacher data.

**Accommodations**

- Allow extra time to respond
- Break down assignments/materials into manageable parts
- Gum allowed in the classroom
- Noise-blocking headphones
- Time warnings/increase time for transitions

**Modifications**

- Access/Use of the following: visual aids (schedule, directions)
- Behaviorally related: frequent breaks
- Content Area: give student a copy of his/her schedule
- Testing Accommodation: calculator allowed for math equations, frequent breaks during testing period, give one question/instruction at a time in simple, concise language, test items may be present auditorily by staff

**Supports for School Personnel** – Right Response de-escalation staff training

**State or Districtwide Assessments of Student Achievement** – None

**Special Education and Related Services –**

Service	Frequency	Location
Written Expression	180 minutes/1 time a week	Special Education
Daily Living/Adaptive	180 minutes/1 time a week	Special Education
Vocational Skills	500 minutes/1 time a week	Special Education
Reading	250 minutes/1 time a week	Special Education
Math	250 minutes/1 time a week	Special Education

**Least Restrictive Environment** – the IEP states that three placement options along the special education continuum were considered: 40%-79% in regular class; 0-39% in regular class; and public/private separate day school. Based on the determination that academic or non-academic benefit could not be achieved in a less restrictive environment, the Student's time in regular education would be 0-39% of his school week. The IEP's explanation of the extent to which the Student would not participate with nondisabled peers stated:

At parent's request, student will be enrolled in a full schedule of special education classes during the spring semester 2018, and will not participate in a general education class. Student will participate with general education peers at lunch, passing periods, whatever else is applicable. The IEP team will meet in Spring 2018 to determine a schedule to Fall 2018, that may include increased time in general education.

**Special Transportation** – Yes    **Extended School Year** - No

42. On January 12, 2018, the District provided the Parent with prior written notice, stating that the annual IEP was updated based on the October 2017 reevaluation. In response to the Parent's proposals, the notice stated the following:

- The team rejected Parent's request to eliminate several areas of instruction from the transition services supporting the independent living goal. Parent wanted to retain only the area of transportation. Parent stated that most instruction in other areas will happen at home, so she did not want those skill areas listed in the IEP. District members of the team felt that they are needed skill areas and should be listed in the IEP because the District must offer FAPE without relying on Parent to do so. The team agreed to keep the skill areas listed in the IEP and note that Parent will be teaching many daily living skills outside of school.
- Parent requested changes to the goal list in the post-secondary survey contact information section of the IEP. These goals auto-populate from the transition plan, and will align with the transition goals discussed and decided upon by the team as noted above.
- The team rejected the Parent's request to add a math computation goal and a number of calculation objectives rather than a goal that requires Student to complete math operations using a calculator. The team felt that improving longhand computation would not address Parent's expressed interest in Student mastering math concepts and understanding when to use which math operation. The team also felt that mastering calculator use was important for Student's postsecondary goals.
- The team rejected Parent's request for ESY (extended school year) because the current data does not indicate that the Student experiences regression over school breaks and particular challenges with recoupment following breaks. The team agreed to consider this request again prior to the end of the school year.
- The team rejected Parent's request for a particular reading curriculum and curricular materials because the District members of the team felt that specifying a particular curriculum was not necessary for Student to receive FAPE. Parent requested general education curriculum with bound books at Student's lexile level. The team explained that appropriate curriculum for a low reader with high-level interests is different than appropriate curriculum for the elementary level.
- The team added the test requested by Parent to the present levels of educational performance and age appropriate transition assessment. In the vocational present level, the team clarified that the baseline of the goal is the Student's present level of performance and that the information relates to directions given orally.

- Transition plan – education/training goal: At the Parent’s request, the team modified the education/training goal to state that Student will take classes at Community College in addition to receiving on the job training from an employment specialist. The team declined to add Parent’s proposed language to the education/training postsecondary goal because it referred to services prior to graduation rather than postsecondary services. The team added Parent’s requested language to the transition services supporting this goal because the proposed language summarized services to be provided prior to graduation.
- Transition plan – employment goal: The team added Parent’s description of Student’s postsecondary employment goal to the IEP. The team added some of the Parent’s requested language regarding transition services supporting the postsecondary employment goal, but replaced references to specific computer programs and office skills with the general description “computer applications and office productivity tools” because changes in technology could make references to specific programs outdated. The team declined Parent’s request to reiterate academic services in the description of transition services because the information was already incorporated in the description of services supporting the education/training goal. The team also declined the Parent’s request to add Community College staff to the identification of staff providing these transition services because Student will not be attending Community College until after graduation.
- Transition plan – independent living goal: At Parent’s request, the team agreed to change this goal to living at home with his family. Student previously had scaffolded conversation with his case manager in which she explained what it means to live independently and Student expressed desire to live in an apartment in one of several locations outside of Washington State. Parent explained her belief that those are locations that Student wants to visit because of their connection to sports mascots, rather than locations that Student wishes to live.
- Transition plan – course of study: The team agreed to clarify that the areas of study within the adaptive/daily living category include social skills, self-advocacy, and communication. This compromise was reached because Parent felt that the identification of adaptive/daily living as an area of study was too broad.
- Reading goals: The team agreed to modify the proposed goal of reading functional sight words taken from job/work related vocabulary to a goal that addresses general sight words. This change was made based on Parent’s desire to focus on academics rather than vocational skills in the reading goals. The team considered and rejected the option of keeping the vocational sight word goal and adding an additional goal regarding general sight words, because it was possible to address Parent’s concern by modifying the draft goal instead. The team also agreed to modify the proposed reading comprehensions goal to be measured by lexile level rather than grade level. After discussion, the team agreed to Parent’s request to set the target lexile level at 262. District members of the team expressed concerns about the Student’s ability to meet this goal in light of his cognitive scores on the most recent evaluation and suggested that a target of 200 would be a more attainable goal. The team discussed the possibility of using a range of 200-262 as the target of the goal and rejected this option because it would not be possible to determine when the goal when met. The team noted that when communicating with Student around a goal of 262 it would be important to focus on his progress toward stair-stepping objectives so as to avoid creating discouragement if he does not meet the lofty goal. The team noted that there was a difference between a student’s assessed lexile and the level at which a student may choose to read books.
- Written expression goals: The team agreed to Parent’s request to remove the draft goal regarding form completion, and instead split the proposed paragraph writing goal into two goals measuring content and conventions separately. The rationale for this change was the

Parent's expressed preference that the goals focus on academics rather than vocational skills. The team also agree to Parent's request to specify that measurement of Student's progress in this skill area will focus on expository rather than narrative text.

- Math goals: The team agreed to address Parent's expressed desire for Student to understand math concepts and when to apply a concept by addition a goal that focuses on identifying the correct concepts to use to solve story problems. The team agreed to modify the money goal by specifying that problem solving will involve the use of tangible paper money and coins.
- Other Goals: The team agreed to Parent's request to add a goal to reduce the level of assistance Student requires for notetaking.
- Accommodations: The team agreed to Parent's request to identify all proposed accommodations as accommodations rather than modifications. The team modified Parent's requested pre-teaching accommodation to provide weekly advance notice of topics to be covered, including acronyms and academic vocabulary, and/or class notes, for general education classes. These change were made because the level of support encompassed by Parent's requested accommodation is not necessary for Student to make progress. The team agreed to adopt an accommodation provide review materials test-testing, while rejecting the terminology of "study guide" as too narrow. The team agreed to an accommodation of giving directions in single steps, while rejecting Parent's requested level of specificity regarding the language used for such requests and her request that staff have Student repeat back directions after they are given, because these measures are not necessary for Student to receive FAPE. The team agreed to Parent's requested accommodations regarding specific processing time and time warnings/increased time transitions if requested by Student.
- The team agreed to Parent's request to increase the number of minutes of specially designed instruction in the areas of reading and written language by enrolling Student in two language arts classes in the upcoming semester. Other team members expressed concerns about whether this level of instruction is necessary for Student to make progress, and about whether Parent's desire for additional SDI in language arts warrants sacrificing a general education class. The team ultimately agreed to increase the minutes as requested for the upcoming semester but reconvene at the end of the current school year to review data regarding Student's reading progress and determine appropriate minutes of service during the 2018-2019 school year.
- The team agreed to Parent's request to specify that modifications will be made to general education curriculum, and grading based on consultation between the general education teacher and special education staff. The Parent's request to be involved in those consultations because curriculum and grading are school district decisions.

43. The District's documentation in this complaint included a January 22, 2018 Americans with Disabilities Act (ADA) Support Preapproval form, which showed that two staff members were requested to support the students with disabilities who were going to participate in the high school's spring track and field program. The form stated that on January 30, 2018, the request was approved.

44. On January 26, 2018, the first semester at the high school ended. The Student received a "C+" in his video production class.

45. On January 30, 2018, the case manager emailed the Student's schedule for the second semester. The Student did not participate in any general education classes. The schedule was as follows:

- 1<sup>st</sup> Period – Essential English
- 2<sup>nd</sup> Period – Work Experience
- 3<sup>rd</sup> Period – Math Skills
- 4<sup>th</sup> Period – Social Skills
- 5<sup>th</sup> Period – Environmental Science
- 6<sup>th</sup> Period – Work Experience

46. From February 20-23, 2018, the District was on mid-winter break.

47. On March 6, 2018, the track and field coach emailed the Parent about upcoming track and field season. The coach stated that practice would be over for most participants at 4:30 p.m., unless they were involved in hurdle or field events. For those participants, practice would be over at a later time. The coach stated:

“I believe we will need more para help during practice and meets. I think at least two paras, possibly three as our students do different events-right now we only have one. In the fall, three of the students did Cross Country with two paras. And now in the spring with track, two are participating in distance (some off campus runs) and two are in the sprints. How can we go about getting more para help?”

On the same day, the Parent replied to the coach:

...Unfortunately, the [school] special education staff and school leadership as well as district officials have known they needed to provide this support all year as it is in all our kids' IEPs. It falls under the ADA which means that they get “equal enjoyment and participation” so while you state that they can be done by 4:30 and practice ends at 5:15 for everyone else, that isn't equal...

48. On March 21, 2018, the Parent emailed the school psychologist at another high school in the District (HS2) and requested that the Student be transferred to HS2 based on staff having low expectations of the Student. The HS2 psychologist responded, stating he would meet with the Parent “in a few weeks.”

49. During April 2018, the Parent and District staff exchanged emails regarding scheduling the next IEP meeting and at which high school the meeting would take place. They agreed the meeting would occur on May 30, 2018, and that staff from HS2 would attend the IEP meeting to ensure a successful transition to HS2. On April 26, 2018, the secondary director emailed the Parent a copy of the meeting agenda, which included reviewing data, ESY determination, and IEP services for the 2018-2019 school year.

50. From April 16-20, 2018, the District was on spring break.

51. On May 10, 2018, the special education teacher emailed the Parent (and other parents), stating the students were having a Metro training trip that day and on May 17. The students were also going to the zoo on May 22. Later that same day, the special education teacher emailed the Parent (and other parents), stating the training trip to the Pike Place Market went well.

52. On May 11, 2018, the Parent exchanged emails with the special education teacher, which are summarized as follows:

- The Parent stated that she was “not comfortable having [Student] go to Pike Place Market without a family member present, not because of [Student's] behavior but all the variables of location, and the vast number of issues that could arise.” The Parent stated the [Student] told

her "for days he was going on Metro to Pike Place Market" but the Parent did not believe him because she was not informed of the training trip. The Parent also stated she was concerned about some of the behavior of other students in the class and its impact on the [Student].

- The special education teacher responded: "Part of our Metro training is learning to ride the bus to different locations. All of the students have had training in class, as well as having a Metro Trainer join us for our first ride..." The teacher stated that travel training was part of the curriculum and asked the Parent to inform her if the Parent did not want the [Student] to participate. Regarding classroom behavior, the teacher stated that safety was an expectation and the class would move to a "quieter work place" when needed.
- The Parent replied that it was an expectation that travel training take place within the city limits and parents be notified where the students will be in the event of an emergency.

53. On May 17, 2018, the Parent emailed the Student's case manager, requesting the "written data" seven days before the May 30 meeting. On May 22, 2018, the case manager emailed progress reporting to the Parent. The special education progress reporting based on the January 2018 IEP stated the following:

<b>Goal Area</b>	<b>Present Level January 2018</b>	<b>May 22, 2018 Data</b>	<b>Goal January 2019</b>	<b>Progress Description</b>
Reading-Comprehension	Lexile 162	Lexile 41	Lexile 262	Insufficient Progress
Reading-Vocabulary	82% /2 <sup>nd</sup> grade level	98% /3 <sup>rd</sup> grade level	100% at 3 <sup>rd</sup> grade level	Mastered
Written Expression	40%	58%	90%	Sufficient Progress
Math-Story Problems	40%	60%	90%	Sufficient Progress
Math-Money	10%	20%	80%	Sufficient Progress
Math- Calculator	Single step addition/subtraction	Two step with assistance	Multiplication, division, decimal point, percentage in 100's	Sufficient Progress
Daily Living-School Tasks	Level 2	Level 3	Level 3	Sufficient Progress
Daily Living-Note Taking	Level 2	Level 4/Level 2	Level 4	Sufficient Progress
Vocational Skills	10%	Difficulties with new tasks/following directions	80%	Insufficient Progress

54. On May 30, 2018, the District convened the IEP team, although the Student did not attend, to review the IEP. According to the prior written notice provided to the Parent on May 30, 2018, the District proposed changing the Student's reading comprehension goals from using lexiles to grade levels and adding a new writing goal for completing forms. The District also proposed changing the IEP minutes to reflect the general education class the Student would

be taking in the next school year and a District-wide change in the length of the school day. The prior written notice stated as follows:

[Student's] most recent test results show a drop in lexile score, which is not consistent with the progress he has shown in the classroom or with his reading choices at home. The team felt that [Student's] progress could be more accurately reported based on a standardized assessment that measures grade level equivalent rather than lexile. The team felt that completing forms without assistance is an important writing skill for [Student] as he transitions to postsecondary life. The team agreed that [Student] will not need two periods of SDI (specially designed instruction) in reading/writing in fall 2018 and should take a general education class instead. Parent has decided that [Student] should attend his home school in fall 2018 rather than continuing as an in-district transfer student at [high school].

The team rejected a reference to [Student] starting transition program in fall 2019. The team rejected a proposal to replace writing conventions goals with the form completion goal. The team rejected adding an adaptive goal targeting the skill of voice modulation appropriate to the setting. The team rejected ESY (extended school year) services in the area of reading comprehension.

Parent requested that the reference to the fall 2019 be removed until the IEP conducts further discussion regarding that school year. At parent's request, the team agreed to keep the writing conventions goals in place and add the form completion goal as well. The team discussed several possibilities for addressing the student's "shout-outs" and at parent's request agreed that it would be appropriate to wait to see if this behavior continues to be seen in the fall after the student changes schools, and if so, to conduct an FBA<sup>8</sup> at [Student's] new school before making decisions about how to address the goals even with the interruption of summer break, so District members of the team did not anticipate that recoupment time after summer 2018 would prevent him from continuing to receive educational benefit in the fall. The team agreed to look into the option of general education summer school.

The District's proposals and rejections were based on the following: IEP data for goals and objectives; recent behavior data; observations within special education classes and greater school community; and input from staff.

55. On May 31, 2018, the Parent emailed the school psychologist from HS2, asking about bus transportation and assistance for cross country and track and field next year. The Parent stated, "He has ran without an aide at [high school] because all the kids knew him and he did not need it but he will at [HS2] because the [Student] doesn't know the area that he will run in. He runs faster than [another student] so using the same aide for both of them won't work."
56. On June 11, 2018, the case manager sent the Parent a copy of the amended January 2018 IEP. Because the Student was not eligible for extended school year services, the District had agreed to look into the Student participating in the District summer reading program. In another email to the Parent, the case manager stated that the Student's reading level was too low for the summer reading program.

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<sup>8</sup> Functional Behavior Assessment

57. On June 15, 2018, an incident report stated the Student was involved in a physical altercation with another student. After being told by staff to sit down, the Student kicked over a chair and screamed three times. He was then suspended for the remainder of the day. The incident report stated that the antecedent regarding the Student's behavior in the classroom was:
- 3rd period-quiet independent "blue folder math work"
  - [Student] on iPad
  - Class given the direction to put "blue folders" away and change to quiet activities, in order to set up for the "H&H Math Store"
58. On June 22, 2018, the District's 2017-2018 school year ended.
59. On June 26, 2018, the complaint was filed with OSPI.
60. As of June 26, 2018, according to the Parent, the IEE has been completed but the results have not been sent to the Parent or District.

## CONCLUSIONS

### **Issue 1: IEP Development Procedures –**

**Measurable Annual Goals** – The complaint stated, "Unclear/poorly written IEP goals-all are unmeasurable with no data to evaluate by teachers."

A district must ensure that IEP goals are measurable in order to determine if progress towards the annual goals is being made.

Here, the annual goals in the Student's January 2018 IEP generally had baseline information, criteria, and described the action, behavior, or skill to be measured, along with how the goal would be measured. In addition, the special education progress reports had empirical data that was directly related to the annual goals, which demonstrated that the annual goals were measurable. No violation was found.

**Special Transportation** – The complaint stated that the Parent had communicated to the District that the Student did not need transportation services because the Parent would drop the Student off in the morning and pick him up after school. On September 25, 2017, a paraeducator placed the Student on a bus to go home, unbeknownst to the Parent, and was dropped off at an unsupervised location other than home.

A district must ensure that if transportation is included in the student's IEP as a related service, 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. In addition, district staff must be informed of their responsibilities under the IEP, including travel arrangements.

Here, the January 2017 IEP in place on September 25, 2017, stated the Student required special transportation but because the Student was not attending his home school by choice, special transportation was not provided. As a result, the Parent was responsible for transporting the



Student. However, on September 15, 2017, the Student was inadvertently put on the bus to go home. This could have been avoided by amending the IEP to address the transportation change.

**Secondary Transition Plan** – The complaint stated that the District only provided the District transition program and did not offer any academic training, including computer skills and office technology, to meet the Student’s transition needs. The complaint also stated that the District waived the graduation requirements for the Washington State History course and community service.

Beginning not later than with the first IEP to be in effect when a student eligible for special education turns 16, or younger if determined appropriate by the IEP team, the student’s IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services, including courses of study, needed to assist the student in reaching those goals.

Here, the Parent’s expectation was that the Student would obtain a college certificate in “some form of technology” and work in office management. The Parent requested that the Student take specific classes in Microsoft Word, Excel, Powerpoint, Outlook, and others. While the secondary transition goals in the January 2018 IEP and later May amendment did not explicitly list the computer programs, the IEP stated that the Student would receive “career related education such as course work in Computer Applications and office productivity tools, and a job experience in an office setting.” The prior written notice stated the rationale for being nonspecific was because “changes in technology could make references to specific programs outdated.” The January and May secondary transition plans addressed the Parent’s request and at the same time, struck more of a balance between the Student’s academic and functional needs than the Parent preferred but the plan was consistent with the Student’s needs and abilities. At required, the District considered the Parent’s request and provided the Parent with prior written notice of the District’s proposal and the rationale. However, the District unilaterally “waived” the graduation requirements for the Student to take the Washington State History course and to participate in community service. It was unclear when the decision was made. The District cannot waive graduation requirements based on placement or disability. The decision to waive graduation requirements should have been an IEP team decision. Therefore, a violation was found.

### **Nonacademic Services and Extracurricular Activities**

**Track and Field** – The complaint stated that the Student was not provided “proper support to fully participate in track practices.” The complaint stated the Student was left alone to train for distance events and the coach alone provided support to the Student.

Each school district must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students eligible for special education an equal opportunity for participation in those services and activities.

Here, the Student's January 2017, which was in place at the beginning of the 2017-2018 school year, and January 2018 IEPs did not address nonacademic and extracurricular activities and possible need for support, although the Student participated in cross country in the fall of 2017 and track and field in the spring of 2018, and there is no other documentation to show that the Student's IEP team discussed whether the Student needed supports. While the District's ADA Support document stated that two paraeducators were requested and approved in January 2018 for four students, including the Student, to provide support for the spring track season. Based on the documentation from the track coach though, it was unclear if this level of support was appropriate to address the Student's needs and whether paraeducator support was provided. The IEP team should have first determined whether cross country and track and field were necessary to receive a free appropriate public education (FAPE). If they were required for the Student's FAPE, the IEP should have addressed any supplemental aids or supports necessary for the Student's participation. If the activities were not required for FAPE, the District may still may have been required to provide supports. In this case, the District provided services under the ADA, not the IEP.<sup>9</sup> Based on the IEP team failing to address whether cross country and track were necessary for the Student to receive FAPE, a violation was found. As part of the corrective action, the IEP team will need to address whether participating in nonacademic and extracurricular activities are required for the Student to receive FAPE.

**Field Trips** – The complaint stated that the District did not follow their policy regarding informing parents of field trips. The complaint stated that the District did not inform the Parent that the Student was being taken out of the District and to the Pike Place Market. The Parent had signed a field trip slip for "Metro Bus Training" but no locations were given and she was not informed of the locations.

Again, each school district must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities, including field trips, in the manner necessary to afford students eligible for special education an equal opportunity for participation in those services and activities.

Here, travel training included a field trip to Pike Place Market. The requirement for parent notification of field trips was a school board policy (2320P) and not enforceable by OSPI. Although not notifying the Parent of the field trip may have been contrary to school board policy, there was no violation of the IEP.

**Issue 2: Reviewing and Revising the IEP** – The complaint stated that the District failed to increase the IEP goals. The complaint stated, "When goals are met, IEP staff is not escalating goals. Computational math goals were not increased...not because student could not learn but that "student's only need to learn using a calculator. Reading goals were not increased after meeting prior goals."

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<sup>9</sup> OSPI has no authority to enforce the ADA.

A student's IEP must be reviewed and revised periodically, but not less than annually, to address: any lack of expected progress toward annual goals or in the general education curriculum; the results of any reevaluations; information about the student provided to, or by, the parents; the student's anticipated needs; or any other matters.

Here, the Student's November 2017 progress reporting regarding his reading and math IEP goals stated the Student was making sufficient progress towards the goals but had not yet achieved the January 2017 goals at the time of the reports. In January 2018, the new IEP was developed. With the participation of the Parent, the IEP provided for updated reading and math goals. The Student's May 2018 progress reports in reading, based on the January 2018 IEP, stated the Student was not making sufficient progress in reading comprehension but had nearly achieved the goal in vocabulary (98% out of 100%). In math, the progress report for using a calculator stated that the Student was making sufficient progress towards the goal but had not achieved it because the Student still needed assistance with deciding the correct math procedure to use. The Student was making progress towards the other math goals but had not met them. It should also be pointed out that when the Student was making insufficient progress in the reading comprehension midway during the January 2018 IEP cycle, the District stated the lexiles being used to measure progress were not consistent with classroom performance and changed the goal in the May 2018 IEP, along with other changes, some of which were requested by the Parent. Based on the documentation, there was no need to review and revise the IEP goals in math and reading because of a lack of unexpected progress towards the annual goals, although the District revised the May 2018 IEP for other reasons. No violation was found.

**Issue 3: Placement in the Least Restrictive Environment** – The complaint stated that the Student was inappropriately placed in a self-contained special education classroom when he should have been placed in more general education classes with support. The complaint stated the Student was successfully delivering notes from the counseling office campus-wide without support or assistance but placed in a "complete contained environment."

School districts shall ensure that the provision of services to each student eligible for special education shall be provided: 1) To the maximum extent appropriate in the general education environment with students who are nondisabled; and, 2) 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. Educational placement decisions must be determined annually, or sooner if appropriate, and be made by a group of persons, including the parents, and other persons knowledgeable about the student, the evaluation data, and the placement options that provide a reasonably high probability of assisting the student to attain his or her annual goals, and a consideration of any potential harmful effect on the student or on the quality of services the student needs, based on the student's IEP and LRE requirements. The regular classroom is the first placement option considered for each student with a disability before a more restrictive placement is considered. If the IEP of a student with a disability can be implemented satisfactorily with the provision of supplementary aids and services in the regular classroom in the school the student would attend

if not disabled, that placement is the LRE placement for that student. However, if the student's IEP cannot be implemented satisfactorily in that environment, even with the provision of supplementary aids and services, the regular classroom is not the LRE placement for that student. "This requires an individualized inquiry into the unique educational needs of each disabled student in determining the possible range of aids and supports that are needed to facilitate the student's placement in the regular educational environment before a more restrictive placement is considered."<sup>10</sup>

Here, at the beginning of the 2017-2018 school year, the Student's January 2017 IEP was in place and stated that the Student received all his specially designed instruction in the special education classroom (61% of the day). The IEP stated the Student participated with nondisabled peers in his walking/yoga and video production general education classes along with lunch, assemblies, and during cross country and track activities during fall of 2017. The IEP stated that more and less time in the general education setting were considered, but academic and non-academic benefits could not be achieved satisfactorily.

At the January 2018 IEP meeting, the Parent requested more general education classes and the District offered a science class. The Parent declined the science class and the Student received all his special education services in the special education classroom (86% of the school day). The explanation stated:

At parent request, student will be enrolled in a full schedule of special education classes during spring semester 2018, and will not participate in a general education class. Student will participate with general education peers at lunch, passing periods, and whatever else is applicable. The IEP team will meet in Spring 2018 to determine a schedule for Fall 2018, that may include increased time in general education.

The academic and non-academic benefits, or potential harmful effects, were not specifically documented in either IEP or elsewhere in the record. Nor did the documentation address a discussion of the possible range of aids and supports that the Student might have needed to be placed more in the regular education setting. Although the Parent did not want any general education classes at the January 2018 IEP meeting, the District was still responsible for considering each placement option and the District should have documented the services and supports that were considered for each proposed placement, along with the possible benefits and harmful effects to the Student.<sup>11</sup>

**Issue 4: Monitoring and Reporting Progress** – The complaint stated:

"In January 2018 IEP, Prior Written Notice, teachers committed to providing data on new reading and writing goals and progress towards goals which a report meeting was set for May 30, 2018. On May 30, 2018, the staff could not provide any data and was confused on what "data" they should have been keeping. Parent provided spreadsheet of at-home reading which included: number of pages read at night, time it took to complete, difficult words, reading level of book, and did student

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<sup>10</sup> OSEP Memorandum 95-9, Office of Special Education Programs, November 23, 1994.

<sup>11</sup> The Parent stated that the District offered one science course in the general education setting but "was inappropriate to [Student's] knowledge and skill level in the area of science, thus it was rejected by parent."

summarize what they read for comprehension. Students throughout the school year have been evacuated from the classroom for “disruptive behavior” in the classroom. When parent requested dates, amount of time out classroom, location evacuated to, staff had no data to provide.

A district must ensure that, through whatever method chosen by a school district, the reporting provides sufficient information to enable parents to be informed of their child’s progress toward the annual IEP goals and the extent to which that progress is sufficient to enable the child to achieve those goals.

The January 2018 IEP stated that progress towards the annual goals in reading would be measured by teacher data sheets/checklist and teacher-made assessments and would be provided on a quarterly basis. The District provided progress reporting that stated whether the Student was making satisfactory progress towards his annual and provided empirical data to substantiate the report. The Parent may have wanted other kinds of progress monitoring data but the District was not required to provide the kinds of data the Parent had requested. No violation was found.

**Issue 5: Evaluation of Behavior** – The complaint stated there was inconsistent information about the Student’s behavior in the October 2017 reevaluation. The job coach had reported, “inappropriate hugging”, although the Parent stated that hugging took place at school. The behavior survey results from the Parent and Student’s teachers indicated a difference in how they viewed the Student’s adaptive behavior skills. The teachers rated the Student’s adaptive behavior as being less age appropriate.

A district is required to ensure that a reevaluation is conducted in all areas of suspected disability and must be sufficiently comprehensive to identify all of the student’s special education needs and any necessary related services.

Here, the Student’s October 2017 reevaluation addressed the Student’s cognitive, academic, and adaptive behavior areas of need. The Parent and Student’s teachers completed an adaptive behavior survey and provided observation data from the classroom and home. The results from the survey and observations brought to light a difference between how the Parent and District staff viewed the Student’s adaptive behaviors. In response to the conflicting data, the District properly noted the discrepancy and reconciled it by explaining some skills are more emphasized in school than at home. Likewise, hugging may be acceptable at school at times, but not at the workplace. No violation was found.

**Issue 6: Accommodations and Modifications of Notes and Handouts** – The complaint stated that sometime at the beginning of the 2017-2018 school year, in the video production class, the video production teacher stated to the Parent that “the function of the paraeducator in his classes was to take notes for the student, take any handouts for the student, the paraeducator would evaluate each assignment to ensure requirements were being met instead of the student being graded on their own work and merits.” As a result, the Parent alleged that the Student was not given the opportunity to learn how to take notes on his own.

A district must ensure it provides all accommodations and modifications in a student's IEP, consistent with the student's needs as described in that IEP.

Here, the accommodations and modifications listed in the Student's January 2017 IEP that were to be implemented in the video production class did not provide for classroom notes and handouts being given to the Student or the Student's grades being modified. The October 2017 reevaluation stated the paraeducator's responsibilities did include "taking class notes during class lessons as supplement," although the reevaluation did not mention modifying grades. However, the documentation showed that the Student's grade was being modified despite no modification included in the IEP. In this case, the paraeducator should not have been taking notes for the Student or grading the Student on a curve. This was a failure to implement the Student's IEP. Additionally, if staff believed that the Student was in need of additional supports, then the District should have held an IEP meeting to address this.

### **Issue 7: Implementation of Specially Designed Instruction –**

**Math Class** – The complaint alleged that the District did not send the Student to his special education math class on June 15, 2018 and missed ninety minutes of instruction. The complaint alleged that the Student was shredding papers in another classroom and was unsupervised when an altercation occurred with another student.<sup>12</sup>

A district must ensure it provides all the special education services in a student's IEP, consistent with the student's needs as described in that IEP.

Here, the May 2018 IEP provided for specially designed instruction in 250 minutes, one time weekly. The Parent alleged that on June 15, 2018, the Student did not receive his math instruction and was unsupervised, which led to a suspension. However, the Parent's account conflicted with the June 15, 2018 incident report by the class paraeducator that stated the Student was participating in math activities with the rest of the class when the incident occurred. Based on the conflicting accounts, there was insufficient documentation to substantiate a violation.

**Early Dismissal** – The complaint alleged that the Student was dismissed from school ten minutes early each day, which denied the Student services. The Student was always dismissed at 2:20 p.m. and was "excused from class 10-15 minutes early denying him minutes of service."

A district must ensure it provides all the special education services in a student's IEP, consistent with the student's needs as described in that IEP.

Here, the Parent alleged that the Student was dismissed early from school that resulted in him missing service time. The Parent, who picked him up from school each day, stated the Student always came "out at 2:20" and the Parent then waited for her daughter to be dismissed at 2:35 p.m. Neither the Student's January 2017 IEP nor the January 2018 IEP did not provide for a

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<sup>12</sup> The complaint alleged that while unsupervised, the Student had an altercation with another student and was suspended the remaining part of June 15, 2018.

shortened school day. According to the District, the Student had cross country practice August 21-October 20, 2017, and in spring 2018, the Student had track practice February 28-May 11, 2018. During the season, the Student went directly from the classroom to practice and was picked up by the Parent after practice. The Student's case manager stated in response to the complaint that the Student was "released by a teacher or para, after the other students left (at 2:25). He most often left between 2:30 and 2:40..." In addition, the District's response stated the "staff did not release students early on a routine basis" and that the end-of-the-day routine could take longer to allow students to work on skills such as putting away and organizing materials to take home. The documentation showed that the Student was dismissed early from school, although there were different accounts of how early the Student was dismissed and the frequency. The District's explanation regarding the end-of-the-day routine failed to reconcile the Student being dismissed early and the IEPs providing for a full day. Even if no specially designed instruction was missed because of being dismissed early, the Student had a right to attend school the full day. Based on the Student being dismissed early from school, a violation was found.

### **CORRECTIVE ACTIONS**

By or before **September 14, 2018, October 12, 2018, and October 17, 2018**, the District will provide documentation to OSPI that it has completed the following corrective actions.

#### **STUDENT SPECIFIC:**

By **September 28, 2018**, the District must reconvene the IEP team to address the following issues:

- Nonacademic and extracurricular activities – review the activities to determine if they are necessary for the Student to receive FAPE. If the activities are necessary, the IEP team must consider what supplemental aids or supports are needed to ensure participation;
- Least restrictive environment – review and document the continuum of placements and what supplemental aids and services might be necessary for the Student along with the benefits and potential harmful effects of each placement that is considered for the Student;
- Early dismissal – review and revise, as needed, the IEP to ensure the Student is provided a full day of school;
- Secondary transition plan – review the course of study and with the Parent's input, and determine what graduation requirements, if any, should be waived; and,
- Special transportation – review the need for special transportation in light of the high school the Student will be attending.

By **October 12, 2018**, the District will provide OSPI with a copy of the meeting invitation, IEP, prior written notice, and meeting notes, if taken.

#### **DISTRICT SPECIFIC:**

By **October 12, 2018**, the District will develop and/or review and revise its procedures for: 1) considering nonacademic and extracurricular activities in the IEP; 2) determining the least restrictive environment; 3) implementing a full school day when required by the IEP; 4) the implementation of special education services, accommodations, and modifications by all staff; and, 5) waiving graduation requirements.

- By **September 14, 2018**, the District will submit a draft of the procedures. OSPI will approve the written guidance or provide comments by September 28, 2018 and provide additional dates for review, if needed.
- By **October 17, 2018**, the District will provide OSPI with documentation that the procedures were provided to the Student's 2017-2018 IEP team. This will include a roster of all staff members who were required to receive the procedures, so OSPI can cross-reference the list with the actual recipients.

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.

### **RECOMMENDATION**

It is recommended that an IEP facilitator be present when the District and the Parent convene for the IEP meeting.

Dated this \_\_\_ day of August, 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.)