

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 19-97**

### **PROCEDURAL HISTORY**

On December 16, 2019, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the Complainant<sup>1</sup> concerning a student (Student) attending the Tacoma School District (District). The Complainant alleged the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student's education.

On December 18, 2019, 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 January 7, 2020, OSPI received the District's response to the complaint and forwarded it to the Complainant on January 10, 2020. OSPI invited the Complainant to reply. The Complainant did not provide a reply.

On January 15, 2020, OSPI determined that additional information would be helpful to the investigation and contacted the Complainant. OSPI received the requested information the same day, and forwarded it to the District on January 16, 2020.

On January 15 and 27, 2020, OSPI determined that additional information would be helpful to the investigation and contacted the District. OSPI received the requested information on January 23 and 27, 2020. OSPI forwarded it to the Complainant on January 28, 2020.

On January 30, 2020, OSPI determined that additional information would be helpful to the investigation and contacted the District. OSPI received the requested information that same day. OSPI forwarded it to the Complainant on February 3, 2020.

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

### **ISSUE**

1. Since December 17, 2018, has the District followed proper referral procedures in regards to the Student?<sup>2</sup>

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<sup>1</sup> The Complainant is a court-appointed *guardian ad litem*—an individual appointed by the court to represent the best interests of a child—for the Student. According to the District: The "Complainant is not the Student's legal guardian or IDEA parent...Complainant is the Student's court-appointed guardian ad litem...for the course of the Student's dependency case. Unlike the Student's legal guardian, who has plenary authority to make education, legal, medical, and other decisions on behalf of the Student, a guardian ad litem, at least in this case, is the Student's legal advocate in a single court case."

<sup>2</sup> The District's response clarified that the Student first enrolled in the District on October 15, 2019. The Complainant's complaint request did include referral-related allegations that concerned previous school

## LEGAL STANDARDS

Referral: Any person who is knowledgeable about the student may make a referral of a student suspected of having a disability. When a student suspected of having a disability is brought to the attention of school personnel, the district must document that referral. It must provide the parents with written notice that the student has been referred because of a suspected disabling condition and that the district, with parental input, will determine whether the student is a good candidate for evaluation. It must review the referral, and it must collect and examine existing school, medical, and other records. The district must determine within 25 school days after receipt of the referral whether it will evaluate the student. The district must provide the parent with written notice of its decision. 34 CFR §300.301; WAC 392-172A-03005.

Definition of Parent: Individuals with Disabilities Education Act (IDEA) defines the term "parent" as: a biological or adoptive parent of a child; a foster parent; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the student; an individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare; or a surrogate parent who has been appointed in accordance with WAC 392-172A-05130. The state is not defined as a "parent," even if the student is a ward of the state. If the biological or adoptive parent is attempting to act as the parent, and when more than one party meets the qualifications to act as a parent, the biological or adoptive parent must be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the student. However, if a judicial order identifies a specific person or persons to act as the "parent" of a child or to make educational decisions on behalf of a child, then that person or persons will be determined to be the "parent" for purposes of the child's special education program and services. Use of the term "parent" includes adult students whose rights have transferred to them pursuant to WAC 392-172A-05135. 34 CFR §300.30; WAC 392-172A-01125.

Response to Intervention and Referral Timelines: While the Office of Special Education Programs (OSEP) "supports state and local implementation of response-to-intervention (RTI) strategies<sup>3</sup> to ensure that children who are struggling academically and behaviorally are identified early and provided needed interventions in a timely and effective manner...the use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation to a child suspected of

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districts the Student had attended. However, according to the complaint request, the District was the only school district that was provided with a copy of the complaint. And, as this is a requirement for opening a citizen complaint against a school district, see WAC 392-172A-05025(c), the instant decision concerns only the District, and the applicable time period is the fall of 2019 through the present.

<sup>3</sup> OSEP states that "the core characteristics that underpin all RTI models are: (1) students receive high quality research-based instruction in their general education setting; (2) continuous monitoring of student performance; (3) all students are screened for academic and behavioral problems; and (4) multiple levels (tiers) of instruction that are progressively more intense, based on the student's response to instruction."

having a disability." *Memorandum to State Directors of Special Education*, 56 IDELR 50 (OSEP 2011); see also *Memorandum to State Directors of Special Education*, 67 IDELR 272 (OSEP 2016).

## **FINDINGS OF FACT**

### **2019-2020 School Year**

1. The Student first enrolled in the District on October 15, 2019. At that time, the Student was not eligible for special education services and was in the fifth grade.
2. On October 22, 2019, the Complainant emailed the principal and the counselor, stating, in part: "I am also requesting an [individualized education program] IEP evaluation for Student.<sup>4</sup> Does the school have the Student's prior educational records? I understand that she is connected with counseling through the school (or an agency?). Can you tell me which agency/counselor?"

Later that same day, the principal responded, stating, in part: "We do not have educational records yet. For counseling—we gave the Student's foster mom information on how to put in a referral with Connection Counseling Services (CCS) who already serve other [students in our District]."<sup>5</sup>

3. According to the District, as of October 22, 2019, foster parent 1 was "the IDEA Parent" for the Student—meaning, foster parent 1 met the definition of "parent" under WAC 392-172A-01125. According to the District, though:

The District did not issue a prior written notice to foster parent 1 documenting that a referral was made by Complainant. Instead, the psychologist emailed the Student's legal guardian, a representative from the Department of Children, Youth, and Families (DCYF representative 1) on Friday, October 25, 2019 and called foster parent 1 over the phone that same day to indicate that the referral was made and to set up the referral meeting which ended up occurring on November 21, 2019.
4. Emails produced by the District during the course of this investigation show that, on or about October 25, 2019, foster parent 1 was orally informed the Student had been referred for a special education evaluation.

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<sup>4</sup> According to the District's 2019-2020 calendar, 25 school days after October 22, 2019 was December 3, 2019.

<sup>5</sup> According to the District, CCS "is a private counseling service. The school allows a provider from CCS to come on campus one day a week in a designated space to work with students on the provider's caseload. The District does not pay for CCS...many of the school's foster students are eligible through their state benefits...The Student in this [citizen complaint] met (and [continues to] meet) with the CCS provider on Friday at 10:15 a.m."

5. On November 5, 2019, the Student was assessed in math using the iReady Diagnostic system.<sup>6</sup> The results of that assessment were as follows:
  - **Overall:** Grade 1
  - Number and Operations: Grade 2
  - Algebra and Algebraic Thinking: Grade 2
  - Measurement and Data: Grade K
  - Geometry: Grade K
  
6. On November 8, 2019, the Student began a six-week small group conflict resolution program. According to the District, this small group met with the District's school counselor for 30 minutes once a week.
  
7. On November 13, 2019, the Student was assessed in reading using the iReady Diagnostic system. The results of that assessment were as follows:
  - **Overall:** Grade 1
  - Phonological Awareness: Tested Out
  - Phonics: Grade 1
  - High-Frequency Words: Tested Out
  - Vocabulary: Grade 3
  - Comprehension: Literature: Grade 1
  - Comprehension: Informational Text: Grade 1
  
8. On November 14, 2019, the general education teacher emailed DCYF representative 1, the assistant principal, the principal, the counselor, and the office coordinator, stating, in part:

I did have a conversation with Student regarding her [iReady diagnostic] scores [for both math and reading]...I think next steps is for us to get her into a math intervention group where she can build skills with numbers and operations and for reading a group where she can work on comprehension skills for both literature and informational texts...Student has expressed an interest in coming to an afterschool math group which I am totally open to however the skill gap level may be too great for her to complete engage in the whole group lesson and then do independent work. [The afterschool math group works with] fairly fluent numbers and operation skills (number sense), which she has some significant gaps in<sup>7</sup>...Yesterday, Student wasn't in a very good place and had a tough time following very simple instructions. She needed lots of redirection and correction on the way in which she was speaking to our music teacher. She ended up screaming at the music teacher several times...Even though I attempted several times to de-escalate and asked her to step out of the classroom to take a break, she refused. We had a conversation after class about her

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<sup>6</sup> The "i-Ready is a system that provides assessments to identify strengths and weaknesses of students in grades K-8. i-Ready offers a Diagnostic test that adapts to student responses and measures skills that fall below and above the student's grade level." See, <https://www.annenberginstitute.org/instruments/i-ready-diagnostic-standards-mastery-assessments>. According to the District, "all students are administered iReady assessments at certain times of the year. Consent is not required prior to students being administered the iReady assessments."

<sup>7</sup> During this investigation, the District clarified that the Student never joined the after-school math group referenced in the November 14, 2019 email.

choices. She didn't want to hear any of it and would not respond to me and ran off in the lunch room.

Later that same day, DCYF representative 1 responded, stating, in part: "I am...concerned with Student's constant outburst[s] in class. I will be researching on how to address the root of those outbursts."

9. Later, on November 14, 2019, in a separate email, the general education teacher emailed the psychologist, the Complainant, the assistant principal, the principal, the counselor, DCYF representative 1, and DCYF representative 2, stating, in part:

My thoughts [are] that, after the iReady diagnostic and other assessments<sup>8</sup>, that we offer Student intervention for 6 weeks in both math and reading to see if there is improvement. If her attendance is good and she is consistently attending to work in the intervention we would hope to see some growth. [I am] noticing that her behavior impacts her ability to engage and focus. According to some of the previous school reports this (her behavior and lack of engagement) seems to have impacted her in the past as well. If we do not see improvement academically and she is regularly at school and on time to school at the end of the intervention period then I think we could potentially evaluate.

Later that same day, the Complainant responded, stating, in part:

I believe that Student has impairments that interfere with her ability to learn and I am concerned that she may need special education or services in the areas of reading, math, behavior, and emotional regulation. I believe per the WAC 392-172A-03005, [the District's decision as to whether to evaluate the Student] needs to occur before the end of November.

10. According to the District, prior to November 21, 2019, the Student "had the typical reading/writing instruction and was in an additional 4<sup>th</sup>/5<sup>th</sup> grade reading intervention group and an additional math intervention group both with [the general education teacher and in the general education] classroom."

11. On November 21, 2019, the District provided foster parent 1 with a prior written notice that read, in part:

The general education teacher will provide interventions in reading and math in her classroom for 6 weeks. After the 6 weeks of intervention, the team will meet to discuss Student's progress, and decided what to do next. Evaluating Student was considered but rejected. The Team decided to put interventions into place for 6 weeks before deciding whether to evaluate her, because Student is new to the school and we would like her to habituate to it, to determine what her academic needs are.

[In making this decision, we relied on the following data:] iReady data, verbal reports from DCYF representative 1, Complainant, foster parent 1...and the general education teacher.

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<sup>8</sup> In the course of this investigation, OSPI asked the District what was meant by the phrase "other assessments." The District stated: "It is unclear if the 'other assessments' statement referred to assessments planned for the future or assessments which [had] already occurred. The psychologist could not recall with specificity."

The team agreed that we will meet next on Thursday, January 23 at 8:15 a.m. to discuss Student's progress and the next steps.

12. The District's response included a 'Guidance Team Record – Special Education Referral' document, dated November 21, 2019, which mentioned the following:

- Two previous school districts had considered evaluating the Student<sup>9</sup>;
- "The record is not clear what strategies were used at [the] other schools Student attended previously;"
- "Student has been diagnosed with attention deficit hyperactivity disorder (ADHD), and was on medication for a while, but she is not medicated now;" and,
- A November 2019 Developmental Reading Assessment found that Student was "below grade level" in reading.
- The results of a recently-administered iReady showed her reading skills to be at a kindergarten to first grade level.
- The results of a recently-administered iReady showed her math skills to be at a kindergarten to first grade level.

13. In the course of this investigation, OSPI asked the District: "what information did the referral group expect to have after [administering interventions for] 6 weeks that it did not have before November 21, 2019?" In response, the District stated:

In...interviews, the general education teacher, the psychologist, and the counselor all indicated that relationship building with the Student allowed them to get a better sense of the Student's present levels of performance. When the Student first arrived all three educators indicated that it was difficult to get an accurate sense of what the Student could do due to behavior and with the additional time for relationship building Student was able to better demonstrate her ability.

14. According to the District, after November 21, 2019:

The Student joined a small reading/writing intervention group in a pullout capacity with intervention teacher 1 which met and continues to meet 5 days a week from 2:40 p.m. to 3:10 p.m. The Student also joined a small math intervention group which met 5 days a week for 30 minutes a day as a pullout with intervention teacher 2.

15. According to the District, on or about December 10, 2019, a new individual began serving as the Student's foster parent (foster parent 2).<sup>10</sup>

16. On December 10, 2019, the Complainant emailed the District's foster care liaison and the assistant director of student services (assistant director), stating, in part:

I requested an IEP meeting [to discuss my referral request for the Student] and the meeting was held on November 21, 2019. I was told that the school wants to put in supports and gather more data and have another meeting at the end of January—essentially, a 'soft

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<sup>9</sup> According to this document, the Student left one of the school districts before a formal decision on evaluation could be made, and the other school district wanted to first gauge the effect of certain interventions before deciding to evaluate.

<sup>10</sup> According to the District, foster parent 2 "is called 'aunt' by the Student and by DCYF representative 1. [Foster parent 2] may be a biological aunt Foster parent 2 is the Student's current IDEA parent."

denial.' I was not in agreement, but [I] was told that the decision had been made. I do not understand why the evaluation cannot take place at the same time supports are put in place. We know that this child is significantly behind grade level in reading, writing, and math, that she has post-traumatic stress disorder (PTSD) symptoms including anxiety, chronic trauma, and behavioral issues.<sup>11</sup> I believe these disabilities are impacting her academically, and I am disheartened that...she is not getting the support she needs.

17. On December 20, 2019, the Student completed her six-week small group conflict resolution program.

18. The District was on break from December 23, 2019 through January 3, 2020.

19. On January 7, 2020, the Student was assessed in reading using the iReady Diagnostic system. The results of that assessment were as follows:

- **Overall:** Grade 1
- Phonological Awareness: Tested Out
- Phonics: Grade 1
- High-Frequency Words: Tested Out
- Vocabulary: Grade 1
- Comprehension: Literature: Grade 1
- Comprehension: Informational Text: Grade 1

20. On January 9, 2020, the Student was assessed in math using the iReady Diagnostic system. The results of that assessment were as follows:

- **Overall:** Grade 1
- Number and Operations: Grade 1
- Algebra and Algebraic Thinking: Grade 1
- Measurement and Data: Grade K
- Geometry: Grade K

21. On January 16, 2020, the District provided foster parent 2 with a prior written notice that read, in part:

The team decided to initiate an evaluation for Student, for possible special education qualification. The team would like to see what Student's strengths and weaknesses are, in order to plan her education, and to determine if she qualifies for and needs specially designed instruction.

22. The District's response included a 'Guidance Team Record – Special Education Referral' document dated January 16, 2020. It read, in part:

When Student began attending [the District elementary school], she was defiant, refused to work, lacked focus, had low levels of work production, no engagement in academics, and refused to participate in read-alouds. Student has had many transitions in her home life, and environmental factors are definitely affecting her ability to engage in the academic environment. She also has many absences from k-4<sup>th</sup> grade...The team decided that Student does not currently have a diagnosis of ADHD or any other medical condition that would

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<sup>11</sup> The District stated that "team members recall, [prior to December 10, 2019], Complainant indicating that Student...had experienced trauma but they do not recall that Complainant shared the basis of the trauma."

affect her learning...Since attending [the District elementary school], her attendance has been acceptable.

23. According to the District, the Student currently: has a morning check-in system with the counselor; participates in "single [counseling] sessions which occur on Wednesdays from 10:00 a.m. to 10:30 a.m.;" and attends the counselor's 'Girl Power Hour' which meets once a month.
24. In the course of this investigation, OSPI asked the District: "Did the court orders that assigned the Student to her various foster parents (foster parent 1 and 2) identify those specific individuals as being the Student's parents [for the purpose of making] educational decisions on behalf of the Student?"

The District's attorney responded, stating:

I attempted to preemptively resolve [this issue]. The District is not a party to the Student's confidential dependency proceeding. So I spoke to, and the District relied upon the attestations of [an] assistant attorney general [for] DCYF, [as well as] a DCYF supervisor, both of whom do have access to the Student's dependency proceeding [and they stated] that the [various] foster parent[s] should be [considered] the IDEA parent in this case specifically.

## CONCLUSIONS

The Complainant alleged the District did not follow proper referral procedures when she requested the Student be considered for a special education evaluation on October 22, 2019. There are several components to proper referral procedures.

**First**, after a referral is made, a school district has 25 school days to determine whether it will evaluate the student. Here, the initial referral took place on October 22, 2019. According to the District's 2019-2020 calendar, 25 school days after this date would have been December 3, 2019.

On November 21, 2019, the referral group decided that it was not going to evaluate the Student. The November 21, 2019 prior written notice read: "The team decided not to evaluate Student at this time...Evaluating the Student [at this time] was considered but rejected."<sup>12</sup> Therefore, the referral team did make a definitive decision within the required 25 school day timeline.

However, OSEP has stated that, while it supports the use of response to intervention (RTI) strategies to ensure students who are struggling academically and behaviorally are identified early and provided needed interventions in a timely and effective manner, the use of RTI strategies

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<sup>12</sup> OSPI acknowledges the District confused the issue by including language in the November 21, 2019 prior written notice that suggested the referral team was deferring its decision as to whether to evaluate the Student: "[The general education teacher] will provide interventions in reading and math [to the Student] for 6 weeks...and [then we] will decide what to do next...The [referral] team decided to put interventions into place for 6 weeks before deciding whether to evaluate the Student." However, reading the record as a whole, including the November 21, 2019 prior written notice, it is clear that the referral team decided they were not going to evaluate the Student before December 3, 2019.



cannot be used to delay or deny the provision of a full and individual evaluation to a child suspected of having a disability.

Here, as of December 3, 2019, the District already had several pieces of information suggesting the Student potentially had a disability under the IDEA:

- Two iReady diagnostic assessments showing the Student was significantly below grade level in both reading and math;
- The Complainant had informed certain members of the referral group that the Student had previously experienced trauma;
- The fact that the District thought it necessary for the Student to participate in a counseling group pertaining to 'Conflict Resolution';
- The fact that the Student occasionally had difficulty with both emotional regulation and following directions;
- The fact that the District believed the Student would benefit from in-class intervention groups for both math and reading; and,
- The fact that the Student had been diagnosed with ADHD at some point in the past, but, as of November 21, 2019, the Student did not receive medication for the same.

Therefore, while the District did make a definitive decision by December 3, 2019, it was an incorrect one. A district may not use RTI strategies to delay the provision of a special education evaluation to a student suspected of having a disability under the IDEA. And here, the District possessed information suggesting the Student potentially had a disability under the IDEA. Therefore, by December 3, 2019, the District should have decided to evaluate the Student for special education eligibility.

**Second**, following a referral, the school district must: collect and examine existing school, medical, and other records on the student.

Here, between the date of the referral (October 22, 2019) and the date of the decision to not evaluate the Student (November 21, 2019), the District gathered the following information on the Student:

- On November 5, 2019, an iReady assessment showed the Student was significantly below grade level in math.<sup>13</sup>
- Beginning November 8, 2019, the Student began a six-week small group conflict resolution program.
- On November 13, 2019, an iReady assessment showed the Student was significantly below grade level in reading.
- On November 14, 2019, the general education teacher reported, on that particular day, the Student had difficulty following directions, as well as staying emotionally regulated. That same day, the

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<sup>13</sup> The District did not need to seek parental consent before assessing the Student using the iReady. "Parental consent for a...reevaluation is not required before...administering a test or other evaluation that is administered to all students unless, before administration of that test or evaluation, consent is required of parents of all students." WAC 392-172A-03000(4)(a)(ii). And, here, according to the District: "All students are administered iReady assessments at certain times of the year. Consent is not required prior to students being administered the iReady assessments."

general education teacher reported, as a more general matter, the Student's "behavior [negatively] impacts her ability to engage and focus."

- As of November 14, 2019, the District had in its possession "previous school reports" that showed the Student's "behavior and lack of engagement seems to have impacted her in the past as well."
- The fact that District staff felt it advisable for the Student to participate in two in-class intervention groups—one for reading and one for math.
- The fact that "Student has been diagnosed with ADHD, and was on medication for a while, but Student is not medicated now."

As the foregoing facts show, between the date of the referral (October 22, 2019) and the date of the decision to not evaluate the Student (November 21, 2019), the District did collect and examine existing school, medical, and other records on the Student. Therefore, on this score, there was no violation of the IDEA.

**Third**, after a referral is made, the school district must seek parental input on the referral.

Here, the November 21, 2019 prior written notice stated that, in deciding to "not evaluate Student at [that] time," the referral group relied, in part, upon "verbal reports from...foster parent 1." The November 21, 2019 prior written notice, though, does not specifically delineate foster parent 1's actual opinion and/or input. In its response, though, the District asserts: "Foster parent 1 participated in the meeting and, according to witnesses (principal and psychologist) [foster parent 1] was in agreement with the decision to attempt classroom interventions and gather data then reconvene."

The January 16, 2020 prior written notice stated that, in deciding "to initiate an evaluation for Student for possible special education qualification," the referral group relied, in part, upon "reports from everyone attending the meeting." And the January 16, 2020 'Guidance Team Record – Special Education Referral' document stated that foster parent 2 attended the January 16, 2020 meeting. The January 16, 2020 prior written notice, though, does not specifically delineate foster parent 2's actual opinion and/or input.

Absent anyone raising concerns that the Student's various foster parents' input was limited, OSPI finds, on the basis of the above, that the Student's various foster parents had an opportunity to participate and give input on November 21, 2019 and January 16, 2020. Therefore, there was no violation of the IDEA on this particular requirement.

**Fourth**, a district must provide the student's parent with a prior written notice, both for the referral and for the decision as to whether to evaluate the student.

Here, the District did not provide foster parent 1 with a written prior written notice, documenting the referral on October 22, 2019. (The District did inform foster parent 1 of the referral, but only over the telephone.) This represents a violation of the IDEA.<sup>14</sup>

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<sup>14</sup> The District was not required to provide the Student's biological parents with a prior written notice because, according to the District, the court orders assigning the Student to her various foster parents

On November 21, 2019, the District provided foster parent 1 with a prior written notice, detailing the decision to not evaluate the Student at that time. Therefore, the IDEA was followed.

On January 16, 2020, the District provided foster parent 2 with a prior written notice, detailing the decision to evaluate the Student. Therefore, on this date too, the IDEA was followed.

### **CORRECTIVE ACTIONS**

By or before **February 21, 2020, March 4 2020, and March 13, 2020**, the District will provide documentation to OSPI that it has completed the following corrective actions.

#### **STUDENT SPECIFIC:**

None.

#### **DISTRICT SPECIFIC:**

The following District staff will receive training: special education administrators, the principal, the assistant principal, and special education certified staff, including educational staff associates (ESAs), at the school that the Student was enrolled in during the 2019-2020 school year. The training will cover the following requirements concerning referral procedures:

- A school district must make a determination of whether or not it will evaluate a student within 25 school days after receipt of a request for an initial evaluation to determine if the student is eligible for special education (WAC 392-172A-03005(2)(c));
- A school district cannot use RTI strategies to delay or deny the provision of a full and individual evaluation to a child suspected of having a disability (*Memorandum to State Directors of Special Education*, 56 IDELR 50 (OSEP 2011); *Memorandum to State Directors of Special Education*, 67 IDELR 272 (OSEP 2016));
- Once a school district decides whether or not it will evaluate a student following a referral, it must provide prior written notice of the decision that complies with the requirements of WAC 392-172A-05010 to the student's parent (WAC 392-172A-03005(2)(c)); and,
- A school district must gather parental input following a referral for a special education evaluation (WAC 392-172A-03005(2)(a)).

The training will also address some potential best practices for recording parents' actual input during the referral process. The training will include examples.

The training will not be presented by someone who is (or was) an employee of the District during the timeline of this complaint. The individual that presents the training will be required to consult with ESD 121 staff in the creation of the training materials. The District will provide the trainer with a copy of this decision, SECC 19-97.

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stipulated that those individuals were empowered to make educational decisions for the Student. See WAC 392-172A-01125.

By or before **February 21, 2020**, the District will notify OSPI of the name of the trainer and provide documentation that the District has provided the trainer with a copy of this decision for use in preparing the training materials.

By or before **March 4, 2020**, the District will submit a draft of the training materials for OSPI to review. OSPI will approve the materials or provide comments by March 6, 2020.

By **March 11, 2020**, the District will conduct the training regarding the topics raised in this complaint decision.

By **March 13, 2020**, the District will submit documentation that required staff participated in the training. This will include 1) a sign-in sheet from the training, and 2) a separate official human resources roster of all staff required to attend the training, so OSPI can verify that all required staff participated in the training.

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

Dated this \_\_\_\_ day of February, 2020.

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.)