

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 21-32

PROCEDURAL HISTORY

On April 6, 2021, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the Vancouver 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 April 6, 2021, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District Superintendent on the same day. OSPI asked the District to respond to the allegations made in the complaint.

On April 26, 2021, OSPI received the District's response to the complaint and forwarded it to the Parent on April 29, 2021. OSPI invited the Parent to reply. The Parent did not reply, but OSPI interviewed the Parent on May 19, 2021.

On May 27, 2021, OSPI requested that the District provide additional information, and the District provided the requested information through a phone call on the same day.

OSPI considered all of the information provided by the Parent and the District as part of its investigation. It also considered the information received during the Parent interview.

ISSUES

1. Did the District implement the Student's individualized education program (IEP), including physical education, since December 2020?
2. Did the District review and revise the Student's IEP to address any unexpected lack of progress towards the annual goals since December 2020?

LEGAL STANDARDS

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

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 served through enrollment who is eligible to receive special education services. 34 CFR §300.323(a); WAC 392-172A-03105(1). A school district must develop a student's IEP in compliance with the procedural requirements of the IDEA and state regulations. 34 CFR §§300.320 through 300.328; WAC 392-172A-03090 through 392-172A-03115. It must also ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. The initial IEP must be

implemented as soon as possible after it is developed. 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. "When a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a disabled child and those required by the IEP." *Baker v. Van Duyn*, 502 F. 3d 811 (9th Cir. 2007).

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. In conducting its review of a student's IEP, the IEP team must consider any special factors unique to the student, such as: the use of positive behavioral interventions and supports for a student whose behavior continues to impede the student's learning; the language needs of a student with limited language proficiency; instruction in the use of Braille for a student who is blind or visually impaired; the communication and language needs of a student who is deaf or hard of hearing; or the student's assistive technology needs. 34 CFR §300.324; WAC 392-172A-03110(2). Part of the information the IEP team considers when reviewing and revising a student's IEP is the result of the most recent evaluation. When the student's service providers or parents believe that the IEP is no longer appropriate, the team must meet to determine whether additional data and a reevaluation are needed. 34 CFR §300.303; WAC 392-172A-03015.

Compensatory Education: A state educational agency is authorized to order compensatory education through the special education citizen complaint process. *Letter to Riffel* 34 IDELR 292 (OSEP 2000). Compensatory education is an equitable remedy that seeks to make up for education services a student should have received in the first place, and aims to place the student in the same position he or she would have been, but for the district's violations of the IDEA. *R.P. ex rel. C.P. v. Prescott Unified Sch. Dist.*, 631 F.3d 1117, 56 IDELR 31, (9th Cir. 2011). There is no requirement to provide day-for-day compensation for time missed. *Parents of Student W. v. Puyallup Sch. Dist. No. 3*, 31 F.3d 1489, 21 IDELR 723 (9th Cir. 1994). The award of compensatory education is a form of equitable relief and the IDEA does not require services to be awarded directly to the student. *Park ex rel. Park v. Anaheim Union School District*, 464 F.3d 1025, 46 IDELR 151 (9th Cir. 2006).

FINDINGS OF FACT

Background

1. On April 6, 2021, the Parent filed this complaint with OSPI. The complaint alleged that since December 2020: 1) the District failed to provide the Student with special education services on the Student's individualized education program (IEP), specifically physical education (PE); and, 2) the Student did not make progress on five annual goals. The Parent stated the Student did not receive services five days a week according to his IEP. The District denied the allegations.

2020-2021 School Year

2. At the beginning of the 2020-2021 school year, the Student was a sixth grader who attended a District middle school and was eligible to receive special education services under the category of autism.
3. On September 1, 2020, the 2020-2021 school year began in the District.
4. In September 2020, while schools were still impacted by COVID, the Student began receiving special education services in person on the following days and times:
 - Tuesday: 9 am–3:30 pm
 - Wednesday: 12–3 pm
 - Friday: 9 am–3:30 pm
5. In December 2020, according to the District, the Student’s in-person services were changed to half-days in the morning, five days a week. The Student received 960 minutes a week of special education services. General education in the District was provided exclusively by remote instruction.
6. In November and December 2020, the District conducted a three-year reevaluation of the Student. According to the “Autism Spectrum Rating Scales,” the areas of social/communication, peer socialization, social/emotional reciprocity, and atypical language showed significant delays. The results from the “Adaptive Behavior Assessment System” that included conceptual, social, and practical behavior were in the low-to-extremely low range. Academically, the Student could solve math word problems involving addition and subtraction when prompted. In reading, he was working on the correct meaning of words. In writing, he could create a sentence independently 20% of the time. In communication, the Student demonstrated delays in receptive, expressive, and social language. The Student’s teacher reported the Student frequently engaged in work/task avoidance, including screaming and hitting himself that required extensive adult prompting.
7. On December 10, 2020, the Student’s IEP team, including the Parent, met to develop the Student’s annual IEP. The IEP included the following annual goals:¹
 - Social-Emotional (answering social questions)
 - Social-Emotional (completing a task)
 - Adaptive (putting on pants)
 - Adaptive (completing a task/job)
 - Behavior (walking)
 - Behavior (protesting)
 - Math (word problems)
 - Math (money identification)
 - Reading (vocabulary)
 - Writing (sentences)
 - Communication (receptive and expressive language)
 - Communication (social communication)

¹ The annual goals also contained benchmarks or short-term objectives.

The IEP provided 12 accommodations and "Crisis Prevention Institute" training for staff. The IEP stated the Student would receive general education PE and the following special education services:

Services 12/11/2020 - 12/10/2021

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Related							
No	Occupational Therapy	Occupational Therapist	Occupational Therapist	20 Minutes / 4 Times Annually	Special Education	12/11/2020	12/10/2021
Special Education							
No	Math	Structured Communication Ctr Tchr	Structured Communication Center Tchr	40 Minutes / 5 Times Weekly	Special Education	12/11/2020	12/10/2021
No	Communication	Speech - Language Pathologist	Speech - Language Pathologist	30 Minutes / 3 Times Monthly	Special Education	12/11/2020	12/10/2021
No	Social-Emotional	Structured Communication Ctr Tchr	Structured Communication Center Tchr	60 Minutes / 5 Times Weekly	Special Education	12/11/2020	12/10/2021
No	Reading	Structured Communication Ctr Tchr	Structured Communication Center Tchr	50 Minutes / 5 Times Weekly	Special Education	12/11/2020	12/10/2021
No	Writing	Structured Communication Ctr Tchr	Structured Communication Center Tchr	40 Minutes / 5 Times Weekly	Special Education	12/11/2020	12/10/2021
No	Behavior	Structured Communication Ctr Tchr	Structured Communication Center Tchr	60 Minutes / 5 Times Weekly	Special Education	12/11/2020	12/10/2021
No	Adaptive	Special Ed. Teacher	Special Ed. Teacher	60 Minutes / 5 Times Weekly	Special Education	12/11/2020	12/10/2021

Total minutes per week student spends in school: 1760 minutes per week
Total minutes per week student is served in a special education setting: 1574.76 minutes per week
Percent of time in general education setting: 10.53% in General Education Setting

Supplementary Aids and Services:

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Yes	Additional Adult Support	Paraeducator	SCC Teacher	1710 Minutes / 1 Times Weekly	Special Education	12/11/2020	12/10/2021

8. The prior written notice, dated December 10, 2020, stated, in part: "While we are in remote [Student] would receive 960 minutes in-person. Once the district moves to hybrid the IEP team will review the IEP team will review the minutes and adjust accordingly."
9. When OSPI asked the District about the 960 minutes per week of in-person instruction, the District acknowledged that the 960 minutes were the entirety of the Student's minutes of special education services and that it did not provide the 1,575 minutes a week of special education provided in the December 2020 IEP. The District stated there was not a concerted plan to supplement the in-person instruction with remote special education services.
10. The Parent stated in the interview with OSPI that she frequently emailed multiple District staff, sometimes four times a day or more, to get information about "how the Student was doing." The Parent stated that she was trying to be helpful by informing the District about the Student's status. For example, she would email the District to let them know if he had a "bad" night or was very thirsty. Generally, the District responded to the Parent's frequent emails in a timely manner.
11. Beginning in December 2020, the time period relevant to the complaint, the Parent and the Student's special education teacher exchanged emails about the Student's new schedule, among other topics. The Parent expressed concern about the impact the schedule change would have on the Student.
12. In December 2020, the Parent brought an issue up about the Student's hair. The Student was growing his hair long because he was very tactilely sensitive to grooming. Over time, his hair became knotted and difficult to brush, which became an issue at school as the Parent wanted the school to help address it.
13. On December 18, 2020, the Student's special education case manager emailed the Parent about the schedule change beginning January 11, 2021. The Student's schedule was going to be as follows:
 - January 4–8, 2021: Remote learning only. No in-person services.
 - January 11–22, 2021 (two weeks): Monday and Tuesday afternoons from 12:30 to 3:30 pm.
 - January 25–February 5, 2021 (two weeks): Monday, Tuesday, Thursday, and Friday afternoons from 12:30 to 3:30 pm.
 - Starting February 8, 2021: Full days (9 am to 3:30 pm) on Monday, Tuesday, Thursday, and Friday.
 - "Students will not attend school on Wednesdays until the district shifts to a pre-COVID schedule, but we will provide remote learning opportunities, and paper packets upon request."
14. On December 19, 2020, the Parent replied, stating her concerns: 1) she did not have input into the schedule change; 2) the change "might backfire" and not be in the Student's best interest; and, 3) his five days a week morning schedule "was doing so well" and showed "constant growth." The Parent requested an "emergency IEP meeting."

15. On the same day, the Parent followed up with emails to the special education teacher and case manager, reiterating her concerns about her lack of input into the scheduling decision and the possible impact on the Student from the change.
16. From December 21, 2020 through January 1, 2021, the District was on winter break.
17. On January 6, 2021, the case manager emailed the Parent, informing her the Student's morning schedule was not going to change. The case manager also followed up on the Parent's request to have an IEP meeting. According to the District, the special education teacher met with the Parent to introduce the substitute teacher and discussed the plan to transition the Student to four full days a week of in-person instruction. The Parent indicated she no longer wanted an IEP meeting.
18. On January 21, 2021, a school facility maintenance problem caused the Student's school to be closed for a day.
19. On the same day, January 21, 2021, the Parent emailed the special education teacher and case manager, asking: "How are you going to make up the days that he is supposed to be in school and hours that he is missing due to the pandemic because not every student will do remote learning." The case manager responded that the missed time for that day would be made up during the summer once the District determines the summer schedule.
20. In January 2021, according to the District, the District occupational therapist telephoned the Parent, in part, to discuss the Student's hair and his tactile sensitivity. The plan to desensitize the Student to hair grooming could not take place until the knots were cut out of the Student's hair. The occupational therapist declined to cut the Student's hair at school.
21. According to the District, all sixth grade students take one semester of PE and one semester of technology. The Student had been enrolled in a PE course during the 2020 fall semester; and at the semester break on February 1, 2021, the Student was enrolled in a technology course. After multiple emails between the Parent and teachers, on February 9, 2021, the Parent requested the Student be transferred back to the PE class. The Parent's request was granted on February 10, 2021.
22. On February 10, 2021, the Parent emailed the special education teacher and case manager to request "a copy of everything that he does accomplish...I'm just very concerned that all of his goals on his IEP are met and having a copy of these things will make it smoother..." The Parent stated the substitute teachers made it difficult to address the Student's hair and sex education. The Parent suggested monthly IEP meetings "to make sure we all remain on the same page..."
23. The documentation in the complaint showed the Student at times attempted to remove his pants during the bus ride. According to the District, on or about February 16, 2021, the special education director talked with the Parent and the Parent's suggestion to use zip ties to attach his pants to the seatbelt. The director stated she wanted to collect information before agreeing to use the zip ties.

24. On February 25, 2021, the IEP team, including the Parent, met to discuss the Parent's concerns about the Student's hair, disrobing at school, and his sexual activity at home. The team discussed options, such as using hair conditioner, cutting the hair, and wearing a hat. The team reported the Student did not exhibit any inappropriate sexual behavior at school.
25. On February 28, 2021, the Parent emailed the case manager, special education teacher, and special education director to request an IEP meeting in the middle to end of March to discuss the Student's progress.
26. On March 3, 2021, the special education teacher emailed the Parent that she met with the previous special education teacher and the District board-certified behavior analyst (BCBA) to develop a plan to teach "appropriate and inappropriate behaviors, puberty changes, public areas versus private areas, and keeping his clothes on at school and bus." The teacher offered to provide the Parent with all the information and materials to work with the Student at home.
27. On March 8, 2021, the Parent emailed the special education teacher and special education director regarding her concern about the Student's confusion over the number of substitute teachers that he had and her concerns that the Student's needs might not be met.
28. On March 9, 2021, the Parent emailed the special education teacher and director three times regarding: 1) the substitute teachers; 2) the Student's goals being accomplished; 3) the use of zip ties to keep his pants on; 4) the Student's hair; and, 5) sex education for the Student. The director replied that the special education teacher would be working on progress notes to provide the Parent.
29. The March 9, 2021 progress report provided the following information based on the December 2020 IEP annual goals:
 - Social-Emotional (answering social questions): Sufficient progress being made to achieve annual within duration of IEP.
 - Social-Emotional (completing a task): Sufficient progress being made to achieve annual within duration of IEP.
 - Adaptive (putting on pants): Slow progress.
 - Adaptive (completing a task/job): No progress.
 - Behavior (walking): Slow progress.
 - Behavior (protesting): No progress.
 - Math (word problems): Slow progress.
 - Math (money identification): No progress.
 - Reading (vocabulary): Slow progress.
 - Writing (sentences): No progress.
 - Communication (receptive and expressive language): Emerging skill.
 - Communication (social communication): No progress.
30. According to the District, some of the descriptions used for progress, such as "no progress," were not always consistent with the data collected. For example, the progress report for identifying money stated, "no progress," but the comments stated the Student "has been independently sorting coins by type and identifying amounts of each coin. His progress is inconsistent as he can identify the bills but struggles with the coins."

31. From March 10 to March 19, 2021, the Parent, director, special education teacher, and BCBA exchanged numerous emails regarding: 1) progress data; 2) the safety issue using zip ties while on the bus; 3) hair brushing; 4) sex education; 5) keeping the Student from disrobing at school including other clothing options; and, 6) scheduling an IEP meeting.

32. On March 19, 2021, the BCBA emailed the Parent the Student's daily schedule as follows:

Time	Activity	Description/Possible Activities
9:00	Breakfast	In class
9:15	Gen Ed time/Adaptive	Mon/Thursday: general education PE (zoom or live) Tues/Friday: Hairbrushing practice and sex ed
10:00	Morning Meeting	Online
10:30	Exercise	<ul style="list-style-type: none"> ○ Basketball court ○ Kiggins ○ Walking around the building (if raining)
11:00	Academic rotations of IEP goals	See the IEP data sheet for details
12:00	Lunch	In class
12:30	Free time	Choice of a free time activity to do in the classroom <ul style="list-style-type: none"> • Room [#]
1:00	Sensory/Movement	Choose from the sensory board 1 sensory/movement activity to do
1:15	Gen Ed/Academic rotations IEP goals	Monday/Thursday: gen ed art class (zoom or live) Tues/Friday: See the IEP data sheet for details
2:00	Exercise	<ul style="list-style-type: none"> ○ Basketball court ○ Kiggins ○ Walking around the building (if raining)
2:45	Water/Snack	Room [#]
3:00	Classroom Job	Choose one job from the job chart
3:15	Get ready to go home	<ul style="list-style-type: none"> ○ Put materials away ○ Stack chairs ○ Wipe down tables ○ Check out sheet (if applicable)

33. On March 24, 2021, the BCBA emailed the Parent, stating she created a daily reporting sheet to be provided to the Parent that tracked Student data.

34. Also, on March 24, 2021, the IEP team, including the Parent, met to discuss the daily report sheet and strategies for addressing the Student taking off his clothes. The Parent expressed the importance for PE to the Student and the team decided the Student would take PE all year long. The District provided the following description of the meeting:

In addition, the team discussed the Student's progress toward his IEP goals. The Parent asked if the Student had made any progress that year. [Special education teacher]-who had worked with the Student in elementary school-commented that informally she had seen significant progress from Student, including that he was not sleeping at school anymore and was walking independently without using a wheelchair. The school team also explained that it would provide the Student's official progress report the following Monday, March 29; this report covered the period of December 2020 through March 2021. The school team

noted, however, that it did not think that the data collected for the Student's progress report completely captured his progress. Specifically, for some of the Student's goals, the data collection tools that were used measured whether the Student had met his goal in its entirety rather than more precisely identifying what progress was made toward achieving the goal. The school team explained that it would nevertheless provide the progress data that had been collected and that [special education teacher] (who had taken over the SCC [structured communication classroom] about a week before the meeting) was creating new progress monitoring tools. The school team recommended that it collect additional progress data, provide an updated progress report to the Parent on April 26, and that the IEP team meet again, after that, to discuss the Student's progress. The team would review and, if necessary, revise his IEP at that time. The Parent agreed to this plan.

35. On March 29, 2021, the BCBA emailed the Parent a copy of the Student's March 9, 2021 progress report.

36. On March 30, 2021, the case manager emailed the Parent and stated the following:
 As we discussed at our last meeting, some of his goals didn't seem to be tracked properly, which is why we plan to send you another progress report on April 26. We'll have 4-5 weeks of data that [special education teacher] has collected, which should reflect accurately his progress. At that time, if he isn't making progress or it seems like the goals are inappropriate we will want to have an IEP meeting to discuss making changes.

37. From March 30 to April 6, 2021, the case manager, the BCBA, and the Parent exchanged emails about the Parent's request to see the Student's work samples and the case manager providing the Parent with information about what the Student was working on, including the following related to "daily activities to be completed":

Goal Areas	Activities to be completed
Math	<ul style="list-style-type: none"> ● Word Problem solving NY2 (app) <ul style="list-style-type: none"> ○ Addition ○ Subtraction ● Money--Identification and Addition NY2 and STAR <ul style="list-style-type: none"> ○ Coins ○ Bills
Reading	<ul style="list-style-type: none"> ● Story Comprehension--NY2 <ul style="list-style-type: none"> ○ Copy new words ○ Draw picture to represent the new word ● iReady app
Writing	<ul style="list-style-type: none"> ● Sentence writing (using iPad) (starter sheets) <ul style="list-style-type: none"> ○ Create a sentence when given a sentence starter and word bank
Social/Adaptive	<ul style="list-style-type: none"> ● Play a board game with a peer/staff ● Classroom jobs ● Answer questions about himself using iPad <ul style="list-style-type: none"> ○ Food preferences, books, clothes, activities, etc ● Hairbrushing ● Sex Ed

38. On April 6, 2021, the Parent filed this complaint with OSPI.
39. On May 19, 2021, OSPI interviewed the Parent. The Parent stated the Student was not receiving his IEP services four days a week, although the Student attended full-days. The Parent believed the Student received more services when he attended five half-days a week. Regarding the Student's progress reports, the Student failed to make progress on five of his goals. Until the Student's schedule was changed to attending four full days a week, the Student made good progress. The Parent also said that the way the District was teaching him was "not working."

CONCLUSIONS

Issue One: IEP Implementation – The Parent alleged that since December 2020, the District failed to implement the Student's individualized education program (IEP), including providing physical education (PE). The Parent disagreed with the schedule change that went from providing instruction in the mornings five days a week to full days, four days a week.

A district is required to implement special education services in conformity with a student's IEP. Here, the Student's December 2020 IEP provided for 1,575 minutes per week of special education services in the following areas: occupational therapy; math; communication; social-emotional; reading; writing; behavior; and adaptive skills. The IEP services were to be provided regardless of the schedule or mode of operation the District was in (e.g., remote, hybrid, or in-person). The December 2020 prior written notice stated the Student would receive 960 minutes a week of in-person instruction.

The Parent's complaint alleged the District failed to provide the Student with IEP services because the Student went from attending five days a week (half-days) to four days a week (full days) on February 8, 2021. The four days a week of full-day instruction provided 25 hours a week of instruction, while five days a week in the mornings provided 15 hours a week, which allowed the District to provide additional in-person specially designed instruction.

But beginning December 11, 2020, the start date for the new IEP, to February 8, 2021, the District materially failed to implement the Student's IEP. Although the District provided 960 minutes a week of in-person instruction (special education services) during this time, it did not amount to the 1,575 minutes of special education services in the Student's IEP. The District acknowledged the discrepancy. The Student's March 2021 progress report showed the Student made progress on some of his goals, but showed little or no progress in others, which may have reflected the lack of services or the accuracy of the progress reports (see Issue Two below). But pending the collection of more data, there was insufficient data to show the Student made meaningful progress towards his goals in several areas. Based on the failure to implement special education services in conformity with the IEP, in conjunction with a lack of progress on some goals, a violation is found. The District will be required to provide the Student with 40 hours of compensatory services in the five service areas in which goals showed no or limited progress. The compensatory services were calculated based on the total amount of IEP minutes not provided (60 hours), the progress reports on goals, and the amount needed to remediate the error and provide the Student with an appropriate education.

Regarding PE, the Student's December 2020 IEP stated the Student would receive general education PE, not adapted PE. The District's sixth graders took one semester of PE and one semester of technology. The Student attended PE during the first semester and was enrolled in the technology class the second semester. After the Parent expressed concern about the technology class, the District agreed to enroll him back in general education PE. Given that the District addressed the Parent's concern and the Student was scheduled for general education PE, this is not a special education specific issue. Thus, OSPI will not render a decision as the Student did not have adaptive or specialized PE in his IEP.

Regarding the Student's hair and sex education, the documentation also showed the District was responsive to the Parent's concerns and took steps to address those concerns, including addressing the Student's needs at the IEP meeting and providing support and instruction in these areas.

Issue Two: Review IEP to Address Lack of Progress – The complaint alleged the Student failed to make progress on five of his annual goals. A district is required to conduct an IEP meeting to address any unexpected lack of progress towards the annual goals.

Here, the March 2021 progress report indicated the Student made no progress towards the annual goals in the areas of adaptive skills, behavior, writing, communication, and math. Upon receiving the Parent's concern about the lack of progress, the District reviewed the data and the progress reports and determined the progress monitoring code—in this case, "no progress," did not accurately reflect what progress the Student actually made in his annual goals. In math, for example, the report code was "no progress," but the comments indicated the Student made some progress in identifying money. The District held an IEP meeting on March 24, 2021, to address the progress reports and the Parent's concerns about progress. The District and the Parent agreed to collect more data to determine whether progress had been made and meet again to determine if the IEP needed revision. Based on the District following procedures regarding the lack of progress, no violation is found.

CORRECTIVE ACTIONS

By or before **June 25, 2021** and **February 11, 2022**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

By **June 18, 2021**, the District and the Parent will develop a schedule for providing 40 hours of compensatory services to the Student. The District will provide OSPI with documentation of the schedule for services by or before **June 25, 2021**.

The compensatory education will be provided by a certificated special education teacher. If the compensatory education is provided in a small group setting, then the Student's 1:1 paraeducator must also be provided, as per his IEP. The instruction will occur outside of the District's school day and may occur on weekends or during District breaks, including over the summer. If the District's provider is unable to attend a scheduled session, the session must be rescheduled. If the Student

is absent, or otherwise does not attend a session without providing the District with at least 24 hours' notice of the absence, the District does not need to reschedule. *The services must be completed no later than **January 28, 2022**, including those needing to be rescheduled.*

No later than **February 11, 2022**, the District shall provide OSPI with documentation that all of the compensatory education has been completed. This documentation must include the dates, times, and length of each session, and state whether any of the sessions were rescheduled by the District or missed by the Student.

The District either must provide the transportation necessary for the Student to access these services or reimburse the Parent for the cost of providing transportation for these services. If the District reimburses the Parent for transportation, the District must provide reimbursement for round trip mileage at the District's privately-owned vehicle rate. The District must provide OSPI with documentation of compliance with this requirement by **February 11, 2022**.

DISTRICT SPECIFIC:

None.

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 June, 2021

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

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