

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 22-83

PROCEDURAL HISTORY

On July 6, 2022, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from the parent (Parent) of a student (Student) attending the Seattle School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, regarding the Student's education.

On July 6, 2022, 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 7, 2022, OSPI received additional information from the Parents. OSPI forwarded the additional information to the District on August 23, 2022.

On July 21, 2022, OSPI received the District's response to the complaint and forwarded it to the Parent on July 22, 2022. OSPI invited the Parent to reply.

On August 4, 2022, OSPI received the Parent's reply. OSPI forwarded that reply to the District on August 17, 2022.

On August 23, 2022, OSPI requested that the Parents provide additional information, and the Parents provided the requested information on August 23 and 26, 2022. OSPI forwarded the information to the District on August 29, 2022.

On August 25, 2022, OSPI requested that the District provide additional information, and the District provided the requested information the same day. OSPI forwarded the information to the Parent on August 26, 2022.

On August 25, 2022, OSPI interviewed the Parents.

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

SCOPE OF INVESTIGATION

This decision references events that occurred prior to the investigation period, which began on July 7, 2021. These references are included to add context to the issues under investigation and are not intended to identify additional issues or potential violations, which occurred prior to the investigation period.

ISSUES

1. Did the District implement the agreed upon recovery services in July 2021?
2. Since July 7, 2021, has the District appropriately assessed the Student's need for recovery services and offered appropriate recovery services, considering the Student's unique needs

(including needs in speech, occupational therapy, and need for 1:1 support) and responding to Parent requests regarding recovery services?

LEGAL STANDARDS

Recovery Services: Recovery services are intended to mitigate the impact of COVID-19 school facility closures and pandemic generally and to enable the student to make progress on individualized education program (IEP) goals, used if students have not been provided or were unable to access IEP services during COVID-19 school facility closures or the pandemic impacted their access to education. Districts were not prohibited from providing recovery services during the 2020-2021 school year and recovery services should be determined by IEP teams on a case-by-case basis. Districts should examine the effect of COVID-19 and the special education and related services provided during school building closures on the student's overall progress and engagement, including progress toward their IEP goals. *Questions and Answers: Provision of Services to Students with Disabilities During COVID-19 in Fall 2020* (OSPI, August 26, 2020).

IEP Implementation: A school district must 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. "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 [student with a disability] and those required by the IEP." *Baker v. Van Duyn*, 502 F.3d 811 (9th Cir. 2007).

Compensatory Education: A state educational agency is authorized to order compensatory education through the special education community 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 and Parents' Complaint

1. The Student was eligible for special education services under the category of autism and attended a District elementary school.
2. The Parents stated in their complaint that the Student is owed recovery services for the failure to implement the Student's individualized education program (IEP) between March 2020 and

June 2021, and that recovery services were not provided during summer 2021. The Parents stated the District failed to appropriately consider the Student's "loss of speech therapy and [occupational therapy] OT minutes, or speech therapy goals progress and as such there was no speech or OT support written into the recovery services plan."

According to the Parent's complaint:

When [District] failed to provide recovery services, it committed to reassess in Autumn 2021 (which is in the past year). That was never done, nor were parent requests about it followed up on. Finally, our son's IEP team did not gather data or assess the continued need for recovery services for summer 2022 in light of current poor progress levels. When [District] did not provide [a free appropriate public education] FAPE, parents were forced to get private services and implement the IEP through their own efforts.

3. The Parents requested 72 hours of academic recovery services (18 days x 4 hours per day), 35 hours of speech therapy, and 20 hours of OT. The Parents also requested that the compensatory education be used for "private 1:1 tutoring for structured literacy for remediation related to phonological processing, dyslexia and dysgraphia."
4. The Parents stated they have provided the Student daily tutoring, provided by the Parents and private tutors, and private speech therapy since March 2020.

2020–2021 School Year & Summer 2021

5. The Student's February 12, 2021 IEP included present levels and goals in adaptive/life skills (desk organization, material management, toileting), cognitive/pre-academics (writing genres, writing paragraph, multi-step projects, checking work), communication (articulation, pragmatics), and social/behavior (personal space, independent work completion, conversation, emotional regulation), with progress reporting at the trimester.

The IEP included several accommodations and the following specially designed instruction:

- Communication: 180 minutes per month (provided by a speech language pathologist (SLP) in a special education setting)
- Adaptive/life skills: 60 minutes, 5 times weekly (provided by special education staff, in a special education setting)
- Adaptive/life skills: 45 minutes, 5 times weekly (provided by special education staff, in a general education setting)
- Social/behavior: 45 minutes, 5 times weekly (provided by special education staff, in a general education setting)
- Social/behavior: 120 minutes, 5 times weekly (provided by special education staff, in a special education setting)
- Cognitive/pre-academics: 30 minutes, 5 times weekly (provided by a special education teacher, in a special education setting)

The IEP also included 120 minutes per month of OT as a related service and noted the Student would spend 36.6% of his time in the general education setting.

6. In a "Parent Statement for [Student's] IEP" document attached to the February 2021 IEP, the Parents noted the Student had made progress in some areas during the COVID-19 school facility closures and remote learning, due in part to the 1:1 support the Student received. The document included, "[Student's] progress as of January 2021 – [Student's] progress in all academic subjects has excelled since school closed last March, which correlates to the increased 1-1 support he has received from parents and teachers." The document included examples of the Student making progress in math and reading.
7. On June 7, 2021, the Student's special education teacher/case manager (case manager) emailed the Parents and indicated the Student would qualify for recovery services.
8. On June 9, 2021, the case manager and the occupational therapist emailed and discussed the Student's lack of progress on OT supported goals.
9. On June 10, 2021, the Parents met with the Student's case manager to discuss recovery services.

According to the Parents' complaint, the following was discussed at the meeting:

- COVID-19 impacted the Student's progress in multiple areas.
- Discussed "summer school options for ESY" and "opted for Summer of Learning for 5 days each week." The Parents stated they requested to meet with the teacher prior to the start date.
- "They agreed that summer of learning supports would include 'K-5 embedded instructional support from special education staff'. The form indicated that this would be delivered by 'Special Education teacher, ESA, Instructional Assistant/Paraprofessional, other approved staff at summer learning site.'"
- Planned to discuss further recovery services options in the fall.

According to the District's response, they agreed the Student failed to make progress on two of his adaptive/life skills goals and one of his cognitive/preacademic goals, and they agreed to measure the following goals in the fall because "these goals could not be assessed fully in the remote setting":

- Material management (2021 goal)
- Body to self (2020 and 2021 goal)
- Toileting (2020 and 2021 goal)
- Sharing (2020 goal)
- Joining play (2020 goal)

According to the Parents' complaint, they agreed the Student would "attend a Summer of Learning Program with embedded instructional support from special education staff for 4 hours a day 5 days a week from July 6-29 and...we would also meet to further discuss options in the fall (as the summer program alone could not bring [Student] to the level he would have been had his IEP been fully implemented by [District])."

10. In their complaint, the Parents stated that the planned recovery services for summer 2021 were not appropriate "for remediating the limited progress related to speech/communication and fine motor skills for handwriting." The Parent stated that the Student's speech therapy needs were not considered for recovery services "despite failure to make progress on speech

goals and months of missed services.” The Parents stated the District assigned the Student to the wrong summer program and failed to provide any special education support.

11. On June 15 and later on July 22, 2021, the Parents received a message about the “Virtual Summer Staircase” program. The Parents stated in their complaint that they were not aware this was a different program than the “Summer of Learning.”
12. Emails between District staff between June 17 and 19, 2021, including the Student’s special education teacher and the principal and vice principal, indicate there was some confusion about whether the correct summer program placement was selected for the Student.
13. On June 23, 2021, the Student’s case manager emailed the Parents and stated she had spoken with one of the leads for summer school and that the Student was set up for July 6 through 29, 2021.
14. On July 6, 2021, the “Summer Staircase” program began. The Parents stated they were: Required to assist [Student] in order for him to attend as there was no special education support, despite [District] agreement to provide such supports. [Student] attended each day of the Summer Staircase for the entire three weeks without any special education support. Instead, parents sat by his side the entire time and acted as 1:1 aides due to District’s failure to provide support.
15. The complaint investigation timeline began on July 7, 2021.
16. On July 7, 2021, the Parents emailed the case manager about the lack of special education support in the “Summer Staircase” program.
17. On July 14, 2021, the case manager emailed two District special education supervisors and asked if they could confirm which program the Student was assigned to, noting “it sounds like they are attending the summer staircase program (not recovery services).”

One of the supervisors responded and indicated he had a note on the transportation roster that the Parents had opted out of summer recovery services. The case manager then emailed the Parents with that information.

The Parents stated in their complaint and in a reply email to the program supervisor that they had not opted out of summer recovery services, and that this must have been a clerical error. The Parents clarified in their reply to the District’s response that they did not opt out of recovery services.

18. Also, on July 14, 2021, the case manager emailed the Parents and stated she had contacted the special education supervisors about the situation but had not heard back.
19. The District stated in its response that it “appears...[there] was a miscommunication and Parents never intended to opt out” of recovery services and that because of this error, the Student “did not have the opportunity to participate in the summer recovery programs as agreed to in June.”

20. Between July 16 and 18, 2021, the Parents emailed with District staff working in the "Summer Staircase" program and attempted to see if the Student could switch into the recovery services programming. The emails indicated the Student was mistakenly placed in the "Summer Staircase" program instead of the special education recovery services program. Emails further indicated that the Student participated in the "Summer Staircase" program but without special education supports and with a significant amount of support from his Parents to participate.
21. On July 29, 2021, the special education supervisor emailed the Parents and indicated they could discuss recovery services in fall 2021.

2021–2022 School Year

22. At the start of the 2021–2022 school year, the Student continued to be eligible for special education services under the category of autism, attended a District elementary school, and his February 2021 IEP was in effect. The Student attended the District's virtual program.
23. The Parents stated in their complaint that they requested information about the virtual program and an IEP meeting on August 11, 16, and 24, 2021. The Parent stated they continued to request IEP meetings or ask about recovery services throughout the 2021–2022 school year. The Parents stated, and emails indicate, that the special education supervisor told them they would schedule a meeting specifically to discuss recovery services after having an IEP meeting and finalizing the compensatory education agreement.¹
24. The Parents sent several emails at the end of August and in early fall 2021, expressing concern about the Student's speech and handwriting skills, and requested IEP meetings to discuss and address these needs. The Parents stated, in an interview with OSPI, that because speech and OT were left out of the original offer of recovery services, the Student's needs in these areas were of increased concern.
25. The District acknowledged in its response that a meeting to discuss recovery services was not scheduled in response to the Parent's requests and noted the staffing issues in the virtual program likely delayed the discussion.
26. The District's first day of the 2021–2022 school year was September 1, 2021.
27. During March, April, and May 2022 the Student underwent a private educational evaluation, an OT evaluation, and a speech language evaluation for his triennial reevaluation.² One of the private evaluations noted that "with 1:1 instruction and support over the past two years [Student] has made noted academic progress, but his observed achievement is still lower than

¹ The Parents noted in their complaint that they are working with the District on an "agreement for compensatory education for the 2021-2022 academic year" and are not making any allegations related to a failure to provide FAPE during the 2021–2022 school year in the instant complaint.

² The documentation indicated the Student's triennial reevaluation was past due and the District agreed to use a private evaluator to conduct the triennial reevaluation.

expected given his advanced cognitive skills.” The private evaluations emphasized the beneficial impact of 1:1 tutoring.

28. The Student’s evaluation group met on May 31 and June 1, 2022 to review the reevaluation. The District evaluation group found the Student continued to be eligible for special education services under the eligibility category autism.
29. On June 3, 2022, the Parents emailed the Student’s special education teacher and stated they wanted to talk about extended school year (ESY) services for the Student because they had noticed regression after winter and spring break.
30. On June 8 and 13, 2022, the Student’s IEP team met and developed the Student’s annual IEP. The IEP included updated present levels and goals in adaptive/life skills (self-advocacy), reading (comprehension, phonemic awareness with vowel teams and inflected endings), written language (writing words with vowel teams and inflected endings, using a graphic organizer, casing), communication (semantic organization, listening comprehensions, positive self-talk and growth mindset, /r/ sound production, and auditory discrimination), social behavior (problem solving skills, recognizing emotions and unmet needs, friendship making), and study/organization skills (task initiation, task endurance, multi-step assignments). The IEP included numerous accommodations and the following specially designed instruction:
 - Social/behavior: 300 minutes per week in a general education setting (provided by special education staff)
 - Study/organization skills: 270 minutes per week (provided by special education staff in a general education setting)
 - Adaptive/life skills: 60 minutes per week (provided by special education staff in a general education setting)
 - Written language: 120 minutes per week (provided by a special education teacher in a special education setting)
 - Social/behavior: 120 minutes per week (provided by special education staff in a special education setting)
 - Communication: 180 minutes per month (provided by an SLP in a special education setting)
 - Reading: 120 minutes per week (provided by a special education teacher in a special education setting)
 - Written language: 60 minutes per week (provided by special education staff in a general education setting)
 - Study/organization skills: 30 minutes per week (provided by special education staff in a special education setting)

The IEP included 130 minutes per month of OT as a related service and 1,875 minutes per week of 1:1 support from an IA as a supplementary aid and service. The IEP indicated the Student would spend 73.6% of his time in the general education setting.

The IEP team did not discuss recovery services.

31. On June 12, 2022, the Parents emailed the District regarding ESY and asked to discuss recovery services. The Parents suggested, based on recent private evaluations, that a “Lindamood Bell”

program would be appropriate recovery services for the Student. In their complaint, the Parents noted that they did an assessment with "Lindamood Bell" that indicated the Student needed approximately 100 hours in a "trained evidence-based program" for recovery services.

32. On June 21, 2022, the Parents met with the special education supervisor to discuss ESY. The Parents stated they asked that the ESY include an appropriate number of hours to address the Student's regression in writing, and that the District provide at least two hours of tutoring daily. The Parents stated the District only offered 12 hours for ESY.
33. On June 22 and 23, 2022, the Parents and special education supervisor emailed, and discussed the following:
 - Parents stated they understood that "Hampton" tutoring was the only option for ESY and asked if services could be provided through "Lindamood-Bell."
 - The special education supervisor responded that the District could not set up a new contract to start that summer and that they already had a contract through "Hampton Tutor's."
 - The Parents then asked if recovery services could be provided through "Lindamood-Bell." And the special education supervisor stated the District was not "contracting with ["Lindamood-Bell"] for summer services."
 - The special education supervisor stated, "The district offered 1:1 tutoring this summer through Hampton Tutors. We can count that time as [Student's] recovery services."
 - The Parents responded and asked that recovery and ESY not be conflated, and that recovery services not be delayed again.
34. On June 23, 2022, the Parents and a District program supervisor overseeing recovery services emailed about providing recovery services through "Lindamood-Bell," and the supervisor stated that they would not be able to put a contract in place in time for summer services.
35. On July 6, 2022, the Parents filed this complaint.
36. In July 2022, the Student attended 12 hours of ESY.

In an interview with the Parents, the Parents stated they felt this was not enough to prevent regression and help prepare the Student for the 2022–2023 school year and thus the Parents obtained private tutoring in academics, speech, speech literacy, and OT.³ The Parents also stated that the Student's Mother has done a lot of tutoring with the Student herself after taking classes and trainings on dyslexia, "Wired for Reading," etc.

37. On July 18, 2022, the District sent the Parents a letter, offering 40 hours of academic tutoring for the missed summer 2021 services, and 35 hours of speech service and 20 hours of OT for missed services from March 2020 through June 2022. The letter noted that the offered compensatory education was "based on the [specially designed instruction] provided for in

³ The Parents stated they spent approximately \$4,700 on tutoring, speech, and OT during the summer of 2022. The Parents stated that the amount of private services the Student received during the summer of 2022 was not necessarily what he needed in terms of recovery services but was what they could provide with respect to time and cost.

your child's IEP from February 2021" and was the service time "calculated to reasonably provide the education benefits that likely would have accrued during the weekly tutoring sessions."

The District noted the Parents have not accepted the District's offer and are instead requesting 72 hours of 1:1 academic tutoring, 35 hours of speech, and 20 hours of OT.

38. In its response, the District proposed the following corrective action:

The District proposes 40 hours of academic services, 35 hours of SLP services, and 20 hours of OT services as compensatory education for missed recovery services. While Parents want 72 hours of tutoring, the District believes that 40 hours of 1:1 tutoring is sufficient to compensate [Student] for the missed services, which were likely going to be provided in a small group setting.

39. In their reply to the District's response, the Parents stated that the District offered a total of 95 hours of compensatory education at a rate of "\$75/hour for private services".

The Parents stated they are in agreement with the proposed hours for OT and speech. However, the Parents stated that 72 hours of missed academic services is based on the "number of missed hours for summer recovery services in July 2021 only." The Parents stated the original plan was to provide recovery services in summer 2021 and then continue assessments in fall 2021, but since neither occurred, "it is impossible to know how many recovery service hours would have been appropriate." The Parents stated it is likely that the Student requires more than 72 hours of compensatory education and that had the Student been receiving recovery services and his progress assessed, he "likely would have been eligible for more than a single 72 hours summer program for instruction."

The Parents also objected to the District's offer of reimbursement at a rate of \$75/hour, noting this is below market value in the area and below the quotes they have received for private speech, OT, and academic tutoring that range from \$100–\$200 an hour.

In an interview with the Parents, they noted that they would ideally want compensatory hours next summer as the Student will not be able to do much before or after school. The Parents also stated they would prefer to find a private provider and be reimbursed for those services.

40. In additional information, the District stated it did not have a specific policy about reimbursement rates but that \$75 per hour is generally what the District offers. The District also noted an updated offer was made to the Parents—\$8,325 for 72 hours of academic tutoring, 20 hours of OT, and 35 hours of speech. The District stated that there was some disagreement over how long the family has to access the services and therefore an agreement had not been reached.

CONCLUSIONS

Issue One – Implementation of Recovery Services: The Parents alleged the District agreed that the Student required recovery services, that some recovery services would be provided summer

2021, and that these services were not provided. The Parents stated the Student was placed in the wrong summer program and that the District failed to provide special education support during the summer program the Student attended.

A district must implement a student's special education services consistent with the student's individualized education program (IEP); this includes IEP team decisions that a student requires recovery services.

The Parents' complaint, documentation, and District response all indicate the Student did not receive the recovery services he was supposed to during the summer of 2021. The Student's IEP team determined the Student would attend the District's "Summer Learning" program for five days a week, four hours per day, July 6 through 29, 2021 (18 days)—a program that included embedded special education support. The documentation indicates the Student's services would focus on adaptive and cognitive/pre-academic goals, while other goals could not be fully measured in a remote setting and would be assessed in fall 2021. However, the Student was mistakenly placed in the District's "Summer Staircase" program, which he attended, but without special education support and with a significant amount of support from his Parents. The "Summer Staircase" program was not the same as the "Summer Learning" program, which was intended to be recovery services. The District acknowledged that the Student did not have the opportunity to participate in recovery services in summer 2021 as planned by his IEP team. OSPI finds a violation.

The Student is entitled to compensatory services. During the summer of 2021, had the Student been enrolled in the correct recovery services program, he would have attended approximately 72 hours of recovery services. The Parents requested 72 hours of academic tutoring, 35 hours of speech, and 20 hours of OT, and stated they preferred to find their own providers and be reimbursed. The District initially proposed compensatory education at a rate of 40 hours of academic tutoring, 35 hours of speech, and 20 hours of OT, and then in August 2022, made an updated offer of a reimbursement of \$8,325 for 72 hours of academic tutoring, 35 hours of speech, and 20 hours of OT. The Parents also noted that the District's reimbursement rate of \$75 per hour is below market value in the area and that the private providers they found for academic tutoring, speech, and OT charged between \$100 and \$200 per hour.

OSPI finds that a reimbursement of \$8,325 is an appropriate remedy, and the District will be required to fund compensatory education in that amount.

Issue Two – Assessment of Need for Recovery Services: The Parents alleged the District failed to appropriately consider the Student's need for recovery services in speech, OT, and that the District failed to assess the Student for recovery services and meet with them to discuss recovery services during the 2021–2022 school year.

Recovery services are intended to mitigate the impact of COVID-19 school facility closures and pandemic generally and to enable the student to make progress on IEP goals. Recovery services should be determined by IEP teams on a case-by-case basis and districts should examine the effect of COVID-19 and the special education and team related services provided during school

building closures on the student's overall progress and engagement, including progress toward their IEP goals.

Here, District staff stated, and documentation indicated, that the District planned to assess the Student in additional areas in fall of 2021 and continue the discussion of recovery services during the 2021–2022 school year. This did not occur, despite the Parent requesting on multiple occasions to discuss recovery services. The Student's IEP met for his annual IEP meeting in June 2022; however, the IEP team did not discuss recovery services.

The Parents stated that the Student likely requires more than 72 hours of academic tutoring for recovery services, and had the Student received the planned recovery services in summer 2021 and been assessed throughout the 2021–2022 school year, the IEP team would have a better sense of his needs. OSPI agrees and notes that the determination of recovery services is challenging as documentation in this complaint suggests the Student made progress in some areas during the school facility closures, but in large part due to the increased 1:1 support the Student received from his Parents during this time. Private evaluations in spring 2022 and the Student's IEP team in June 2022 recognized the Student's need for 1:1 support and added 1,875 minutes a week of 1:1 support.

While there is no disagreement that the Student requires some amount of recovery services, the documentation indicates that there is some disagreement about the best way to provide the recovery services. The Parents requested a "Lindamood Bell" program, which the District denied—although it is not clear this denial was because the District did not believe this was appropriate for the Student or because there were challenges with the timing of getting a contract in place.

Regardless, OSPI's guidance to districts was that recovery services were an IEP team decision and here, despite multiple Parent requests, the Student's IEP team did not meet and discuss recovery services during the 2021–2022 school year. OSPI finds a violation. The Student's IEP team will meet and discuss whether the Student requires any additional recovery services in addition to the amount ordered above.

CORRECTIVE ACTIONS

By or before **September 14, 2022, October 21, 2022, December 30, 2022, April 28, 2023, and August 25, 2023**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

Compensatory Education Reimbursement

From the date of the decision to **August 18, 2023**, the District will reimburse the Parents for up to \$8,325 for 72 hours of academic tutoring, 35 hours of speech, and 20 hours of OT. These services should be utilized between the date of the decision and **August 18, 2023**.

By or before **September 14, 2022**, the District will email the Parents and copy OSPI, providing the Parents with information regarding obtaining reimbursement, the District process, and any forms the Parents will need to use or submit.

By or before **December 30, 2022, April 28, 2023, and August 25, 2023**, the District will provide OSPI with an update and documentation on the amount reimbursed to date. Documentation could include a copy of the reimbursement check or business department documentation confirming reimbursements have been processed.

IEP Meeting

By or before **October 14, 2022**, the Student's IEP team will meet to discuss whether the Student need further recovery services, in addition to the amount ordered above. OSPI recommends the IEP team review the following sources of data and any other information the IEP team would find beneficial:

- Progress reporting;
- Teacher observations and Parent concerns;
- Student's progress in light of the 1:1 support; and,
- The impact of the private tutoring provided in August 2022 and the tutoring provided by the Student's Parents.

The team should further consider:

- Whether additional recovery services are needed now; or,
- Whether the team needs to collect additional progress and assessment data prior to making further decision.

By or before **October 21, 2022**, the District will provide OSPI with the following documentation: a) any relevant meeting invitations, b) a prior written notice, summarizing the IEP team's discussion and decisions; c) the plan for recovery services if determined appropriate; and d) any other relevant documentation.

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 August, 2022

Dr. Tania May
Assistant Superintendent of 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.)