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Superintendent of Public Instruction
Legal Services

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STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION DEC 08 2000

Office of Administrative Hearing
Spokane

IN THE MATTER OF:

CAUSE NO. 2000-SE-0112

EAST VALLEY SCHOOL DISTRICT

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

A hearing in the above-entitled matter was held before Administrative Law Judge Wynne O'Brien Persons in Spokane, Washington, on November 16 and 17, 2000. Appearing at the hearing were the interested parents and their representative, Mike Flanigan (Appellants). The East Valley School District (District), represented by Gregory Stevens, Attorney at Law. Also appearing on behalf of the District was Debra Howard, Director of Support Services, East Valley School District.

Witnesses appearing for the Parents were Dr. Pat Sharpe, Pat Lipp, Tammy Hovren, and Melinda Seymour.

Witnesses appearing for the District were Lori Jacobsen, Ed Pohle, Dr. Steve Hirsch, John Kent, Jeanine Coghlan, Joe Schafer, and Maureen Lyden.

The Administrative Law Judge, having sworn the witnesses, heard testimony, and considered the admitted exhibits and arguments of the parties, hereby enters the following:

STATEMENT OF THE CASE

Appellants requested a due process hearing on October 4, 2000. A prehearing conference was held on October 30, 2000. This prehearing conference identified the issue to be addressed at hearing as found in the corrected Prehearing Order of November 9, 2000.

The sole issue for hearing is whether the Student qualifies for, has qualified for, or is entitled to special education services under the Individuals with Disabilities education Act (IDEA).

The record closed on December 1, 2000. The forty-five day time line was extended twenty (20) days from December 7, 2000 to December 27, 2000.

FINDINGS OF FACT

1. The Student at issue (Student) is a [REDACTED] student with enough [REDACTED] credits to qualify him for [REDACTED] standing in [REDACTED] school. The Student was [REDACTED] from [REDACTED] School (District) in May, 2000 for the first semester of the [REDACTED] school year. This [REDACTED] was for an incident that occurred at the end of the [REDACTED] school year. The Student has been taking classes through the [REDACTED]

school and teachers. Mr. Schafer commented that these scores measured the Student's ability to solve problems or a belief in one's personal dependability.

Mr. Schafer concluded that there were areas of academic and social concern that might be related to the Student's [REDACTED] and its impact. The Student's [REDACTED] disorder manifests itself with the Student not following through with academic tasks and resulting behavioral difficulties in the classroom. Mr. Schafer commented that the Student may become overwhelmed in the classroom and respond to that by acting out. Mr. Schafer recommended that the Student have clear expectations with consistent, explicit rules to establish good work habits, close supervision, and frequent feedback with reinforcement for desired work habits and behaviors.

9. Tammy Hovren was the Student's general education [REDACTED] school English teacher at [REDACTED] School in the [REDACTED]. Ms. Hovren had the Student removed from class on one occasion for disruptive behavior. The Student initially showed signs of hyperactivity and aggression in the classroom. He followed directions and performed well in class discussions when he participated. Ms. Hovren had modified her classroom to include a lot of visual, hands-on group work to accommodate the special education students in her class. The Student failed the class due to missed assignments, scoring between a C+/B- for completed assignments. The Student scored a "B" on a comprehensive semester ending test. Ms. Hovren attempted to assist the Student in following through with completion of assignments without ultimate success.

10. An Individualized Evaluation for Academic Skills for the Student was performed on August 2, 2000. (Exhibit 6). The evaluation was performed by Maureen Lyden, educational specialist in special education with the District and general education teacher capable of teaching students the same age as the Student. Ms. Lyden administered the Wechsler Individual Achievement Test (WIAT) to the Student on August 2, 2000. The Student performed in the average range in all areas tested. The lowest score was reading comprehension at which the Student scored in the [REDACTED] grade level. Ms. Lyden did not test for listening comprehension because the Student had performed in the average range in all other areas of testing; because the I.Q. test performed on the Student by Joe Schafer on July 28, 2000 had tested some aspects of listening comprehension already with no indication of deficiency; and because the Student had been able to follow directions during testing with no difficulty. Ms. Lyden noted that the Student did have some difficulty with comprehension as passages became longer and involved more complex vocabulary. Ms. Lyden recommended that the Student's comprehension may be helped by having difficult vocabulary identified for the Student prior to reading a passage. Specially designed instruction was not recommended by Ms. Lyden.

11. A Multidisciplinary Team (MDT) meeting was held on August 15, 2000. (Exhibit A-17). Present at the meeting were Joe Schafer; Maureen Lyden; the Student's mother; Melinda Seymour, school counselor; Jeff Miller, [REDACTED] School ([REDACTED] principal; Mike Malsam, [REDACTED] assistant principal; and Patrick Lipp, the Student's private counselor. Tami Hovren was not present but she provided information about the Student to the MDT. The test scores from the WAIT, the WAIS-R; and the BASC were considered. The MDT concluded that the Student did not qualify for specially designed instruction under IDEA.

The MDT considered the following disability categories: Health Impaired, Specific Learning Disabled, and severely Emotional/Behaviorally Disabled.

The WAIT scores were applied to the chart used by the District to identify learning disabled students. A severe discrepancy was not found. The Student was not qualified for special education services under Specific Learning Disabled.

The MDT concluded that the Student had progressed adequately in academic skill development. The MDT concluded that the Student could perform grade level skills during the times he completed his classwork. The Student's past academic grades ranged from "B" to "F". The Student's teachers reported that the Student rarely worked in class and often did not turn in homework which significantly impacted his grades. The Student's behavior was inconsistent from class to class. The MDT concluded that the Student had demonstrated that he had acquired academic skill and that his behavioral disruptions were inconsistent, thereby not qualifying the Student for a severe Behavioral Disability.

There were no concerns regarding the Student's vision, hearing, or general health. The Student's [REDACTED] was being controlled with medication. The MDT concluded that the Student was not Health Impaired.

The MDT identified previous intervention attempts such as medication, teachers providing textbooks and assignments to the Student when he forgot them, increased time to complete assignment, breaking down assignment to manageable tasks, meetings with parents in regards to academic expectations, frequent verbal redirects, and close physical proximity in the classroom. The MDT concluded that these interventions had not been successful. More successful were tangible reinforcers such as candy for appropriate classroom behavior.

The MDT concluded that the Student suffered from [REDACTED] that seemed to manifest itself with the Student not following through with academic tasks and resulting behavioral difficulties in the classroom. The MDT recommended the following for the Student: clearly stated expectations with consistent, explicit rules to establish good work habits and take assignments to completion and close supervision with frequent feedback/reinforcement for desired work habits and behavior. The MDT directed evaluation by a Section 504 team to determine appropriate accommodations in the general education environment.

All District members of the MDT concurred with the MDT conclusion. Neither the Parent nor Pat Lipp, the Student's counselor, disagreed with the MDT conclusion at the time.

12. The Student was referred for Section 504 evaluation by the District on August 16, 2000. (Exhibit A-19 and A-20). The evaluation was held on or about August 18, 2000 and concluded on August 29, 2000. Participants in the evaluation were Melinda Seymour; Maureen Lyden; Parent; Pat Lipp; Debra Howard; and Joe Schafer. Numerous teacher comments about the Student's classroom behavior were considered, including those of Lissa Humphreys; Lori Jacobsen, Ed Pohle; and John Kent. The following specific accommodations were recommended: an assignment calendar; placement within the classroom; response cost behavior plan; shortened schedule (four periods per day, with one at the [REDACTED]); one-on-one interaction in the classroom; and citizenship as a goal in each class. Each of the Student's teachers would be aware and responsible for implementing these accommodations.

13. The Parent chose to submit the Student to a neuroeducational assessment following the Section 504 meeting of August 18, 2000. The Parent learned for the first time at the August 18 meeting that the Student "shut down" by placing his head on his desk when overwhelmed and felt the accommodations suggested had already been tried unsuccessfully. The Parent felt that more information was needed.

14. The Parents applied for the Student's admission to, and were accepted into, the West Valley School District on September 14, 2000. (Exhibits 11 and 12).

15. A neuroeducational assessment was administered to the Student on September 21, 2000. (Exhibits A-21 and A-22). This assessment was performed by Pat Sharp, Ph.D., founder of Neuroeducation Inc. Dr. Sharp's doctorate is in Education, with a focus on neuropsychological applications to learning disorders. She has substantial experience in working with [REDACTED] children.

The Student made it clear at time of testing that he did not want to be tested again. He was not on his medication on the second day of testing. The WAIT was administered to the Student on the day he did not take his medication.

The following tests were administered to the Student: Connors' Continuous Performance Test; Rey-Osterrieth Complex Figure Test; Beery Test of Visual-Motor Integration; Raven progressive Matrices; Detroit Test of Motor Speed and Precision; Timed Readings; Test of Adolescent and Adult language (TOAL); Wisconsin Card Sorting Test; California Verbal Learning Test - Children's; WIAT; and Woodcock Reading Mastery Test, Revised, Form H

Dr. Sharp administered the Learning Comprehension subtest of the WIAT to the Student based upon the Student's performance in one out of the four subtests administered in the Receptive Listening section of the TOAL. The Student's test score dropped by one point in the TOAL subtest that required the Student to listen to sentences and respond to the content of those sentences.

Dr. Sharp concluded that the Student had a learning disability in [REDACTED]. This conclusion was based upon the results of the [REDACTED] subtest given to the Student as part of the WIAT. The Student scored at the [REDACTED] grade level. Dr. Sharp indicated that the Student's poor performance may have been the result of the Student's lack of [REDACTED] medication that day and/or the Student's poor language abilities as they were noted earlier in Maureen Lyden's report (Exhibit 6). Dr. Sharp testified that the Student's disability was not so severe that he needed to have someone sit with him to interpret the classroom instruction. Such an intervention would still cause the Student problems because he would not be learning how to cope with his disability. The Student's disability would cause him problems in listening to teacher's directions and in participating in classroom discussions.

Dr. Sharp noted in her report that the Student "generally does well remembering verbally presented materials" and the Student's overall "ability to understand language appears to be much better than his expressive language skills."

Dr. Sharp further noted that [REDACTED] children such as the Student are frequently in "trouble" because they can't recognize that they have stepped beyond the socially acceptable line of behavior. They often are unable to hear more complex directions. They compensate for this lack by adapting to what the other students are doing around them.

Dr. Sharp also noted that the Student may not be completing assignments at school for a variety of reasons, including deficiencies in fine motor skills, lack of problem solving skills, and lack of organizational skills.

16. The Parents presented the conclusions to the District for consideration. The District performed a Speech-Language Evaluation on the Student October 20, 2000. (Exhibit A-23). The purpose of this evaluation was to identify a disability in the area of listening comprehension. The testing was performed by Jeanine Coughlin, Speech Pathologist at [REDACTED] School.

Ms. Coughlin administered the Peabody Picture Vocabulary Test III, Form A and the Clinical Evaluation of Language Fundamentals-3 (CELF-3). The Student scored in the average range in some areas with lower scores in others. Ms. Coughlin concluded that the Student did not have a listening comprehension disability. Typically, students with such a disability performed poorly on tests that evaluate the ability to follow oral directions that become increasingly complex. The Student did not have such a difficulty. Ms. Coughlin acknowledged that the Student was able to perform at a higher level when the auditory information was accompanied by visual cues. Ms. Coughlin suggested visual cues be given by classroom teachers and extra processing time allowed with additional cues such as preparing the Student for three items and then identifying each item by number.

Ms. Coughlin reviewed Dr. Sharp's conclusions and agreed that inattentiveness and no medication could account for the listening comprehension scores. Ms. Coughlin also agreed with the recommendations of the Section 504 team and included suggestions of her own on how to assist the Student in the classroom.

Ms. Coughlin testified that she would not have recommended the Student for specially designed instruction even if he had a [REDACTED]

17. The Student received grades of "B" through "F", with primarily "C" and "D" during his [REDACTED] School attendance within the District. (Exhibit A-4). His higher grades were often in academic areas such as English or social studies. Lower grades were often the result of the Student not turning in assignments.

18. The Student's grades dropped when he entered [REDACTED] school. (Exhibit A-6). The lower grades were again primarily caused by failure to turn in assignments or to take tests. The Student was able to follow directions and participate in classroom discussions while instructed by teacher's Lori Jacobsen, Ed Pohle, and John Kent. The Student failed these classes because he did not do his work assignments. He did not appear to have any problems in following directions. Ms. Jacobson attempted to accommodate the Student's needs by keeping him near her; breaking the assignments down into smaller steps; having the Student repeat the assignments back to her; and adapting the assignments to accommodate the Student. Ms. Jacobsen suggested many of these strategies to the Section 504 team. None of these teachers felt that the Student was in need of specially designed instruction.

19. The Student was [REDACTED] from school attendance on [REDACTED]. (Exhibit A-6). He began attending [REDACTED], [REDACTED], [REDACTED]

██████████ classes and his grades improved. The Student worked on one subject at a time in ██████████ at his own pace and with individualized instruction.

20. The Student has experienced behavior problems throughout his schooling. (Exhibit A-11). The Student experienced ██████████ referrals to the office, ██████████ in school suspensions, ██████████ suspensions, and ██████████ detentions during the ██████████ school year; ██████████ referrals to the office, ██████████ in school suspensions, ██████████ suspensions, and ██████████ detentions during the ██████████ school year; ██████████ referrals to the office and ██████████ hours of detention during the ██████████ school year; and ██████████ referrals to the office, with an ██████████ expulsion, during the ██████████ school year.

21. The Student has been seeing Pat Lipp, Mental Health Professional, since April 28, 2000. Mr. Lipp has extensive experience in counseling ██████████ children. Mr. Lipp reviewed the Section 504 plan and concluded that the plan would be helpful to some degree but that increased parental involvement would be most helpful. Mr. Lipp was supportive of adjusting the Student's behaviors to help with academics. Mr. Lipp concluded that the Student was not severely emotionally disturbed.

22. The District sent out newsletters several times a year to all parents of students within the District. Exhibit 15-18. In each newsletter was a section that requested special education referrals for students who are suspected of needing special education. A similar flyer was posted at each school. One of the Parents worked within the District's schools.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the parties and subject matter of this action for the Superintendent of Public Instruction as authorized by 20 U.S.C. Section 1401 et. seq. (Individuals with Disabilities Education Act (IDEA)), Chapter 28A.155 RCW, Chapter 34.05 RCW, Chapter 34.12 RCW, and the regulations promulgated thereunder, including 34 CFR 300 et. seq., and Chapter 392-171 WAC (or Chapter 392-172 WAC for cases arising after November 11, 1995).

2. The District bears the burden of proving compliance with the substantive and procedural requirements of the IDEA. Clyde K. V. Puyallup School District, 35 F. 2d 1396 (9th Cir. 1994). The IDEA (formerly the Education for all Handicapped Children Act) and its implementing regulations provide federal money to assist state and local agencies in educating children with disabilities, and condition such funding upon compliance with extensive goals and procedures.

3. The Individuals with Disabilities Education Act and its regulations provide that any student identified as disabled within the meaning of the Act is entitled to a free appropriate public education (FAPE) in the least restrictive environment. 20 U.S.C. § 1412(1); 34 C.F.R. Reg. 300.4; 20 U.S.C. § 1412(5)(B); 34 C.F.R. Reg. 300.550(b).

The term "appropriate" means special education which is individually designed to meet the unique needs of a student with disabilities and which includes related services. Related services are the support services necessary to enable a child to benefit from special education. 20 U.S.C. § 1401(16) and (17); 34 C.F.R. Reg. 300.14 and 300.13.

A free appropriate public education must be provided to a student with a disability without cost to the parent or guardian. It must also be provided under public supervision, must meet the standards of the State education agency, and be provided in accordance with an IEP which meets the procedural requirements of the law. 20 U.S.C. §§ 1401(a)(18), 1414(a)(5); 34 C.F.R. Regs. 300.4, 300.340-349.

In addition to these statutory and regulatory definitions, the meaning of "appropriate" has been the subject of much litigation, including the landmark case of Hendrick Hudson Dist. Bd. of Ed. v. Rowley, 458 U.S. 176 (1982). In Rowley, the Supreme Court held that an appropriate program must be individually designed to meet the student's unique needs and reasonably calculated to provide educational benefit. One of the Court's criteria for finding educational benefit is whether the student is passing his courses and progressing from grade to grade. The Court also emphasized procedural safeguards included in the IDEA to ensure a meaningful IEP process including input from parents and other persons knowledgeable about the child.

4. Washington State has codified these federal mandates in Chapter 28A.155 RCW and Chapter 392-172 WAC. The District failed to comply with all procedural safeguards required by IDEA and these regulations. However such noncompliance did not significantly impact the rights of the Student nor the Parents and is not a violation of the IDEA.

Generally, procedural error will result in a violation of the IDEA and a denial of FAPE only where it causes the loss of educational opportunity, or seriously infringes the Parents' opportunity to participate in the IEP formulation process. See W.G. v. Board of Trustees of Target Range School District, 960 F. 2d 1479 (9th Cir. 1992); Roland M. V. Concord Sch. Comm., 910 F. 2d 983 (1st Cir. 1990), cert. Denied, ___ U.S. ___, 111 S. Ct. 1122, 113 L.Ed.2d 230 (1991); Hall by Hall v. Vance County Bd. Of Educ., 774 F.2d 629 (4th Cir. 1985).

The District convened a multidisciplinary team (MDT) as required by regulation to analyze the reports of evaluation data and any other data to determine whether the Student had a disability that required special education services. WAC 392-172-152. The MDT is to consist of the student's general education teacher or, if a general education familiar with the same age as the student if the student does not have a general education teacher. WAC 392-172-108. The District did not have one of the student's general education teachers present at the MDT. This failure alone did not cause the loss of educational opportunity to the Student. Tami Hovren's information about the student was considered even though she was not physically present. Michele Lyden was present as a general education teacher capable of teaching students the same age as the Student. Ms. Lyden was capable of insuring that the MDT evaluated the data as it should for a student of the Student's age. The District's failure to have one of the Student's general education teachers present at the MDT was not an educational loss to the Student under these facts.

5. The Student does not qualify for, has not qualified for, nor is entitled to special education services under the Individual with Disabilities Education Act (IDEA). The Student is not a special education student. In order to receive the protections and benefits of the IDEA, the student must first qualify for special education by meeting the three-part definition of special education student. A special education student is a student:

- (i) who has been identified as having a disability,
- (ii) whose disability adversely affects the student's educational performance,
- (iii) and whose unique needs cannot be addressed exclusively through education in general education classes with or without individual accommodations and is determined to be eligible for special education services;...

WAC 392-172-035(2).

The three disabilities discussed at hearing were seriously behaviorally disturbed, other health impaired, and specific learning disabled.

6. The Student is not seriously behaviorally disturbed. Seriously behaviorally disturbed students "are those that exhibit over a long period of time and to a marked degree, one or more of the following characteristics, which adversely affects their educational performance and requires specially designed instruction... WAC 392-172-118.

The Student's behavior does not meet the characteristics described in WAC 392-172-118. The Student is able to build and maintain satisfactory interpersonal relationships. The Student does not exhibit inappropriate types of behavior or feelings to a marked degree. The Student does not suffer from a pervasive mood of unhappiness or depression. The Student does not develop physical symptoms or fears associated with personal or school problems to a marked degree. The Student is able to learn and academically perform at his grade level. He shows signs of performance anxiety that is not uncommon for students generally and is often more pronounced for [REDACTED] students. This anxiety has not prevented academic performance when the Student is properly medicated.

7. The Student does not have a specific learning disability. Specific learning disability "is a disorder in one or more of the basic psychological processes used in understanding or using spoken or written language that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do calculations..." WAC 392-172-126. The student must have a **severe** discrepancy between achievement and intellectual ability in an identified area, including listening comprehension. WAC 392-172-128. (Emphasis added). "A severe discrepancy shall be determined and documented from tables developed pursuant to WAC 392-172-130." WAC 392-172-132. The student's test scores are applied to the chart. The District applied the Student's scores to the table or chart used to identify severe discrepancies at the August 15, 2000 MDT meeting. A severe discrepancy was not found.

The Student is not disabled in the area of listening comprehension. The listening comprehension subtest of the WIAT given by Dr. Sharp identified the Student's listening comprehension ability to be at the [REDACTED] grade level. This is a significantly low score in contrast to the Student's academic level of the [REDACTED] grade. Application of this low score to the table or chart used by the District may have resulted in a severe discrepancy. However, the low score on one test alone is not supportive of a severe disability when reviewed with other test scores and factors.

Dr. Sharp commented in her notes that the Student's poor performance may have been the result of the Student's lack of [REDACTED] medication that day and/or the Student's poor language abilities. Also, the test was given to the Student toward the end of the second consecutive day of testing and could have been the result of test fatigue.

Most significant, however, are the comments made by Dr. Sharp in her report. Dr. Sharp noted in her report that the Student "generally does well remembering verbally presented materials" and the Student's overall "ability to understand language appears to be much better than his expressive language skills." Dr. Sharp testified that the Student's disability is not so severe that the Student needed someone to sit with him to interpret the classroom instruction. Dr. Sharp also noted that the Student may not be completing assignments at school for a variety of reasons, including deficiencies in fine motor skills, lack of problem solving skills, and lack of organizational skills. Dr. Sharp's comments, coupled with the Student's overall testing in the average range for his academic skill level, reasonably lend themselves to the conclusion that the Student's listening comprehension disability is not severe enough to be classified as a specific learning disability.

8. The Student is disabled under the other health impaired due to his [REDACTED] diagnosis. However, the Student does not qualify for special education because the Student is not in need of specially designed instruction.

Other health impaired students are those students that "have limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment due to chronic or acute health problems such as a heart condition, rheumatic fever, nephritis, asthma, [REDACTED] or [REDACTED]...that adversely affect their educational performance and require specially designed instruction." WAC 392-172-124. The Student does have an other health impairment due to his [REDACTED] diagnoses. The Student's [REDACTED] would effect his educational performance if not properly medicated.

"Specially designed instruction is defined as "...organized and planned instructional activities which adapt, as appropriate, to the needs of eligible students... WAC 392-172-045(4). Specially designed instruction "does not include individual accommodations within general education that alone would be sufficient and effective to meet the learning needs of the student; nor does it include the educational services necessary to meet the needs of those students identified under WAC 392-172-020(2)." Id at-(2).

Individual accommodation within the general education classroom may be sufficient and effective to meet the learning needs of the student and must be tried. There is no evidence to suggest that the Student needs specially designed instruction. In fact, Dr. Sharp declined to suggest the need for someone to sit with the Student to interpret classroom instruction. Patrick Lipp, the Student's counselor, was present at both the MDT and the Section 504 meetings and was in agreement at both. The Section 504 plan even

includes one of Mr. Lipp's accommodation suggestions. Further, Dr. Sharp suggested that the Student's difficulties may lie partially in his lack of fine motor skills, problem solving skills, and organizational skills. Use of visuals and the breaking down of material as suggested in the Section 504 plan will help to address these concerns. The breaking down and simplification of materials and the access to terminology prior to instruction as suggested in the Section 504 plan will also help to address the Student's difficulty in hearing complex material.

The items suggested in the Section 504 plan are not specially designed instruction. There was no evidence presented that indicated that the Student needs special classes, special education teachers, or any related services. Modification of the general education curriculum was not suggested. These would be specially designed instruction. The Section 504 plan should be implemented subject to modifications based upon the Student's progress.

9. The Student is not a special education student and therefore, Childfind requirements are not applicable. WAC 392-172-38410. Generally, a student who violates a school rule or code and who the District had knowledge of as a student in need of special education before the incident, is entitled to education services and protections applicable under the IDEA. This Student is not a special education student. The protections of the IDEA do not apply.

ORDER

The Student does not qualify for, has not qualified for, nor is entitled to special education services under the Individual with Disabilities Education Act (IDEA).

Filed on the date of mailing.



Wynne O'Brien Persons
Administrative Law Judge
Office of Administrative Hearings

APPEAL RIGHTS

This is a final agency decision subject to a petition for reconsideration filed within ten days of service pursuant to RCW 34.05.470. Such a petition must be filed with the administrative law judge at his/her address at the Office of Administrative Hearings. The petition will be considered and disposed of by the administrative law judge. A copy of the petition must be served on each party to the proceeding and the Superintendent of Public Instruction. The filing of a petition for reconsideration is not required before seeking judicial review.

Pursuant to 20 U.S.C. § 1415(i) (Individuals with Disabilities Education Act) and Chapter 34.05.542 RCW, this matter may be further appealed to a court of law. The Petition for Judicial Review of this decision must be filed with the court and served on the Superintendent of Public Instruction, the Office of the Attorney General, all parties of record, and this office within thirty days after service of the final order. If a petition for reconsideration is filed, this thirty-day period will begin to run upon the disposition of the petition for reconsideration pursuant to RCW 34.05.470(3). Otherwise, the thirty-day time limit for filing a petition for judicial review commences with the date of the mailing of this decision.

This certifies that a copy of the above Findings of Fact, Conclusions of Law and Order was served upon the parties and their representatives on the date of mailing, by depositing a copy in the United States mail, postage prepaid, addressed to the following:

Parents

[REDACTED]

Dr. Debra Howard, Director
Support Services
East Valley School District
12325 E Grace
Spokane, WA 99216-1151

Gregory Stevens, Attorney at Law
421 W. Riverside #412
Spokane, WA 99201-0402

cc: Mary Radcliffe, OAH
OSPI