

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

IN THE MATTER OF

NORTH KITSAP SCHOOL DISTRICT

SPECIAL EDUCATION  
CAUSE NO. 2002-SE-0134

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

A hearing in the above-entitled matter was held before Administrative Law Judge William Lemke in Poulsbo, Washington, on December 5, 2002, and January 17, 2003. The parents and student were represented by Randle Brown, Attorney at Law. The North Kitsap Public School District (District) was represented by William A. Coates, Attorney at Law. The Administrative Law Judge having sworn the witness, heard testimony, and considered the admitted exhibits and arguments of the parties, hereby enters the following:

**STATEMENT OF THE CASE**

The parents through their attorney filed a request for due process hearing requesting relief as outlined therein with the Office of the Superintendent of Public Instruction on October 31, 2002. Parties were served with a notice setting this matter for hearing. A prehearing conference was held on November 15, 2002 at which parties agreed to hearing dates of December 5 and December 10, 2002 later changed to December 5, 2002 and January 17, 2003. The proceedings were reported by Roger Flygare and Associates. At conclusion of testimony parties agreed that the record would be considered closed upon mailing of parties' briefs and proposed findings of fact and conclusions of law by February 5, 2003 and the deadline for decision extended to thirty days after the close of record. The deadline for decision pursuant to WAC 392-172-356 and agreement of parties is March 5, 2003.

**FINDINGS OF FACT**

1. The Student/Child at issue hereafter "the student," born on 1995, was referred for special services in May of 1997. (Exhibit 1). The student was found to be developmentally delayed, Exhibit 9, and an initial individualized family service plan

was developed on July 11, 1997. (Exhibit 11) The student received services under Part C of IDEA through Holly Ridge Center, which conducts infant and toddler programs.

2. When the student turned three years old, he became eligible for services under Part B of IDEA. A transition meeting was held in December 1997 and a reevaluation was authorized on June 11, 1998 (Exhibit 16). The student was determined to be eligible for special education services in July of 1998 (Exhibits 20 and 21) and a program change was approved effective September 2, 1998 (Exhibit 22).

3. The student's initial IEP was prepared and discussed by parties at an IEP meeting on October 16, 1998, and signed by the parent on November 20, 1998. (Exhibit 24) The IEP provided for placement at the District's developmental preschool and for OT and speech therapy services. The initial IEP was subsequently amended in an IEP dated March 10, 1999. (Exhibit 26) The March 10, 1999, IEP was agreed to by the parent after she acknowledged that the IEP was explained to her and that she had received a copy of her rights and responsibilities.

4. The March 10, 1999 IEP describes the child's disability and how it affects the child's involvement:

The student is diagnosed as autistic. The assessment data indicates significant delays in receptive and expressive language, gross and fine motor, social skills, cognitive skills, and adaptive behavior. The nature of his disability limits his interaction and access to the learning environment.

(Exhibit 26, p 1)

5. The IEP sets forth goals and objectives and requires an ABA program seven days a week for an average of 120 minutes per day. The location of the program is at the student's/parents' home and the IEP indicates that the average minutes per day will be reviewed on a monthly basis. The IEP further states: "Severe autism mandates only individual one-to-one services at this time." (Exhibit 26, p. 5) The IEP provides for ESY services which consisted of continuing the home based ABA program.

6. \_\_\_\_\_ was the student's initial special education teacher. At the hearing, Ms \_\_\_\_\_ testified that she was a certified special education teacher and that she was qualified to provide an ABA program. Ms \_\_\_\_\_ testified and the undersigned finds that the program as specified in the IEP was provided to the student.

7. On June 7, 1999, the District gave the parents notice of an IEP meeting for a meeting on June 11, 1999 (Exhibit 27) and the parent attended this meeting.

Parties agreed to an addendum to the IEP which modified the hours of the home program and provided it would be reviewed by September 7, 1999. The addendum was signed by the parent, the parent's attorney, and appropriate representatives from the District (Exhibit 28)

8. The next IEP meeting was held on April 28, 2000, and an IEP was signed by the parent and appropriate representatives of the District. Immediately above the signature of the parent, she acknowledged that the IEP was explained to her, that her rights and responsibilities were given to her and explained, that she had the opportunity to participate in the IEP, and that she agreed with the contents of the IEP. (Exhibit 30)

9 The April 28, 2000 IEP described the student's current levels of performance as follows:

The student is diagnosed as autistic. His overall functioning level is severely delayed and immature when compared to same age peers. Primary concerns include his significant limited speech, receptive and expressive language, attentive skills, gross and fine motor, concept formation, and age appropriate self-help and social skills. The severity of his disability limits his interaction and access to the learning environment. The student requires an extensive level of structure in a one-to-one teaching setting to maximize acquisition and retention of skills.

(Exhibit 30, p. 1)

10. The April 28, 2000 IEP provided for a continuation of the home based program for six days a week for an average of 320 minutes per day. (Exhibit 30, p. 15) The beginning date was listed as April 28, 2000, and the ending date was listed as August 23, 2000. The parties understood that the District would begin a new program for autistic children at the start of the 2000-2001 school year. The IEP listed goals and objectives to begin on September 1, 2000, and parties anticipated implementation of these goals and objectives in the District program (Exhibit 30).

11 and , special education teachers in the District were the co-teachers for the District early education autistic program. For the 2000-2001 school year, the program was located at Elementary School and offered as an addition to the developmental pre-school that was taught by Ms.

12 Ilene S. Schwartz, Ph.D., observed the program on September 19, 2000, and also observed the student in his home based program. Dr. Schwartz's report was admitted in evidence as Exhibit 48 and she testified at the hearing by phone.

13. In her report, Dr. Schwartz commented upon the District's autism program:

In general, I was impressed with the type of programming I observed. . .

1. Staff were knowledgeable about working with children with autism and related disabilities. Every staff member I talked to demonstrated deep knowledge of working with children with sever disabilities. I was especially impressed with the knowledge and experience of Dr \_\_\_\_\_ Ms. \_\_\_\_\_ and Ms. \_\_\_\_\_.
2. Staff were dedicated to working with families to ensure that programs met the needs of children and parents. . . .
3. Staff were open to feedback about their program and were extremely interested in information [which] would help them improve the quality of programs for children and their families.

This is a wonderful starting point. The programs that I observed were implementing a free and appropriate public education for the children who participated.

(Exhibit 48)

14. Dr. Schwartz made various suggestions that would be helpful for autistic children, and she concluded:

It is my opinion that *the student's* educational needs can be met at school. Given the experience of the NKSD staff and their willingness to work with the family (e.g., demonstrated by the district's willingness to buy and implement the Bridges curriculum), an appropriate, effective and high quality program can be implemented at school.

(Exhibit 48, p. 3)

15. \_\_\_\_\_ testified that she implemented the suggestions made by Dr. Schwartz and that the student enrolled in the \_\_\_\_\_ program in December of 2000. Prior to this enrollment from September through November 2000, the student continued to participate in his home based instruction and made academic progress.

16. Although the April 28, 2000 IEP was not formally amended, the student attended the \_\_\_\_\_ program with the approval of his parents. Ms. \_\_\_\_\_ testified that

she felt the program was appropriate for the student and that when he was present, he made academic progress.

17. The student did not attend the program for all the days the District offered it. District Exhibit 49 indicates that there were a total of 11 school days available in December. The student was absent seven days and attended four days on a part-time basis. During the month of January, there were a total of 15 days available for class. The student was absent seven days and attended the remaining eight days on a part-time basis. During February, there were 14 days available. The student was absent four days, attended on a part-time basis six days, and attended full-time on four days. During the month of March, there were 14 days available. The student was absent four days, attended on a part-time basis six days, and attended full-time on four days. During the month of March, there were 14 days available. The student was absent four days and attended 10 days on a full-time basis. During the month of April, there were 10 days available. The student was absent on three days, attended part-time on five days, and attended full-time on two days. During the month of May, the student attended either two or three days early in the month and was absent the remainder of that month. The student attended one day during the month of June, during which he was accompanied by a paraprofessional who videotaped the classroom, a copy of which was observed during the hearing. (District Exhibit 49).

18. The District reassessed the student for special education eligibility by evaluation dated February 21, 2001 (Exhibit 32). A summary of the findings are as follows:

The student demonstrates significant delays in all areas of development. In the area of self-help skills, the student demonstrates skills in the range of 18 months to two years, six months on the Brigance. The student will use picture cards, gestures, and verbalizations to indicate needs and wants. The student can make choices when up to three picture cards. He can make choices from a wider array of cards in the cards are photographs. The student can match colors and shapes when given objects or a group of cards to match. He needs physical prompts to point. His general knowledge skills ranged from lower than 18 months to two years of age. The student demonstrates social and emotional skills in the six months to 18 months range.

Because of the student's severe delays, he requires specially designed instruction. He needs intense instruction with picture cards to facilitate choice making and communication skills. His limited attention range and ability to persist limits his program in all areas. He needs continued exposure to a wide range of materials to find activities that he especially

enjoys and that he will persist in doing. His education plan should focus on daily functional tasks that incorporate learning skills to increase his retention of these skills and to generalize these skills into a natural environment.

19. An IEP meeting was held on April 25, 2001. At the meeting parties discussed an IEP which was agreed to by parties and signed District personnel and by the parent. (Exhibit 38) The parent acknowledged that the IEP was explained to her, that her rights and responsibilities were given and explained to her, that she had been given the opportunity to participate in the IEP, and that she agreed with its contents. In addition, the parent was represented by her attorney at the IEP meeting, who also signed the IEP. (Exhibit 38, p.1)

20 The April 25, 2001 IEP indicated that the student would continue in the preschool special education program four days a week for an average of 230 minutes per week beginning on April 25, 2001, and ending on June 14, 2001. (Exhibit 38, p. 10) In addition, the IEP called for home based support together with inclusion in the community preschool for the same period of time. The IEP provided that the student would begin in development kindergarten for five days a week for an average of 360 minutes per week beginning September 12, 2001, and ending on April 25, 2002. The IEP also called for speech and occupational therapy. The determination of ESY services was deferred to another meeting.

21 An IEP meeting was held on May 30, 2001 to address ESY services. The parties agreed to the following ESY program:

- 1 Continue work on current IEP goals and related services.
- 2 Attendance at a School based program 6/25 - 7/26 (including related services).
- 3 Home based 7/27 - 9/1(no related services).
- 4 The student will attend the school based program as appropriate with the remainder of time at home for time period 6/25 - 7/26.

The time per day was estimated to be two to three hours and the number of days was listed as five to six. (Exhibit 41)

22. In May of 2000, the parent hired a new aide, Jesse Axelson. Ms. Axelson had experience in working with autistic children and in implementing ABA services. In June of 2001, Ms. met with Ms. Axelson to review the student's goals and objectives. The District anticipated that the student would attend the school based summer program with Ms. Axelson as his aide, so that she could work with the staff in

implementing the student's goals and objectives. In fact, the student attended the summer school on June 27 for 30 minutes and on June 28 for 45 minutes. The remainder of the summer, the student received home based instruction from Ms. Axelson (Exhibit 43). Ms. Axelson developed a program sheet for the student (Exhibit 46, p. 26), and Ms. [redacted] observed the student in his home based program on August 30, 2001 and provided feedback to Ms. Axelson regarding the implementation of the student's IEP goals and objectives. (Exhibit 46, pp. 25 and 31). Ms. Axelson testified that the student made progress in his home based instruction and at least maintained or improved his current level of skills.

23. The District's early childhood education program for autistic students moved to [redacted] Elementary School for the start of the 2001-2002 school year. Ms. [redacted] was the classroom teacher who supervised an many as three classroom aides. While the number have varied slightly, there are approximately ten students in the class. The classroom is part of an Autism outreach program, replicating the University model under the direction of Dr. Schwartz at the University of Washington. Margaret Brashers, Ph.D., Director of Project DATA (Developmental Appropriate Treatment for Autism), has worked with the District as part of the outreach program. The District staff, including Ms. [redacted] has received training through the University of Washington and Dr. Brashers has observed the District program and made suggestions on a regular basis. Dr. Schwartz stated that, in her opinion, the program at [redacted] Elementary School would provide an excellent program for the student. While Dr. Brashers has not observed the student, she indicated that the program is individualized and appropriate for its current residents and that the staff has been receptive to training and suggestions so that it was likely an appropriate program could be developed for the student.

24. The District anticipated that the student would enroll in the program at the start of the 2001-2002 school year. When the student did not attend the program, Dr. Pack, Coordinator of Early Childhood Education for the District, wrote the following letter to the mother of the student on October 15, 2002:

As a follow up to our phone conversation on October 8, I want to confirm an invitation for you to schedule a visit to our program specific to the needs of children with autism and related disorders. Our program is at [redacted] Elementary with a session lasting from 11.30 to 3:00 every day. Please call [redacted] at 598-[redacted] to schedule a time for a visit.

The student has a current IEP and is eligible to receive services from the North Kitsap School District. The District is ready, willing, and able to provide services to meet the student's needs.

Please call me at 394- if you have questions. We look forward to having the student in our program whenever you wish to begin services.

Abbie Pack  
Coordinator of Early Education  
North Kitsap School District

(Exhibit 44)

25. When the student did not attend the program, Dorothy Siskin, Ed.D., Director of Special Education, wrote the following letter on November 23, 2001:

Dear Mrs [ ],

North Kitsap School District is ready, willing, and able to provide appropriate services to meet the needs of your son. His IEP is current and he is eligible to receive services from North Kitsap School District. We are ready to meet with you to review the IEP and arrange for the student to start attending at any time.

At this time, North Kitsap School District will not carry the student as an active student. We will be pleased to meet with you to discuss any concerns you may have. You are welcome to contact Dr. Abbie Pack (at 394- , or Mrs. (at ) to arrange a visit to the class, schedule a meeting, and/or register the student as an active student at North Kitsap School District. We look forward to hearing from you.

Sincerely,  
Dorothy Siskin, Ed.D.  
Director of Special Education

(Exhibit 45)

26. The parent did not enroll the student at Elementary School and did not respond to the letter.

27 The parents have requested that the District pay for and continue a home based program under the direction of the Northwest Behavioral Associates ("NBA"). Dr. Schwartz indicated that some members of the NBA had received training through her program.

28. In addition, the parents claim that the District has denied the student a "free appropriate public education" for three years. As a result, the parents have requested an award of compensatory education for three years

### 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. § 1401 *et. seq.* (Individuals with Disabilities Education Act (IDEA), Chapter 28A, 155 RCW, Chapter 34.05 RCW, Chapter 34.12, and the regulations promulgated thereunder, including 34 CFR 300 *et. seq.*, and Chapter 392-171 WAC for cases arising after November 11, 1995)

2. 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 a state's compliance with extensive goals and procedure. In *Hendrick Hudson district Board of Education vs. Rowley*, 458 U.S. 176, 102 S. Ct. 3034 (1982), the Supreme Court established both a procedural and a substantive test to evaluate a state's compliance with the Act, as follows:

3. A "free appropriate public education" (FAPE) consists of both the procedural and substantive requirements of the IDEA. The *Rowley* court articulated the following standard for determining the appropriateness of special education services:

According to the definitions contained in the Education for All Handicapped Children Act) a "free appropriate public education" consists of educational instruction specifically designed to meet the unique needs of the handicapped child, supported by such services as are necessary to permit the child "to benefit" from the instruction. Almost as a checklist for adequacy under the Act, the definition also requires that such instruction and services be provided at public expense and under public supervision, meet the State's educational standards, approximate the grade levels used in the State's regular education, and comport with the child's IEP. Thus, if personalized instruction is being provided with sufficient supportive services to permit the child to benefit from the instruction, and the other items of the definitional checklist are satisfied, the child is

receiving a 'free appropriate public education' as defined by the Act. 103 S. Ct. at 3041, 3042.

4 In an administrative hearing, the District bears the burden of proving compliance with the procedural requirements of the IDEA. *Clyde K. v. Puyallup School District*, 35 F.3d 1396 (9<sup>th</sup> Cir. 1994). Generally, only procedural flaws which result in the loss of educational opportunity, or that seriously infringe the parents' opportunity to participate in the IEP formulation process, will result in a denial of FAPE. *W.G. v. Board of Trustees of Target Range School District*, 960 F.2d 1479 (9<sup>th</sup> Cir. 1992); *Roland M. v. Concord Sch. Comm.*, 910 F.2d 983, 994 (1st Cir. 1990), cert. denied, 499 U.S. 912, 111 S. Ct. 1122, 113 L.Ed.2d 230 (1991); *Hall by Hall v. Vance County Bd. of Educ.*, 774 F.2d 629, 635 (4<sup>th</sup> Cir. 1985).

5 The parents have a duty to request a due process hearing within a reasonable time. See e.g., *Bernardsville Bd. of Educ. v. J.H.*, 42 F.3d 149 (3d Cir. 1994) (denying tuition reimbursement for a delay of more than one year before due process request); *David P. v. Lower Merion Sch. Dist.*, 29 IDELR at 23 (E.D. Pa. 1998) (applying a one-year limitation period to requests for compensatory education). The imposition of this duty upon parents is consistent with the IDEA's goal that "disabled children receive an appropriate education without unnecessary delay." *David P.*, 29 IDELR at 25

6 Neither the IDEA nor state law contain a limitations period for when parents may request a due process hearing for a district's alleged failure to provide a FAPE. However, in interpreting these laws, courts have imposed reasonable time limitations on the subject matter to be considered in a due process hearing. E.g. *Nieuwenhuis v. Delavan-Darien School Dist.*, 27 IDELR 839 (E.D. Wisc. 1998). See also, *Bernardsville*, 42 F.3d at 158 (parents must request a due process hearing within a "reasonable time," and defining a reasonable time to be under one year); *David P.*, 29 IDELR at 25 (one year period is reasonable).

7 A reasonable period for ending the right to challenge a prior IEP is at the time the parties agree to a new IEP. See *Nieuwenhuis*, 27 IDELR at 845; *Washington Sch. Dist.*, 28 IDELR 211, 214 (Penn. 1997); *Gaylord Community School*, 32 IDELR 21 (Mich. 1999). This standard is reasonable because the adoption of a new IEP allows both parents and school officials the opportunity to correct any deficiencies in the prior IEP. The remedy of compensatory education is equitable in nature and thus subject to equitable defenses. *Burlington*, 471 U.S. at 374; *Parents of Student W v. Puyallup Sch. Dist.*, 31 F.3d 1489 (9<sup>th</sup> Cir. 1994). Parents who fail to object to an IEP and then agree to a new IEP have waived their right to appeal the prior IEP.

8. Because the parents' participated in, and agreed with, the IEPs in effect from November 20, 1998 through April 25, 2001, the parent's due process request is untimely for the events that occurred prior to their signing the April 25, 2001 IEP.

9. Compensatory education is an award of educational services or reimbursement that may be ordered where a student has been denied FAPE. Compensatory education is a remedy to compensate a student for a violation of statutory rights while he or she was entitled to those rights, and may be an appropriate relief in the context of the IDEA because such an order "merely requires [defendants] to belatedly pay expenses that [they] should have paid all along." *Lester H. v. Gilhool*, 916 F.2d 865 (3rd Cir. 1990), cert. denied, 111 S. Ct 1317 (1991); *Miner v. State of Missouri*, 800 F.2d 749, 753 (8<sup>th</sup> Cir. 1986) (citing *School Committee of Burlington v. Department of Education*, 471 U.S. 359 (1985)). Equitable considerations are relevant in fashioning relief. *School Commissioner of the Town of Burlington v. Dept. of Educ.*, 471 U.S. at 374 (1985). The conduct of both parties must be reviewed to determine whether relief is appropriate. See *W.G. v. Board of Trustees of Target Range School District*, 960 F.2d at 1485-6. The IDEA imposes no obligation to provide a day-for-day compensation for time missed. Appropriate relief is relief designed to ensure that the student is appropriately educated within the meaning of the IDEA. *Parents of Student W. v. Puyallup School District, No. 3*, 31 F.3d 1489 (9<sup>th</sup> Cir. 1994). Here, the parents agreed to the prior IEPs, but the student did not attend school at all times provided in the IEPs and the parents did not timely request amendment of the IEPs in place. Under these facts an award of compensatory education is not warranted.

10. Under Washington's "Becca" Bill, mandatory attendance applies to children aged 8 through 17 years old. RCW 28A.225.010. While there is an exception for six or seven year old children, this exception requires that the parent enroll the six or seven year old child "full time in public school." 28A.225.015(4). If the student had been 8 years old or if the parents had enrolled him full-time for the 2001-2002 school year, then the District could have compelled his attendance through the Becca Bill. See *Bellevue School District No. 405*, 31 IDELR 192 (Wash. 1999) (District required to initiate Becca truancy petition for 16 year old special education student who stopped attending school). The student turned six years old in 2001, but the parents did not enroll the student full-time in the District for the 2001-2002 school year. Thus, the District had no authority to compel attendance and was not responsible for the fact the student did not attend school as provided for in his last IEP.

11. Even though the student was not enrolled in the District for the 2001-2002 school year parties should have met to consider a new IEP for the student when his current IEP ended in April 2002. However as the parents did not enroll or re-enroll the student during the pendency of his IEP for the 2001-2002 school year and the parents did not request the student's enrollment or consideration of a new IEP the

District's failure to convene an IEP meeting does not constitute a procedural error which entitles the parents to relief from the District.

12. The parents are requesting an order directing an out of District placement or home based instruction. Their request is based on the right of parents to be reimbursed for costs incurred in placing a child in private special education when a school district has failed to offer a child a FAPE and where the private placement is appropriate. 34 C.F.R. §300.403; WAC 392-172-231. See also *Burlington School Commissioner v. Massachusetts Dep't of Educ.*, 471 U.S. 359, 369 (1985). The conduct of both parties must be reviewed to determine whether relief is appropriate. *W.G. v. Board of Trustees of Target Range School District*, 960 F.2D 1479, 1485-6 (9<sup>th</sup> Cir. 1992). Placement in the least restrictive environment (LRE) is not a requirement for private placement by parents. See *Cleveland Heights-University City Sch. Dist. v. Boss*, 144 F.3d 391m 399-400 (6<sup>th</sup> Cir. 1998)(holding private placement's failure to meet IDEA's main streaming requirement does not bar parental reimbursement). However, whether the private placement constitutes the LRE is a factor that may be considered. See *M.S. v. Bd of Educ. of the City Sch. Dist. of Yonkers*, 33 IDELR 183 (2<sup>nd</sup> Cir. 2000). In addition, the right to reimbursement may be reduced or denied upon a finding of unreasonableness with respect to actions taken by the parents. 34 C.F.R. §300.403; WAC 392-172-231(2)(d).

13. For periods through April 2002 the District offered the student a free appropriate public education in what parties had determined would be the least restrictive environment. The District is not required to fund the parents' private placement.

14. In reaching the above findings and conclusions the undersigned has considered that the parents have not re-enrolled the student in the District or requested a current IEP or re-evaluation of the student but instead filed the request for hearing at issue herein. This matter is thus remanded to the District to allow the parents to enroll the student for the remainder of the current school year and allow the parties to develop a current IEP and evaluation for the student.

15. The undersigned has considered all arguments made by the parties. Arguments that the undersigned has not specifically addressed were not considered necessary to resolution of the issues raised by this appeal.

### ORDER

**IT IS HEREBY ORDERED** that:

1. The Parents' request for Compensatory Education is **DENIED**;
2. The Parents' Request for Reimbursement for out-of-district placement is **DENIED**;
3. The District is the prevailing party on all issues in this hearing.
4. This matter is **remanded** to the District to allow the parents to enroll the student for the remainder of the current school year and allow the parties to develop a current IEP and evaluation for the student.

DATED at Seattle, Washington this 13<sup>th</sup> day of February, 2003.



William F. Lemke  
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. Section 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 30-day time limit for filing a petition for judicial review commences with the date of the mailing of this decision.

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