

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

**MAILED**  
**JUN 13 2003**  
Office of Administrative Hearing  
Spokane

IN THE MATTER OF:

SCHOOL DISTRICT

SPECIAL EDUCATION  
CAUSE NO. 2003-SE-0040

**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 \_\_\_\_\_, Washington on May 27 and 28, 2003. Appellant, parent of the Student (Parent), was present at hearing and represented by Kristian Hedine, Attorney at Law. The \_\_\_\_\_ School District (District), was present through \_\_\_\_\_, Superintendent for the District, represented by John Biggs, Attorney at Law. 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**

The Parent filed a request for due process hearing with the Office of Superintendent of Public Instruction on March 27, 2003. The Office of Administrative Hearings (OAH) mailed to the parties a Notice of Prehearing Conference and Notice of Hearing on March 28, 2003 with an assigned docket number of 2003-SE-0040. Prehearing conferences were held on April 9, 2003 and April 14, 2003. The forty-five day deadline was extended from May 12, 2003 until June 24, 2003.

**ISSUES**

The Parent requests that the Student be evaluated by the District to determine whether the Student has a learning disability. Also at issue is whether the District procedurally failed to refer the Student for evaluation within the required 25 school days and whether the Parent should be reimbursed for the Independent Educational Evaluation performed on the Student February 17, 2003.

**RECEIVED**

**JUN 16 2003**

Superintendent of Public Instruction  
Legal Services

## EXHIBITS AND WITNESSES

Witnesses for the Parent were the Parent herself; \_\_\_\_\_ former teacher; \_\_\_\_\_, School Psychologist for the \_\_\_\_\_ School District; Laura Droke, Special Education Coordinator for the Walla Walla School District; and Chris Howell, Parent Advocate.

Witnesses for the District were \_\_\_\_\_, Principal of \_\_\_\_\_ Intermediate School; \_\_\_\_\_, Student's classroom teacher; \_\_\_\_\_, School Counselor; \_\_\_\_\_, School Psychologist; \_\_\_\_\_, Special Education teacher; \_\_\_\_\_, Lunchroom Supervisor; \_\_\_\_\_, Physical Education teacher; \_\_\_\_\_, Superintendent; \_\_\_\_\_, Special Education Coordinator; and \_\_\_\_\_, Classroom Aide.

The following exhibits were admitted:

Parent Exhibits 1-11  
District Exhibits 101-136.

## FINDINGS OF FACT

1. The Student was born on \_\_\_\_\_, 1993. She resides with her mother in \_\_\_\_\_ Washington, within the \_\_\_\_\_ School District (the District) boundaries. At the time of the hearing the Student was 10 years old and was being homeschooled. The Student had attended the fourth grade at \_\_\_\_\_ Intermediate School within the District until approximately February 20, 2003. Exhibit 119.
2. The Parent has experienced behavior problems with the Student since the Student was three years old. During first grade in the \_\_\_\_\_ School District the Student would antagonize other students. The Parent placed the Student with a private counselor for anger management. In second grade there were problems toward the end of school. At the end of school the Student was pushing kids and telling the teacher off. The Student was receiving discipline slips. The Student was placed in a friendship group at the school.
3. The Student was enrolled in the \_\_\_\_\_ Elementary District in third-grade because the Parent was working for that school district at the time. The Student had conflicts with one student. Both were bossy and argumentative. The Student became suicidal in January, 2001. The Parent kept the Student out of school for two months during which the Waitsburg School District implemented a 504 intervention plan. The Student saw a pediatric psychiatrist, Dr. Ashby, in March, 2003. Zoloft was prescribed. The Student's care was turned over to Allison Kerby who monitored the Zoloft medication. The Zoloft helped but the Student still had temper rages. The Student returned to the

Waitsburg Elementary School in March, 2001 under a modified school day pursuant to the 504 plan. The modifications worked well although the Student was still depressed.

4. The Student began running away from home and acting defiantly during the summer between third and fourth grades. The Parent tried to get the Student into Lourdes Counseling Center but was unable to do so. The Parent was experiencing severe financial problems with potential bankruptcy. The Parent decided to enroll the student in the Discovery School at the end of the summer.

5. The Student's teacher at Discovery School was Kimberly Hause. Ms. Hause was the teacher for eight students and was able to provide individual attention to the Student. The Parent was satisfied with the Student's behavior until March, 2002. The Student began to experience mood swings in March, 2002. The Student was taken off her medication for one week and placed into Lourdes Counseling Center. It was at this time the Student was diagnosed with Bipolar Disorder and Zyprexa was the medication prescribed. The Student returning to Discovery school and began to "even out". Ms. Hause could intervene when she saw the Student "wind up." A safety plan was developed by Ms. Hause.

6. The Parent took the Student out of Discovery School due to financial reasons and the decision that the Student would have to sometime transition into the public school system. The Parent felt the school district would be able to provide current testing and evaluation to determine the Student's needs. It was at this time, in June, 2002, that the Parent contacted the Walla Walla School District and made a special education referral requested.

7. The Parent contacted the Walla Walla School District on June 11, 2002 and requested that the Walla Walla School District refer the Student for a special education evaluation for the 2002-2003 school year. Exhibit 3.

8. The Parent spoke to Laura Droke, Special Education Coordinator for the Walla Walla School District, on June 11, 2002. Exhibit 3. Ms. Droke learned that the Student had been diagnosed in the first grade by Dr. Ashby in Spokane with Oppositional Defiant Disorder and Anxiety Disorder with components of Obsessive Compulsive Behavior. The Student had taken medication for these conditions that had resulted in weight gain. The Student was susceptible to overheating and heatstroke with exertion. The Student also had drug allergies. The Student was diagnosed with Depression and was suicidal in third grade, resulting in a modified school day and tutoring. The Student was currently being seen by Dr. Kerby from the Walla Walla clinic and Dr. Zimmerman from Lourdes Psychiatric Hospital in Richland. The Student had a current diagnosis of Bipolar Disorder with components of Anxiety Disorder and Obsessive Compulsive Disorder. The Student was on medication for these disorders. The Student could be impulsive, immature socially

for her age, and she had been oppositional with authority. The Student had difficulty with processing social language and putting words with emotions. The Student had a need for increased processing time, verbal problem solving and social scripting, and assistance with judgment and problem solving. The Student did not change easily and needed a highly structured routine-oriented environment. Ms. Droke was told that the Student was in the upper fourth grade in reading, a strong fourth grade level in written language, and was above average in math, although there was some difficulty and getting the Student's work done. The Student had skipped kindergarten and started school at the first grade level. The Student had been in first and second grade at \_\_\_\_\_ Elementary in the Walla Walla School District, third grade in Waitsburg, and fourth grade at the Discovery School. Exhibits 5 and 9.

9. Ms. Droke was able to confirm the Student's medical diagnosis with Dr. Kerby on June 11, 2002. Exhibit 10. Ms. Droke then drafted a referral form identifying the Student's noticeable delays and problems as speech/language, social/emotional, and behavioral. Exhibit 5.

10. Ms. Droke convened a referral meeting on June 11, 2002. Present at the referral meeting were Pam Amo, the school psychologist, and Denise Ciarlo. Exhibit 3. The referral team chose to evaluate the Student based on the information provided by the Parent and the confirmed diagnoses. Exhibit 5. The Student was referred for evaluation in oral language, social/emotional, behavior, and health.

11. Ms. Droke called the Parent on June 11, 2002 stating that the Walla Walla School District had decided to evaluate the Student. The Parent needed to sign a consent form before the Walla Walla School District could perform the evaluation.

12. The Parent agreed to have the Student evaluated and signed the consent form on June 11, 2002. Exhibit 8.

13. The Parent, who had worked as a speech clinician for other school districts, knew that a school district had 35 school days within which to evaluate the Student.

14. The 2001–2002 school year ended shortly after June 11, 2002.

15. The Parent called Ms. Droke on June 19, 2002 and left a message indicating that she and the Student were moving from the Walla Walla School District into the \_\_\_\_\_ School District (District). Exhibit 11.

16. Ms. Droke called \_\_\_\_\_, special education coordinator for the District, on June 20, 2002. Exhibit 11.2. Ms. Droke informed Ms. \_\_\_\_\_ that the Student was moving to \_\_\_\_\_ and that the Walla Walla School District would be sending the referral

information to the District.

17. The Walla Walla School District referral information regarding the Student was sent to Ms. on June 26, 2002. Exhibit 3. Ms. is unsure when she first saw this information. Ms did not see the information prior to August 23, 2002.

18. The Parent called the principal, , in mid-August, 2002, requesting a meeting prior to the start of the school year. The Parent wanted to discuss the Student's placement for the upcoming school year.

19. A meeting was convened on August 23, 2002. Attending the meeting were the Parent, Ms. , Ms. , and parent advocate Chris Howell. Discussed at the meeting was whether to place the Student in fourth or fifth grade and whether the Student needed to be tested. The Parent indicated that the Student suffered from processing problems and had problems with socialization skills. Ms. and Ms. suggested that the Student attend fourth grade and the Student's behavior be monitored and tested when appropriate. The Parent emphasized that the Student would go through a honeymoon phase where everything was fine before she erupted. The Parent again emphasized the need to test the Student. Ms. and Ms. stated that the Student's behavior would be monitored. The Parent became frustrated and withdrew from the discussion. The District interpreted the Parent's response as an agreement with the decision to monitor the Student's behavior and test when appropriate. Exhibit 2.

20. The 2002-2003 school year started at the end of August, 2002. The Student was placed in the fourth grade classroom of at Intermediate School (school). The Student did well academically and socially until November, 2002. The Student had several disagreements with other students that were resolved. The Student was student of the month in September, 2002 and received high academic grades for the first trimester ending in November, 2002. Exhibits 104 and 121). The Student was also placed in the Meaningful Work Program at the school. The Student worked in the kitchen.

21. In November, 2002, the Parent started chemotherapy for cancer treatment. The Parent attended the parent/teacher conference the first of November with Ms. . The Parent asked the school counselor, , to attend and possibly assist the Student in dealing with the Parent's chemotherapy. Ms. stated during the conference that the problems with the Student and another student, seem to be under control.

22. A disciplinary incident involving the Student occurred on November 20, 2002, approximately two weeks following the November parent/teacher conference. The Student and a male fourth grade student, entered their physical education (PE) class together

bickering. The PE teacher, \_\_\_\_\_, noticed the interaction and intervened. Mr \_\_\_\_\_ left the students when he thought the problem was solved. Within a few minutes, Mr. \_\_\_\_\_ witnessed the Student push \_\_\_\_\_ onto the floor. \_\_\_\_\_ slid into the wall and began crying. Mr. \_\_\_\_\_ immediately intervened and sent the Student to the office. Exhibit 105.

23. The Student is much larger than \_\_\_\_\_

24. The Student had an on again/off again relationship with \_\_\_\_\_

25. Mr. \_\_\_\_\_ had experienced past problems between these two students. They had exchanged words between the two of them and with other students. This behavior was not uncommon among fourth graders.

26. Mr. \_\_\_\_\_ called the Parent on November 20, 2002 and discussed the incident with her. The Parent explained that the Student was bipolar and was prone to heat exhaustion. Mr. \_\_\_\_\_ was not aware of either condition prior to November 20.

27. Both students were given detention for their behavior. \_\_\_\_\_ was given detention for name calling.

28. The students appeared to get along better during PE following the November 20 incident.

29. The Parent did not request testing for the Student following the November 20 incident. The Parent did not follow up on the initial referral. The Parent chose not to request testing because she was undergoing chemotherapy and not thinking clearly and because the Student's medications would be changed the first week of December. The Parent wanted to see what effect that medication change would have, if any.

30. The Student was out of school for Thanksgiving break. The Student was in school for a short time following the break and then was removed from school during the first week of December. The school removal was requested by the Student's doctor. The Student was taken off her medications completely during the first week of December.

31. It was during this first week in December that the Parent learned the Student had been removed from the Meaningful Work Program due to behavioral issues. The Parent again did not bring up the referral issue with the school, waiting to see the effect of the medication change.

32. The Student was out of school approximately two weeks for winter break in December, 2002.

33. The Student returned to school first of January, 2003. Another incident occurred on January 30, 2003.

34. The Student and were in the lunchroom for breakfast on January 30, 2003. The lunch room was being supervised by , custodian. Mr had separated the Student and on a prior occasion because they did not get along. The Student and had informed Mr that they were now friends. Mr. was allowing the students to sit together.

35. The Student and had exchanged words while sitting together on January 30, 2003. Mr. saw that the conversation was escalating and approached the students to intervene. Mr. then observed the Student hit below the eye with her fist. Mr. contacted Ms. , who came and got the Student, taking her to the office. Exhibit 106.

36. Ms. spoke to the Student about the incident. The Student was to be suspended for one day in compliance with the student handbook. The Student called the Parent, explaining that she had lost control and hit . Ms. got on the telephone and told the Parent that the Student was being sent back to class and that she would be suspended.

37. The Parent came to school on January 30 and picked up the Student. Both Ms. and the Parent wanted a meeting prior to the Student returning to school.

38. The Parent requested a referral meeting on January 30, 2003. Exhibit 113.

39. The Parent called the school on January 31, 2003 and asked about the referral process. The Parent spoke to Ms. , Ms. and , the school psychologist. No one had prior school records or medical records on the Student. The Parent stated that the Student would not be returning to school until a referral meeting was held.

40. A referral meeting was held on February 11, 2003. Present at the meeting were , and (the team) as well as the Parent. Discussed at the meeting was the Student's educational and behavioral history beginning from first grade. The team still did not have any of the Student's educational and medical records. The team felt that there was not enough information to make the decision to evaluate the Student since the Student had only been at the school five months.

41. The team concluded that the Student was doing well academically in the fourth grade and they could not see how special education would benefit the Student educationally. The team concluded that what had been done in fourth grade to date had

been successful and that they may need to modify the regular education classroom to assist the Student in the future. The team agreed that in-school suspensions would be appropriate as well as a safety plan and counseling at school or privately for socialization and behavior control. The team indicated they would like to see these interventions tried before moving onto the evaluation for placement into the special education program. The team believed that the proposed interventions would be enough to address the Student's educational needs and that further interventions would be too restrictive. The team concluded that the Student had been able to manage herself to a satisfactory degree in the regular education setting for the previous past five months and the team would like to see her remain in the regular education setting with necessary accommodations to ensure her success.

42. The team drafted an IEP Team Meeting Summary with their conclusions. Exhibit 118.

43. The team would have evaluated the Student based upon the Student's performance at the Discovery School had the Student not performed well in the regular education classroom during the previous five months.

44. The Parent disagreed with the team's conclusion. The Parent agreed that the Student may not need special education but that only evaluation through testing would reveal whether that need existed. Further, the Parent felt that testing would be beneficial in setting up appropriate interventions rather than basing the interventions on the previous five school months.

45. The Parent left the referral meeting prior to its conclusion. The Parent stated that she would homeschool the Student and get the testing herself if the team did not agree to the testing.

46. The Parent removed the Student from \_\_\_\_\_ Intermediate School after receiving the IEP Team Meeting Summary. Exhibit 118. The Student has not attended \_\_\_\_\_ Intermediate School since \_\_\_\_\_, 2003.

47. The Student was tested by \_\_\_\_\_, a private for-profit testing facility in \_\_\_\_\_, on February 17, 2003. Exhibit 120. This facility provides testing services and additional services for areas of testing deficiencies. The qualifications of the tester are unclear.

48. The Parent filed a Request for Due Process Hearing with the Office of the Superintendent of Public Instruction on March 27, 2003. Exhibit 101. The Parent requested reimbursement for testing; adaptation and modification of the WASL and modification of the environment in which it is administered; and the District provide the

Student with an appropriate educational program. During the hearing, the Parent reiterated that she wanted the Student tested to best determine the appropriate educational program for the Student.

### 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 284.155 RCW, Chapter 34.05 RCW, Chapter 34.12 RCW, and the regulations promulgated thereunder, including 34 CFR 300 *et. seq.*, and Chapter 392-172 WAC.

2. The Individuals with Disabilities Education Act (IDEA) (formerly the Education for All Handicapped Children Act) and its implementing regulations provide federal funds to assist state and local agencies in educating children with disabilities, and condition such funding upon a state's compliance with extensive goals and procedures. In *Hendrick Hudson District Board of Education v. Rowley*, 458 U.S. 176, 103 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:

First, had the state complied with the procedures set forth in the Act? And second, is the individualized educational program developed through the Act's procedures reasonably calculated to enable the child to receive educational benefits? If these requirements are met, the state has complied with the obligations imposed by Congress and the courts can require no more. 103 S.Ct. at 3051.

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 education 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. The evaluation of any student being considered for special education must be performed under the procedures set out in Chapter 392-172 Washington Administrative Code (WAC), specifically WAC 392-172-108.

5. " 'Special education student' means: (a) Any student, enrolled in school or not, (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). "If it is determined through an appropriate evaluation that a student has one of the disabilities identified in WAC 392-172-114 through 392-172-148, but only needs a related service and not specially designed instruction, the student is not a special education student under this chapter." Id at (3).

6. "(1) When a student suspected of having a disability is brought to the attention of school personnel under WAC 392-172-102, the school district or other public agency must document the referral and:

(a) Provide the student's parent(s) or the adult student written notice that the student has been referred because of a suspected disabling condition and that the district or other public agency, with parental input, will determine whether or not there is good reason to believe that the student is a candidate for evaluation;

(b) Review the referral;

(c) Collect and examine existing school, medical and other records in the possession of the parent, school district or other public agency; and

(d) Within twenty-five school days after receipt of the referral, make a determination whether or not the student is a candidate for evaluation. This decision shall be recorded in writing and shall set forth the date and the names of the persons making the decision. The superintendent or designee shall direct a notice to the student's parent(s) or the adult student that complies with the requirements of WAC 392-172-302."

WAC 392-172-104.

7. The District did not comply with the procedural requirements of WAC 392-172-104. The District failed to make a determination whether or not the Student was a candidate for evaluation within the required 25 school days. The Walla Walla School District referral was properly forwarded to the District prior to the start of the 2002-2003 school year. It is unclear when the actual start date for the 2002-2003 school year occurred but it could not have been later than Tuesday, September 3, 2002. Twenty-five school days from September 3, 2002 would have occurred by mid-October, with non-school days considered. There is no question that the District had not made a determination whether

the Student was candidate for evaluation by mid-October, 2002. In fact, the District did not make such a determination until February 1, 2003, significantly after the expiration of the 25 days.

8. Any loss of educational opportunity to the Student is unclear at this time and cannot be properly determined until after the Student has been evaluated and necessary services for the Student are identified.

9. The purpose of the referral meeting is to determine whether the Student is eligible for evaluation, not whether the Student is eligible for special education. There is little guidance given in making that determination. The decision to evaluate is left to the referral team upon review of the provided information. The referral team is to "collect and examine existing school, medical and other records in the possession of the parent, school district, or other public agency..." in making the decision to evaluate. WAC 392-172-104(1)(c). Generally, in letters to the Office for Civil Rights (OCR) for the U.S. Department of Education, school districts have agreed to evaluate a student when the parent disagrees with the amount of testing so the district can have objective criteria from which to then decide that the student is not eligible for special education.

10. Not every disabled child who is advancing from grade to grade in a regular public school system is automatically receiving a FAPE in accordance with the requirements of Rowley. Rowley, 458 U.S. at 203, n. 25. "The fact that a child, despite a disability, receives some educational benefits from regular classroom instruction should not disqualify the child from eligibility....Denying special education benefits because [a student] is able to pass from grade to grade despite documented impairments that adversely affect his educational performance is wrong." Corchado ex rel. Corchado v. Board of Educ., 86 F.Supp. 2d 168, 176 (W.D.N.Y. 2000). FAPE is available even to students who are advancing from grade to grade. WAC 392-172-030(1).

11. The District had very little objective criteria upon which to base their decision not to evaluate, or test, the Student. It is undisputed that the Student suffers from a disability. The District concluded that the Student's disability was not adversely affecting the Student's academic performance since the Student was functioning at or above grade level. This conclusion is misplaced. "Denying special education benefits because [a student] is able to pass from grade to grade despite documented impairments that adversely affect his educational performance is wrong." Corchado, supra. Performing at or above grade level alone is not enough upon which to decide not to evaluate the Student. The District has insufficient information to determine whether the Student's documented impairment is adversely affecting her educational performance. In fact, the District has no information other than the Student's education performance in the preceding five months upon which to base their conclusion that there is no adverse educational affect. It is concluded that reliance on such information alone is insufficient to determine the affect of

the Student's disability on her educational performance.

12. The District also considered the Student's behavior in the past five months while at Intermediate School in their decision not to evaluate. The District decided that the Student had not exhibited significant behavioral problems in the preceding five months and there was no need to evaluate. The District also testified that they would have evaluated the Student at the beginning of the year based solely upon the information the Parent had supplied to the Walla Walla School District in June, 2002. This would mean that had the District complied with referral procedures, the Student would have been evaluated. But since the District delayed their compliance, the Student will not be evaluated. The District should not be able to benefit from their delay to the possible detriment of the Student. Further, when reviewing the Student's behavior prior to entering , and the escalating nature of her behavior within the five months at , the Student may have some emotional/behavioral disability that is interfering with her ability to function at school and therefore, her education performance, despite her ability to function at or above grade level. It is concluded that the District should evaluate the Student within the requirements of Chapter 392-172, et seq. WAC.

13. The Parent should not be reimbursed for the testing of the Student by . Implicit in the criteria for requesting an Independent Educational Evaluation (IEE) is that a public evaluation has already occurred. WAC 392-172-150. A public evaluation has not yet occurred in this case so the request for an IEE is premature. The Parent is not entitled to reimbursement for an IEE that occurs prior to the public evaluation. Further, the IEE must be performed by a qualified evaluator. The evaluator from has not been qualified.

### SUMMARY

1. Based on the foregoing facts and analysis of the law , it is concluded that the District failed to procedurally comply with WAC 392-172-104. Any loss of educational opportunity to the Student resulting from this delay shall be determined following the initial evaluation for special education.


2. The District shall perform a special education evaluation of the Student in accordance with WAC 392-172-106 through 111. An appropriate educational plan shall be developed in accordance with the findings of the evaluation.

3. The Parent shall not be reimbursed for the testing of the Student performed on February 17, 2003.

## ORDER

1. The District failed to procedurally comply with WAC 392-172-104. Any loss of educational opportunity to the Student resulting from this delay shall be determined following the initial evaluation for special education.
2. The District shall perform a special education evaluation of the Student in accordance with WAC 392-172-106 through 111. An appropriate educational plan shall be developed in accordance with the findings of the evaluation.
3. The Parent shall not be reimbursed for the testing of the Student performed on February 17, 2003.

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