

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 17-05**

### **PROCEDURAL HISTORY**

On February 2, 2017, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the Ferndale School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student's education.

On February 3, 2017, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District Superintendent on the same day. OSPI asked the District to respond to the allegations made in the complaint.

On February 22, 2017, OSPI received the District's response to the complaint and forwarded it to the Parent on February 23, 2017. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information. The Parent did not reply.

On February 28, 2017, OSPI received additional information from the District and forwarded it to the Parent on March 1, 2017.

On March 3, 2017 and March 27, 2017, OSPI received additional information from the District and forwarded it to the Parent on March 27, 2017.

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

### **OVERVIEW**

At the beginning of the 2016-2017 school year the Student attended a District middle school, and was eligible to receive special education and related services under the category of specific learning disability. In September, the Student was expelled for bringing a weapon to school. The District held a manifestation determination meeting within seven days of the Student's expulsion, and determined that the Student's action of bringing a "look-alike firearm" to school was not a manifestation of the Student's disability. Although the Student's behavior was not a manifestation of his disability, the District elected to conduct a functional behavioral assessment (FBA) to understand the potential factors that led to the Student bringing a weapon to school. While the Student was expelled, the District arranged to provide him with six hours of tutoring services per week at a local college setting. However, the District did not hold an IEP meeting to determine whether these were appropriate services, or an appropriate location for the Student's interim alternative educational services (IAES) to be provided. From September 29 - December 5, 2016, a District staff member provided partial service hours to the Student, and from December 6, 2016, until the Student returned to school on February 14, 2017, the District did not provide any services. The Parent alleged that the District failed to follow special education disciplinary procedure when it did not provide the Student tutoring services. The District denied the allegation.

## ISSUES

1. Did the District follow special education disciplinary procedures during the 2016-2017 school year?

## LEGAL STANDARDS

Disciplinary Removal that Results in a Change of Educational Placement: A change in placement occurs when a student is removed from his or her current placement because of discipline for more than ten consecutive days; or, when the student is subjected to a series of removals that constitute a pattern because the removals total more than ten school days in a school year, because the student's behavior is substantially similar to the previous incidents that resulted in removals, and because of additional factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another. 34 CFR §300.536; WAC 392-172A-05155. After a student has been removed from his or her current placement for ten school days in the same school year, during any subsequent days of removal the school district must provide services to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. WAC 392-172A-05145(2),(4).

Manifestation Determination: Within ten school days of the district's decision to change the student's placement through discipline, the district, parents and other relevant members of the IEP team (as determined by the parents and the district) must determine whether the behavior that led to the disciplinary action was a manifestation of the student's disability. In making the manifestation determination, the district, parents and other relevant members of the IEP team must consider all relevant information in the student's file to determine if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or if the conduct in question was the direct result of the school district's failure to properly implement the student's IEP or behavior intervention plan. 34 CFR §300.530(e); WAC 392-172A-05145(5).

If the school district, parent(s), and other relevant members of the student's IEP team determine the conduct was a manifestation of the student's disability, the IEP team must either: conduct a functional behavioral assessment, unless the district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the student; or, if a behavioral intervention plan has already been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior; and, except for special circumstances, return the student to the placement from which the student was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan. 34 CFR §300.530(f); WAC 392-172A-05145(6).

When a disciplinary exclusion exceeds ten school days and the behavior in question is found not to be a manifestation of the student's disability, a district may apply the same

relevant disciplinary procedures, in the same manner and for the same duration as it would to a student not eligible for special education, except that: the student must continue to receive services that provide a FAPE and enable the student to continue to participate in the general education curriculum and progress toward meeting annual IEP goals, even if services are provided in another setting; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services that are designed to address the behavior violation so that it does not recur. 34 CFR §300.530(c)-(d); WAC 392-172A-05145(3)-(4). The student's IEP team determines the interim alternative educational setting for services under WAC 392-172A-05145 (3), (4)(f) and (7). WAC 392-172A-05150.

### **FINDINGS OF FACT**

1. On January 16, 2015, the District completed an initial evaluation of the Student. The initial evaluation identified a severe discrepancy between the Student's achievement and ability in the areas of math problem solving, math calculations, written expression and suspected a discrepancy in the area of reading fluency. The report stated that despite receiving instructional interventions, the Student, had made minimal academic progress at the secondary level. The report recommended the Student receive specially designed instruction in math, writing, and reading. The report also stated that the Student interacts positively with his classmates, and the Student's teachers' describe the Student as "polite, quiet, and mostly effortful in class, though he does not readily ask for help when needed."
2. At the beginning of the 2016-2017 school year the Student attended a District middle school (middle school 1) and was eligible to receive special education and related services under the category of specific learning disability.
3. The District's 2016-2017 school year began on September 6, 2016.
4. The Student's individualized education program (IEP) in place at the beginning of the school year was developed on January 15, 2016. The Student's IEP stated the Student was Native American, and also stated the Student's deficits in math and reading negatively affected his ability to keep up with the expected standards for his grade level. The Student's IEP also stated that the Student "gets along well with peers and is respectful to teachers." The Student's IEP provided for the following specially designed instruction in a special education setting:
  - Math – 20 minutes per week
  - Writing – 20 minutes per week
  - Reading – 20 minutes per week

The Student's IEP stated that the Student's progress toward his annual IEP goals would be measured and summarized in a progress report that would be provided to the Student's parents at the end of each term. The Student's IEP provided for measurable annual goals in math, writing, and reading, as follows:

- Math – When given math problems involving two or three steps, the Student will solve the problems improving from being unable to independently solve the problems

- to solving them with 70% accuracy as measured by course assessments and progress monitoring assessments.
- Writing – When given a topic to write about and three minutes, the Student will write on the topic, improving writing skills from writing 24 correct word sequences to writing 40 correct word sequences as measured by curriculum based assessments.
  - Reading – When given a middle school passage to read orally, the Student will improve reading fluency from 96 words read correctly per minute to 150 words read correctly per minute as measured by fluency timings.
  - Reading – When given a middle school passage to read silently or orally, the Student will read the passage independently and answer comprehension questions related to the passage, improving comprehension skills from 30% of questions answered correctly to 70% answered correctly as measured by curriculum based assessment and teacher observation.
5. On September 13, 2016, the District emergency expelled the Student for possessing a “look-alike firearm” on school property. The District’s documentation states that law enforcement officers found the Student near the school restrooms, with a BB gun hidden in the waist of his pants. The documentation also showed that the Student reportedly stated that he brought the BB gun to school because he had been threatened.
6. On September 20, 2016, the District held a meeting to determine whether the Student’s decision to bring a BB gun to school was a manifestation of his disability. The Parent, the Student’s father, the principal of middle school 1 (principal 1), the school psychologist, the Native student support specialist, and the District executive director of student services attended the meeting.<sup>1</sup> The review team determined that the Student’s conduct was not a manifestation of his disability. The manifestation determination form stated that the Student’s specific learning disability in math problem solving, math calculation, written expression and reading fluency remain “central to the Student’s IEP” and that the Student’s IEP had been fully implemented since he qualified for services in January 2015. The manifestation determination form also stated that social and behavioral issues were not among the Student’s initial referral concerns, and that the Student is known for “his helpful prosocial behaviors at school” and that his family was “quite surprised by the incident”. Also, at the meeting the District completed a functional behavior assessment (FBA) of the Student. The FBA stated it was difficult to determine antecedents to the Student’s behavior, but the Student had reportedly stated that “certain other persons” were intimidating him. The FBA further stated that the Student had a history of “appropriately interacting with other students” and that this was the only instance of this “particular behavior”. The FBA recommended that the Student’s IEP team collect data, observe, and closely monitor the Student “in order to ensure his and others safety as he reintegrates with his classmates,” assuming the Student returned to school.

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<sup>1</sup> On September 20, 2016, the Parent agreed, in writing, to excuse the special education teacher from an IEP meeting scheduled for September 20, 2016. The excusal form stated the Parent agreed to the excusal because “the member’s area of the curriculum or related services was not being modified or discussed at the IEP meeting”.

7. Later on September 20, 2016, the District provided the Parent a prior written notice notifying her of the District's intent to expel the student for bringing a BB gun to school. The notice stated that expulsion was an appropriate response given the severity of the Student's offense. The notice also stated that the District would continue to provide a free and appropriate education (FAPE) to the Student, and that the scheduling and location of the Student's educational services would be provided subsequent to the manifestation determination review meeting that occurred that day. The prior written notice also stated that the District was going to complete a functional behavior assessment (FBA) of the Student. The notice stated that the FBA would "document the probable and potential causal factors that led [the Student] to bring a weapon to school."
8. On September 29, 2016, the District Native student support specialist sent an email to the registrar at middle school 1. The specialist stated that earlier that day he met with the Student to discuss a schedule for the Student's schoolwork during his expulsion. The District's documentation does not show that the Parent or the Student's father or any members of the Student's IEP team attended this meeting.
9. On September 30, 2016, the Native student support specialist emailed the assistant principal at middle school 1 (assistant principal 1) and copied several of the Student's teachers. The specialist stated that he had arranged to meet the Student to "work on missing assignments and collect any homework" on Mondays, Wednesdays, and Fridays at the Northwest Indian College (NWIC) from 11 a.m. – 1 p.m.<sup>2</sup>
10. From September 30 – December 5, 2016, the Native student support specialist sent multiple emails to the administrative assistant at middle school 1 documenting the times he provided tutoring services to the Student.<sup>3</sup> The specialist also copied principal 1, assistant principal 1, and some of the Student's teachers, on some of the emails. The specialist's emails show that he met with the Student on the following days:
  - September 29, 2016: 11:30 a.m. – 1 p.m. (1.5 hours)
  - October 3, 2016: 11:30 a.m. – 1 p.m. (1.5 hours)
  - October 5, 2016: 11 a.m. – 1 p.m. (2 hours)
  - October 7, 2016: 10 a.m. – 12 p.m. (2 hours)
  - October 10, 2016: 11 a.m. – 1 p.m. (2 hours)
  - October 13, 2016: 9:30 a.m. – 12 p.m. (2.5 hours)
  - October 17, 2016: 11 a.m. – 1 p.m. (2 hours)
  - October 21, 2016: 11:30 a.m. – 1:30 p.m. (2 hours)

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<sup>2</sup> The specialist also stated that some of the Student's teachers were willing to meet and provide the Student with additional academic support. There is no documentation to indicate the Student's teachers met with him to provide academic support.

<sup>3</sup> OSPI verified that the Native student support specialist is not a certificated teacher in Washington State.

- November 2, 2016: Between 11:15 a.m. – 2:30 p.m. (unknown) <sup>4</sup>
- November 3, 2016: 12:15 – 2:30 p.m. (2.25 hours)
- November 7, 2016: Between 12:30 – 2:30 p.m. (unknown) <sup>5</sup>
- November 14, 2016: 1 – 2:30 p.m. (1.5 hours)
- November 17, 2016: Between 1 – 3 p.m. (unknown) <sup>6</sup>
- November 29, 2016: 1 – 2:30 p.m. (1.5 hours)
- December 1, 2016: 1 – 2:30 p.m. (1.5 hours)
- December 5, 2016: 1 – 2:30 p.m. (1.5 hours)

11. On September 30, 2016, the District assistant superintendent of teaching and learning sent the Student’s parents a letter regarding the Student’s re-entry into school. The assistant superintendent stated that the goal was to return the Student “to an educational setting that best meets his needs” and that the District needed to provide assurances to students and staff “that there is a safety plan in place so that the Student’s behavior would not occur again”. The assistant superintendent then provided a list of four items that needed to be completed prior to the Student’s re-entry into school:

1. Parent/student meeting with the school administrators;
2. A scheduled drug and alcohol assessment;
3. A mental health evaluation or scheduled counseling sessions or a current update from the Student’s mental health provider; and
4. An adult safety plan.

The assistant superintendent further stated that he, middle school principal 1, and the principal of another District middle school (principal 2) had discussed and determined that the best location for the Student to attend school would be at principal 2’s middle school (middle school 2) where the Student would get a “new beginning”. The assistant superintendent also provided the Student’s parents a list of four student expectations required as part of the Student’s re-entry into a District school:

1. Behavior expectations as established by middle school 2’s administration including establishing a written safety plan which may include daily morning check-ins, backpack checks, and regular grade checks;
2. Maintain regular attendance (attendance needs to be 90% or better);
3. No discipline referrals; and
4. No discussing the incident in or out of school. Any conversation needs to be referred to school administrators.

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<sup>4</sup> The November 2, 2016, email states that the Native student support specialist was going to the District office and then to meet the Student, and would be out of the office from 11:15 a.m. – 2:30 p.m. The email did not address what specific times the Native student support specialist provided services to the Student.

<sup>5</sup> The November 7, 2016, email states that the Native student support specialist was going to meet “another parent” and the Student, and would be out of the office from 12:30 – 2:30 p.m. The email did not address what specific times the specialist provided services to the Student.

<sup>6</sup> The November 17, 2016, email states that the Native student support specialist was going to the District office to pick up clothes for the Student and then to meet the Student, and would be out of the office from 1 – 3 p.m. The email did not address what specific times the specialist provided services to the Student.

12. On October 4, 2016, the Parent telephoned middle school principal 2 and left a message. The message stated that the Parent wanted to discuss the Student's relocation to middle school 2. According to the District's response to this complaint, principal 2 returned the Parent's telephone call, and scheduled a meeting for October 7, 2016.
13. On October 7, 2016, the Parent, the Student, middle school principal 2, and the assistant principal at middle school 2 (assistant principal 2) met to discuss the Student's relocation to middle school 2. Based on the District's response to this complaint, the group discussed that the Student was not ready to attend middle school 2 because the Student had not completed all the items required for re-entry into a District school, as outlined in the assistant superintendent's September 30, 2016 letter. At that time, the Parent had not yet provided documentation to establish that the Student was scheduled for a drug and alcohol assessment, had been attending mental health counseling, and had completed an adult safety plan. The District's response also stated during this meeting the Parent stated that she was thinking of enrolling the Student in a Tribal school. The Student stated he wanted to attend a Tribal school. The District's response also stated that a second meeting was scheduled for October 11, 2016.
14. On October 11, 2016, the Parent, the Student, middle school principal 2, and assistant principal 2 met again to discuss the Student's relocation to middle school 2. Although, the Student provided his adult safety plan to the District, the meeting notes state that the Student was still missing documentation to establish he had scheduled a drug and alcohol assessment and that he had attended a counseling session. The District's notes also stated that the Student had an appointment at the "care office" scheduled for October 13, 2016, to complete an evaluation.<sup>7</sup> The District's response to this complaint states that at the October 11 meeting the Parent stated that the family had decided to enroll the Student in a Tribal school. The meeting notes stated that the Parent agreed to allow principal 2 to help facilitate the transfer process with the Tribal school and that the Parent signed a release of information form.<sup>8</sup>
15. According to middle school principal 2's contact log, on October 12, 2016, principal 2 telephoned the principal at the Tribal school regarding the Parent's intent to enroll the Student in the Tribal school. Principal 2 stated that the Tribal school would be best for the Student because of the cultural ties to the school and community. The District's response to this complaint states that principal 2 also stated that the Student would have a "fresh start" at the Tribal school, and that the Student would have support because his family members worked at the school.
16. According to middle school principal 2's notes, on October 13, 2016, principal 2 telephoned the Parent and stated that she had not received "the documents"

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<sup>7</sup> The meeting notes do not address whether the evaluation was the drug and alcohol assessment or a mental health evaluation.

<sup>8</sup> The District's response to this complaint stated that principal 2 is the former principal of the Tribal school.

necessary for the Student's re-enrollment. The District's response to this complaint stated the Parent reported she had not yet gathered the documents and she would ask the Student's behavior health counselor and doctor to fax the documents directly to principal 2. The District's response states that the District received the alcohol and drug assessment from the Student's doctor on October 22, 2016.

17. On November 9, 2016, the Parent's attorney emailed the District assistant superintendent of teaching and learning inquiring about the Student's re-entry into a District school. The Parent's attorney stated the Student had been "away from school for quite some time" and wanted to return to school. The Parent's attorney further stated that the Parent expressed concern because the Parent wanted the Student to return to school as soon as possible, and believed that the District was not making the Student's re-entry into a District school a priority.
18. On November 10, 2016, the assistant superintendent of teaching and learning replied to the email stating that principal 2 had met with the Student and the Parent regarding the Student's re-entry and relocation to middle school 2. The assistant superintendent stated that the Student still had not completed some of the items required before his re-entry into a District school, which were outlined in the District's September 30, 2016 letter. Additionally, the assistant superintendent stated that he understood that the Parent intended to enroll the Student in the Tribal school.
19. According to middle school principal 2's notes, on November 29, 2016, she telephoned the principal at the Tribal school to discuss the Student's enrollment in the Tribal school. The notes stated that the Tribal school declined to admit the Student, but that the Student was encouraged to appeal the decision. The notes further stated that the Student had 10 days from the date of the Tribal school's denial letter, issued on November 23, 2016, to appeal the decision.
20. Also on November 29, 2016, middle school principal 2 telephoned the Parent to discuss the Student's enrollment in the Tribal school. Principal 2's notes stated that the Parent indicated she received the letter denying the Student's admission to the Tribal school, and that she would be appealing the decision. The District's response to this complaint stated the Parent confirmed she received the denial letter on November 23, 2016, and stated the Native student support specialist agreed to write a letter on behalf of the Student in support of the appeal.
21. District schools were closed due to inclement weather from December 9-16, 2016.
22. The District was on break from December 19, 2016 through January 2, 2017.
23. The District's response to this complaint, stated that on January 14, 2017, the District executive director of student services contacted the Tribal school principal regarding the Student's admission status.<sup>9</sup>

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<sup>9</sup> The District's response to this complaint did not disclose the admission status.



24. On January 19, 2017, the District executive director telephoned the Parent and the Student's father and left each of them a message. According to the District's response to this complaint, the executive director telephoned the Parent and the Student's father to get an update on the Student's enrollment in the Tribal school.
25. On January 25, 2017, the District executive director of student services telephoned the Student's father. The executive director's notes stated that the Student's father wanted the Student to attend a school in the District instead of the Tribal school. The District's response to this complaint stated that the Student's father preferred middle school 1 to middle school 2.
26. On January 30, 2017, middle school principal 2 contacted the Tribal school's chairman of the board of education and then, the Tribal school's education director regarding the Student's enrollment status in the Tribal school. The District's response to this complaint stated that the chairman of the board was not aware of the Student's enrollment appeal, but that the Tribal school's education director stated he had met with the Student's family and was "working with them in hopes of setting up a plan for [the Student] to attend the Tribal school".
27. On February 1, 2017, the Parent attended the District's parent and community meeting. The District's response to this complaint stated that at the meeting, the District executive director of student services and the Parent discussed whether the Student wanted to attend the Tribal school or middle school 1. The Parent reportedly stated that she would discuss the options with the Student and then contact middle school principal 1 to confirm the Student's decision.
28. On February 2, 2017, the Parent filed this citizen complaint.
29. Also on February 2, 2017, middle school principal 1 and the Parent met briefly to discuss the Student's re-entry into middle school 1. According to the District's response, principal 1 and the Parent agreed to meet the next day with the Student to discuss his return to middle school 1.
30. On February 3, 2017, middle school principal 1, the Parent, and the Student met to discuss the Student's re-entry into middle school 1. The District's response to this complaint stated that principal 1 expressed her concerns for the safety of the Student and middle school 1, and asked the Student about his understanding about the severity of his actions. Principal 1 then agreed the Student could return to middle school 1 and intended for the Student to return to school the beginning of the next school week on February 6, 2017.
31. District schools were closed due to inclement weather from February 6-10, 2016.
32. On February 13, 2017, middle school principal 1, the Student, and the Parent attended a re-entry meeting.
33. On February 14, 2017, the Student began attending middle school 1 again.

## CONCLUSIONS

### **Special Education Disciplinary Procedures –**

Manifestation Determination: Within ten school days of the district's decision to change the student's placement through discipline, the district, parents and other relevant members of the IEP team must determine whether the behavior that led to the disciplinary action was a manifestation of the student's disability. Here, the District held a manifestation determination meeting within seven days of the Student's expulsion and determined that the Student's action of bringing a "look-alike firearm" to school was not a manifestation of the Student's specific learning disability.

Services in the Interim Alternative Educational Setting: The Parent alleged that the District did not provide the Student services in accordance with his IEP, and the District denied the allegation. When a student's behavior is determined not to be a manifestation of his disability, and he has been moved to an interim alternative educational setting (IAES), the district must provide the student with services to enable the student to continue to participate in the general education curriculum although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student's IEP team determines appropriate services for the student and the location of the IAES. Here, while the District held a manifestation determination meeting to determine the Student's behavior was not a manifestation of his disability, the District's documentation in this complaint does not show that the Student's IEP team ever met to determine appropriate services for the Student or the location of the IAES. Instead, the District unilaterally decided to provide the Student with 6 hours of services a week at a local college, and that the services would be provided by a District support specialist who is not a certificated general education or special education endorsed teacher. However, from September 29 through December 5, 2016, the District only provided the Student 26.75 hours of services, which is 27.25 hours less than the Student should have received. Additionally, the District did not provide any services to the Student from December 6, 2016, until the Student re-entered middle school 1 on February 14, 2017. Although the Student and the Parent were taking steps to enroll the Student in the Tribal school, their actions did not relieve the District of its duty to continue to provide services to enable the Student to participate in the general education curriculum and to make progress toward his IEP goals.

Compensatory services are an equitable remedy, and are appropriate under the circumstances in this complaint. Here, the Student's January 2016 IEP provided for 60 minutes of specially designed instruction per week (20 minutes per week each in math, reading, and writing). However, the District's documentation does not specify when the Student received his special education services, and the services he did receive were not provided by or designed and supervised by, a certificated special education teacher. Therefore, the Student did not receive special education services related to his IEP goals for 15 weeks from September 29, 2016 through February 14, 2017. The District will provide the Student with 15 hours of compensatory services. These services will occur outside of the District's school day in a one-on-one setting and will be provided by a certificated special education teacher.

Additionally, the District was required to develop the Student's annual IEP by January 14, 2017, which the District failed to do. The Student's expulsion status does not relieve the District of its duty to follow special education timelines. If the District has not yet developed the Student's annual IEP, it will immediately schedule an IEP meeting to develop his IEP.

Functional Behavior Assessment (FBA) and Behavioral Intervention Plan (BIP): When a disciplinary exclusion exceeds ten school days and the behavior in question is found not to be a manifestation of the student's disability the student must receive as appropriate, an FBA and behavioral intervention services that are designed to address the behavior violation so that it does not re-occur. Although the Student's behavior was determined not to be a manifestation of his disability, the District elected to conduct a FBA to understand the potential factors that led the Student to bring a weapon to school. Since this was the only instance where the Student exhibited this type of behavior, the assessment team recommended that the IEP team observe and closely monitor the Student when, or if, he reintegrated into the school setting.

### **CORRECTIVE ACTIONS**

By or before **April 26, 2017, May 10, 2017, June 30, 2017, and August 31, 2017**, the District will provide documentation to OSPI that it has completed the following corrective actions.

#### **STUDENT SPECIFIC:**

1. By or before **April 26, 2017**, the District will meet with the Parent to develop a schedule for 15 hours of compensatory services, based on the areas and types of service identified in the Student's IEP. Services may occur after school, or over vacations, and must occur outside of the Student's school day. Services will occur in a one-on-one setting and be provided by a certificated special education teacher. The District will provide OSPI with documentation of the schedule for services by or before **May 10, 2017**.

The District must provide OSPI with documentation by **June 30, 2017** of the compensatory services provided to the Student. This documentation must include the dates, times, and length of each session, and state whether any of the sessions were rescheduled by the District or missed by the Student. No later than **August 31, 2017**, the District shall provide OSPI with documentation that the compensatory services have been completed.

The District either must provide transportation necessary for the Student to access these services, or reimburse the Parent for the cost of providing transportation for these services. If the District reimburses the Parent for transportation, the District must reimburse the Parent for round trip mileage at the District's privately owned vehicle rate. By or before **August 31, 2017**, the District must provide OSPI with documentation that it has completed compensatory services for the Student. This documentation will include the dates, times, and length of each session, and state whether any of the sessions were rescheduled by the District or missed by the

Student. Additionally, this documentation will include payments, if any, made to the Parent for travel reimbursement.

2. If the District has not developed the Student's annual IEP, it will immediately schedule an IEP meeting to develop the Student's IEP. **By April 26, 2017**, the District will provide a copy of the 1) meeting invitation, 2) annual IEP, 3) prior written notice, and 4) any other related documentation.

**DISTRICT SPECIFIC:**

OSPI accepts the District's proposed corrective actions to prepare and distribute a resource manual about student discipline, to provide training to district administrators about special and general education discipline laws and procedures; and to develop a protocol for executive district staff regarding disciplinary procedures with the following modifications:

The District will ensure that all secondary certificated staff, including educational staff associates (ESAs), secondary school administrators, and District administrators receive training regarding special and general education discipline procedures. The training will also include a review of the resource manual developed by the District, a review of the District's protocol for executive district staff, and include examples.

- **By April 26, 2017**, the District will submit a draft of the training materials, including the resource manual and protocol for executive district staff, to OSPI for review. OSPI will approve the materials or provide comments by May 5, 2017, and additional dates for review, if needed.
- **By June 30, 2017**, the District will submit documentation that staff participated in the training. This will include a 1) sign-in sheet from the training and 2) roster of all secondary school certificated staff and District administrators so OSPI can verify that all required staff participated in the training.

The District will submit a completed copy of the Corrective Action Plan (CAP) Matrix documenting the specific actions it has taken to address the violations and will attach any other supporting documents or required information.

Dated this \_\_\_\_ day of April, 2017

Douglas H. Gill, Ed. D.  
Assistant Superintendent  
Special Education  
PO BOX 47200  
Olympia, WA 98504-7200

**THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS COMPLAINT**

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