

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 17-67

PROCEDURAL HISTORY

On September 25, 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 Kennewick 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 September 26, 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 October 16, 2017, OSPI received the District's response to the complaint and forwarded it to the Parent on the same day. 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 November 17, 2017, OSPI requested additional information from the District. On November 17, 2017, OSPI received the requested information from the District and forwarded the information to the Parent on November 20, 2017.

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

OVERVIEW

During the 2016-2017 school year, the Student began attending a District middle school and was eligible to receive special education and related services under the category of Autism. The Student's individualized education program (IEP) in place at the beginning of the 2016-2017 school year was developed on May 18, 2016, and did not provide for special education transportation services. Sometime in the fall of 2016, the Parent contacted the District to request transportation services for the Student due to the Parent's upcoming surgery. The District then agreed to provide transportation services for the Student. On May 16, 2017, the District completed a reevaluation of the Student and developed his annual IEP, which provided for special education transportation services. Before the beginning of the 2017-2018 school year, the Parent moved to a new apartment. On August 30, 2017, the District school bus stopped to pick up the Student on the street adjacent to the Parent's apartment and transported him to school. On that same day, the Parent contacted the transportation department to request that the bus stop closer to the Parent's apartment on the same street. The transportation department notified the Parent that the bus should not have stopped on the street adjacent to her apartment and stated that the bus stop was located on the street on the side of the apartment complex. The Parent requested the District change the Student's bus stop to the street adjacent to the Parent's apartment. On September 1 and 22, the Parent met with District staff to discuss the Student's transportation. On September 25, 2017, the District issued prior written notice,

denying the Parent's request to move the Student's bus stop to the street adjacent to the Parent's apartment. The Parent alleged that the District failed to provide the Student with transportation consistent with his IEP and that the District failed to respond to her request for 1:1 paraeducator support. The District denied the allegations.

SCOPE OF INVESTIGATION

This decision references events which occurred prior to the investigation time period, which began on September 26, 2016. These references are included to add context to the issues under investigation and are not intended to identify additional issues or potential violations, which occurred prior to the investigation time period.

ISSUES

1. Did the District provide the Student with transportation consistent with his individualized education program (IEP) for the 2017-2018 school year?
2. Did the District follow procedures for responding to the Parent's request for 1:1 paraeducator support?

LEGAL STANDARDS

IEP Implementation: At the beginning of each school year, each district must have in effect an individualized education program (IEP) for every student within its jurisdiction who is eligible to receive special education services. A school district must provide all services in a student's IEP, consistent with the student's needs as described in that IEP. 34 CFR §300.323; WAC 392-172A-03105.

Specialized Transportation as a Component in the IEP: In determining whether to include transportation in a student's IEP, and whether the student needs to receive transportation as a related service, the IEP team must consider how the student's disabilities affect the student's need for transportation. Included in this consideration is whether the student's impairments prevent the student from using the same transportation provided to students without disabilities, or from getting to school in the same manner as children without disabilities. If transportation is included in the student's IEP as a related service, a school district must ensure that the transportation is provided at public expense and at no cost to the parents, and that the student's IEP describes the transportation arrangement. 64 Fed. Reg. 48, 12479 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 33); *Yakima School District*, 36 IDELR 289 (WA SEA 2002).

Transportation: Transportation options for students eligible for special education shall include the following categories and shall be exercised in the following sequence: (a) A scheduled school bus; (b) Contracted transportation, including public transportation; and, (c) other transportation arrangements, including that provided by parents. The transportation of the student shall be in accordance with rules of the OSPI governing transportation by public school districts. Training and supervision of bus aides and drivers shall be the responsibility of the school district. Special

equipment may include lifts, wheelchair holders, restraints, and two-way radios. All such special equipment shall comply with specifications contained in the specifications for school buses as now or hereafter established by the OSPI. Transportation time on bus: wherever reasonably possible, no student should be required to ride more than sixty minutes one way. WAC 392-172A-02095.

IEP Team Member Excusal: Parents and districts can agree in writing that an IEP team member's participation is not necessary and that the team member may be excused from attending an IEP meeting, in whole or part, if the team member's area of curriculum or related services is not being modified or discussed in the meeting. If the meeting involves a modification to or discussion of the team member's area of the curriculum or related services and the parties both consent in writing to the excusal of the team member, the excused team member must submit written input into the development of the IEP in prior to the meeting. 34 CFR §300.321(e); WAC 392-172A-03095(5).

FINDINGS OF FACT

2016-2017 School Year

1. During the 2016-2017 school year, the Student began attending a District middle school and was eligible to receive special education and related services under the category of Autism. The Student's educational placement was a special education program for students with Autism located at a District middle school, which was not the Student's neighborhood school.
2. The Student's individualized education program (IEP) in place at the beginning of the 2016-2017 school year was developed on May 18, 2016. The IEP included annual goals in the areas of reading, writing, mathematics, social skills, adaptive skills, and communication. The specially designed instruction for those annual goals was to be delivered by special education staff in a special education setting. The IEP stated the Student's behavior impeded his learning or the learning of others and included a positive behavior support plan. The IEP also stated the Student had an epi pen and inhaler, which was kept in the nurse's office, and that the Student needed to stay inside when it was windy or rainy. The IEP said that the Student did not require special transportation or extended school year (ESY) services.
3. According to the District's documentation in response to this complaint, transportation services are offered "to students who attend District Level Special Education Program[s] outside of a student's neighborhood boundary. Parents can accept or refuse." The District's documentation also stated the Parent reported she would provide transportation for the Student during the 2016-2017 school year.
4. On September 9, 2016, the Student's special education case manager emailed the transportation dispatcher, stating that the Parent had requested temporary transportation services for the Student because the Parent was scheduled to have surgery and would not be able to transport the Student. The case manager further stated that beginning on September 21, 2016, the Student would only need transportation home. The transportation dispatcher

responded to the email, stating the transportation department would contact the Parent with the Student's route times and also stated that "we've bussed [the Student] many a time".

5. According to the District's documentation in response to this complaint, the Student's transportation services continued throughout the 2016-2017 school year, but the Student's May 2016 IEP was not amended to reflect the additional service.

Beginning of Investigation Timeline: September 26, 2016

6. On February 13, 2017, the Parent emailed the special education case manager, stating she was going to pick up the Student from school the entire week.
7. On February 14, 2017, the Parent emailed the special education case manager, stating she wanted the Student to take the bus home that day and also requested a copy of the Student's IEP. The case manager responded, stating he had placed a copy of the IEP in the Student's backpack. Later that same day, the Parent replied, stating she wanted a copy of the IEP to review the Student's test taking accommodations and then requested an IEP meeting to amend the Student's IEP. The case manager responded to the email, acknowledging the IEP meeting request.
8. On February 16, 2017, the special education case manager emailed the Parent, proposing to hold the IEP meeting on March 7 or 14, 2017. The Parent responded that she would be able to attend on March 14, 2017.
9. On February 21, 2017, the Parent emailed the special education case manager, stating she did not have an email address for the middle school office and she was notifying the case manager she was picking up the Student that day. The case manager responded, stating that he received the Parent's email after the Student was picked up, but that the Student had known the Parent was picking him up, and did not take the bus home. The case manager also stated that his understanding was that the school principal asked the Parent to call the office staff for last minute changes to the Student's transportation because the staff was busy and may not get to read their emails. The Parent replied to the email, stating that she did "not have time to be calling" and that she "might just cancel the busing so there [is] no issue where I pick him up". The Parent also requested that the District director of special services attend the March 14, 2017 IEP meeting. On February 22, 2017, the special education case manager responded to the Parent's email, stating the director of special services was able to meet on March 16 or 20, 2017. The Parent responded, stating she was available on March 16, 2017.
10. On March 8, 2017, the Parent emailed the special education case manager, stating that she was going to pick up the Student on March 9, 2017.
11. On March 10, 2017, the District invited the Parent to attend an IEP meeting scheduled for March 16, 2017, to discuss the Parent's concerns, including the Student's testing accommodations and determine whether or not to reevaluate the Student earlier than his September 23, 2017 triennial date.

12. On March 16, 2017, the Parent, the principal, the speech language pathologist (SLP), the special education case manager, and the director of special services¹ met and determined to reevaluate the Student early due to the Parent's concerns. The notes from the meeting stated the Parent "was under the impression that most of the things at [the Student's elementary school] would continue at [the middle school]". The notes stated the Parent said the elementary school provided a paraeducator to heat the Student's lunch, to "help him eat", and to observe the Student during the lunch period to ensure his safety. The notes further stated the Parent reported concerns that the Student was required to raise his hand during class and that the Student was "writing on his hands and face because he has nothing to do". The Parent also expressed concern about whether the Student was receiving his text to speech programming accommodation and reported that she observed paraeducators "screaming at [the Student]". On this same day, the District issued prior written notice, proposing to initiate a reevaluation of the Student and complete a functional behavioral assessment (FBA) to include assessments of the Student's social skills, self-help skills, academic skills, and communication skills.
13. Also on March 16, 2017, the Parent signed a consent form for the District to reevaluate the Student. The consent form stated the Student would be assessed in the areas of social/behavioral, self-help/adaptive skills, speech skills, and functional behavioral skills.
14. On April 27, 2017, the special education case manager emailed the Parent, inquiring if she could attend a meeting the morning of May 8, 2017, to review the results of the Student's reevaluation. The Parent responded that she was unable to meet in the mornings.
15. On May 1, 2017, the special education case manager emailed the Parent, inquiring if she could attend a meeting in the afternoon on May 9, 2017, to review the results of the Student's reevaluation and develop the Student's annual IEP. On May 2, 2017, the Parent replied to the email, stating she was not available that day. The case manager replied, asking for days the Parent was available to meet.
16. On May 9, 2017, the special education case manager emailed the Parent, inquiring if she could attend a meeting on May 16 or May 19 and stated the Student's IEP was due on May 18.
17. On May 11, 2017, the special education case manager emailed the Parent, stating that an IEP team meeting was scheduled for the afternoon of May 16, 2017. The Parent responded that she was attempting to have her broken vehicle repaired and since she did not have transportation to the meeting, she would be unable to attend. The Parent also stated, "I did not know the Student's IEP was due this month" and to "just send me your findings if I disagree which likely I will I will call a meeting the last week of May once my van is fixed".
18. On May 16, 2017, the school psychologist, the principal, the SLP, the director of special services, the Autism specialist, and the special education case manager met to review the

¹ The Student's general education PE teacher did not attend the March 16, 2017 IEP meeting and the documentation in this complaint does not show the Parent excused the PE teacher from this meeting.

results of the Student's reevaluation. The reevaluation report stated the Student was diagnosed with Autism. The report stated the Student was performing four-five years below his grade level peers in areas of reading, writing, and mathematics, and that mathematics was his strongest subject. The reevaluation report also stated the Student showed deficits in his receptive and expressive language and that the Student's strengths were comprehension and listening while speaking, and that semantics were most difficult for the Student. The reevaluation report also included the results of the Student's FBA, completed on May 16, 2017. The FBA stated the Student's strengths were following routines, strong visual skills, and drawing. The FBA also stated that the Student "continues to show significant differences in the area of executive function area. These brain differences impact his ability to tolerate work demand, plan/organize assignments, shift from a preferred topic, interact appropriately with peers and adults, and regulate emotions/behaviors". The FBA also stated the Student may appear impulsive or withdrawn, depending on the day, and identified the Student's problematic behaviors, including: refusing to complete work, arguing with adults and peers, blaming others, appearing to forget information to complete tasks or assignments. Antecedents to the Student's behavior included when the Student believed a task was too hard or something was unfair, or when he was tired, needed to wait, had a change of routine, needed to finish work, had a sensory overload, or shifted from a preferred activity. The FBA stated the Student's behaviors impacted his ability to participate in the general education setting and recommended the Student have a behavioral intervention plan (BIP). The reevaluation recommended the Student receive specially designed instruction in the areas of reading, writing, mathematics, communications, social skills, and adaptive skills.

19. Also on May 16, 2017, the psychologist, the principal, the SLP, the director of special services, the Autism specialist, and the special education case manager² met to develop the Student's annual IEP. The IEP stated the Student performed below grade level in the areas of academics and functional skills. The IEP stated the Student's strengths were mathematics and listening and comprehension, but that the Student struggled when working with others. The IEP also stated the Student's behaviors affected his learning or the learning of others and included a "positive support plan" based on the results of the FBA. The IEP included annual goals for reading, writing, mathematics, social skills, adaptive skills, and communication skills. The specially designed instruction for those annual goals was to be delivered by a special education teacher in a special education setting. The IEP stated the Student would participate with nondisabled peers fourteen percent of his school day during lunch and physical education (PE) and stated the Student did not need adaptations to participate in PE. The IEP also stated the Student had an epi pen and inhaler, which was kept in the nurse's office, and that the Student needed to stay inside when it was windy or rainy. Additionally, the IEP stated that the Student required special transportation because the Student was "in a district-level program" and that bus drivers should be informed about behaviors relating to the Student's Autism that could interfere with a successful bus ride.

² The District's documentation included a form excusing the Student's PE teacher from the May 16, 2017 IEP team meeting. The special education case manager signed the document, but the Parent's signature line was blank.

20. The Student's May 16, 2017 "positive support plan" stated that when the Student's behaviors were escalating, he would glare, refuse to work, cross his arms, remain in his chair, leave the classroom to stand outside by the door or go to the break room, yell, refuse to respond, or call people names. When the Student was in crisis, he would hit, kick, push, leave the classroom, or refuse to move. The "positive support plan" provided for proactive strategies to manage the Student's behaviors, including visual schedules and reminders, positive reinforcement, adjusting the curriculum, providing structure to the school day, allow access to a preferred activity, and positive redirection. The "positive support plan" also provided reactive strategies and a safety strategy to manage the Student's behavior when he was in crisis procedure that included directing the Student to a quiet area to calm down, allowing the Student time to calm down, and if possible, removing other students from the room.
21. The District's documentation in this complaint included a special services transportation form, which identified the Student's residence as the pick-up/drop-off location, and stated the Student was transported to school by a caregiver and "usually rides the bus home". The transportation form showed that the Student was enrolled in the program for students with Autism at the middle school and was scheduled to ride the bus Monday through Friday. The check boxes on the form indicating the need to provide behavior or physical supports were not checked, and the form stated that the Student did not need to be met at the bus stop.
22. On May 19, 2017, the Parent emailed the case manager, the Autism specialist, the school principal, and the District director of special services. The Parent stated that she had reviewed the Student's IEP and had concerns regarding the ESY services, accommodations about appropriate educational tools, and the use of restraint and isolation.
23. On May 22, 2017, the director of special services emailed the Parent and responded to her concerns and also stated that since the Parent was unable to participate in the meeting to develop the Student's IEP, he or the case manager could schedule a meeting with the Parent to discuss her concerns. The documentation in this complaint does not show the Parent replied to this email.
24. The District's 2016-2017 school year ended on June 9, 2017.
25. On August 24, 2017, the Student's IEP team amended the Student's May 2016 IEP without convening the IEP team. The IEP amendment stated the Student's specially designed instruction minutes were reduced because a general education class had been added to the Student's schedule. Both the Parent and special education case manager signed the document.
26. On August 25, 2017, the Student's special education case manager emailed the District transportation dispatcher, stating that he had received a new address and telephone number for the Student, as the family had moved to a new apartment.

2017-2018 School Year

27. The District's 2017-2018 school year began on August 29, 2017. The Student continued to attend the same District middle school and his amended May 2017 IEP was in place.
28. Based on the documentation in this complaint, the Student did not ride the bus on August 29, 2017.
29. According to the Parent's complaint, on August 30, 2017, the first day the Student accessed transportation services, the school bus driver stopped near the entrance of the apartment complex on the street adjacent to the Parent's apartment and picked up the Student without incident. Later that day, the Parent called the transportation department to request that the bus stop closer to the Parent's apartment, so the Student could wait inside because of respiratory issues, and the transportation department reportedly told the Parent that stopping on the street adjacent to the Parent's apartment was not allowed.
30. The District's documentation in this complaint included a joint statement from the bus driver and the transportation dispatcher. According to the statement, on August 30, 2017, the bus driver stopped on the street adjacent to the family's apartment to pick up the Student who was "outside with mom in the grass waiting." The bus driver was new to the Student's route and not familiar with the District's policy to use the bus stop located on the street on the side of the apartment complex to pick up and drop off students. When the Parent called the transportation department later that same day, the transportation dispatcher explained that the bus driver had mistakenly stopped on the street adjacent to the Parent's apartment to pick up the Student, and then provided the Parent with information about the bus stop located on the side of the apartment complex.
31. Also on August 30, 2017, the Parent emailed the director of special services, stating that she called the transportation department, but the District was not willing to pick the Student "up close to our apartment when he has always been picked up at our door". The Parent also stated she was having surgery on September 6, 2017, and that she would be unavailable for approximately four weeks. The director and the Parent then scheduled a meeting for September 1, 2017.
32. On Friday, September 1, 2017, the special services director emailed the Parent, thanking her for attending the meeting that day, and stated that he reviewed the Parent's request to change the Student's bus stop to the Parent's preferred location, but due to the risk of vehicle accidents and safety issues at the bottom of the hill due to the traffic, the bus stop would remain on the street on the side of the apartment complex. The director further stated the bus stop was the closest bus stop available "given the safety constraints and clearance issues we have when taking busses into apartment complexes". The director also stated that "in some cases we have provided mileage for parents for whom our transportation arrangements have not met the needs of their students and I would be open to discussing this further with you, if you would like". The Parent responded that the Student had respiratory problems that prevented the Student from walking from their residence to the bus stop on the side of the

apartment complex. The Parent also stated she was open to receiving reimbursement for mileage and she could hire someone to transport the Student to school in the mornings.

33. The District was on break on Monday, September 4, 2017.
34. On September 5, 2017, the Parent emailed the special education case manager and the principal. The Parent attached pictures of a car with broken windows and stated that she was assaulted and her vehicle was damaged and she could not drive the Student to school in the mornings. The Parent also stated she was going to keep the Student home until “they can resolve the bussing issue” and because the Student was taken outside for PE after she requested he stay inside due to the air quality. The Parent further stated that if she did not hear back from the District “with a resolution that best fits our needs”, the Parent would seek legal action.
35. Later on September 5, 2017, the special education case manager replied to the Parent’s email, asking that the Parent also contact the middle school office staff to notify them when she did not want the Student to go outside. The case manager stated “that way, if I’m absent, the entire team will get the message.” On September 6, 2017, the Parent responded that she would keep the Student home when she did not want him to go outside. Additionally, she said she was still waiting on a response from the director of special services regarding her request to relocate the Student’s bus stop.
36. The Student’s attendance record showed he was absent on September 5 and 6, 2017.
37. On September 11, 2017, the Parent emailed the director of special services, stating that she was currently paying a third party, ten dollars per day, to take the Student to school and back home. The Parent stated she could not continue to pay the third party and that she would remove the Student from school until she could take legal action. The Parent also stated she would like to resolve the issue before her upcoming surgery scheduled for September 13, 2017.³
38. On September 11, 2017, the Parent emailed the special education case manager, the principal, the District superintendent, the District assistant superintendent, the District director of student services, the director of special services, the Autism specialist, and the Student’s Department of Developmental Disabilities Administration (DDA) case manager. The Parent stated she was scheduled to have surgery on September 13, 2017, and requested to meet on September 12, 2017, to discuss “the transportation issues not being resolved”. The director of special services responded to the email, stating the District was offering transportation services as provided for in the Student’s IEP, but the Parent was not accessing the services because she disagreed with the bus stop location. Additionally, the director stated that later that day, the transportation supervisor was going to inspect the site to consider alternate bus stop locations.

³ It is unclear in the documentation whether this is the Parent’s original surgery schedule for September 6, 2017, or a second scheduled surgery.

39. Later on September 11, 2017, the director of special services emailed the Parent, stating that the District was denying the Parent's request to move the bus stop to the street adjacent to the family's apartment. The director responded it was less preferable for the Student to walk to the Parent's preferred location, which required crossing a busy street, rather than the established bus stop location. The director stated the established bus stop served students with disabilities who lived in the apartment complex in previous years, was available, and was close to the Parent's apartment. The Parent replied, stating that the Student would not be able to walk an entire block alone because the Student was a "runaway risk" and did not "measure danger". The Parent then requested reimbursement for the payments she made to the third party who was taking the Student to school and back home.
40. On September 19, 2017, the Parent emailed the director of special services, the superintendent, the assistant superintendent, the transportation supervisor, the transportation dispatcher, the special education case manager, and the principal, requesting to set up a meeting to discuss the Student's transportation needs. In response, the District agreed to hold an IEP meeting on September 22, 2017.
41. On September 22, 2017, the Parent, the special education case manager, the DDA case manager, the transportation supervisor, the director of special services, and the principal⁴ met to discuss the Student's transportation. According to the notes from the meeting, the Parent stated when she moved, she choose an apartment by an entrance into the apartment complex in consideration of the Student's bussing needs. The Parent also stated the Student was not able to walk a quarter mile to half mile to the current bus stop because the Student was an eloper and did not have a sense of danger. The notes stated the Student "is able to independently move about the school building and to and from lunch and recess. He does not require direct line of sight or physical supervision during his time at school". The notes also stated two car accidents have occurred on the street adjacent to the Parent's apartment. The notes said the transportation supervisor reported the distance between the Parent's apartments to the bus stop was 400 feet and informed the Parent that it was her responsibility to get the Student to the bus stop and it was the school's responsibility to get the Student from the bus stop to school. The notes further indicated the team discussed having a bus aide walk the Student across the apartment complex parking lot to the sidewalk and then watch the Student walk to the Parent's apartment where the Student would be in the Parent's line of sight. The notes stated the Parent wanted to seek legal counsel and agreed to think about the options.
42. On September 25, 2017, the District issued prior written notice, refusing to change the Student's pick up and drop off location. The notice stated the Parent requested to relocate the bus stop because she anticipated her upcoming surgery would make it difficult for her to take the Student to the bus stop or drive him to school in the mornings. The notice also stated the Parent's preferred bus stop was located on a busy street and the District believed the

⁴ Neither of the Student's general education teachers, PE nor computers skill, attended the September 22, 2017 IEP meeting and the documentation in this complaint does not show the Parent excused the general education teacher from the IEP meeting.

established bus stop was a safer location. The notice also stated the District considered hiring a third party to provide transportation at ten dollars per day, but rejected the idea because the District was able to “provide transportation and supervision adequate to meet [the Student’s] needs”. The notice said the District attempted to address the Parent’s concerns of the Student’s safety by having the bus aide walk the Student from the bus stop to the Parent’s apartment. The notice stated the District reviewed its criteria for establishing bus stops, the Student’s needs as per his current evaluation, and Parent input provided via email communication, the September 1 meeting with the director of special services, and the IEP meeting on September 22, 2017.

43. The Student’s attendance record showed he was absent on September 12, 13, 14, 15, 18, 19, 20, 21, 23, and 25.

44. On September 25, 2017, the Parent filed this citizen complaint.

CONCLUSIONS

Special Education Transportation Procedures: An individualized education program (IEP) team must consider whether the student’s disabilities prevent the student from using the same transportation provided to students without disabilities, or from getting to school in the same manner as students without disabilities. If transportation is included in the student’s IEP as a related service, the district must ensure that the transportation is provided at public expense and at no cost to the parents, and that the student’s IEP describes the transportation arrangement. Here, the Student’s May 2017 IEP provided for transportation services for the Student because he was attending a program for students with Autism located outside of his neighborhood school. After the development of the Student’s May 2017 IEP, and before the first day of school, the family moved to a new apartment, which was documented by the District’s transportation department, and the District began providing transportation services on the first day of the 2017-2018 school year. After the Student began accessing his transportation services on the second day of school, the District clarified the actual location of the bus stop. The Parent then requested a stop closer to her apartment because of her concerns about the Student’s respiratory health and safety. On September 1, 2017, the Parent met with District staff to discuss her request to relocate the Student’s bus stop. Later that day, the District denied the Parent’s request, noting vehicle accident risks and safety issues at the bottom of the hill due to traffic. On September 11, 2017, the Parent again requested to relocate the Student’s bus stop and the District agreed to have the transportation department assess another possible location. Later on September 11, 2017, the District denied the Parent’s request to relocate the Student’s bus stop, noting the Student would need to cross a busy street. The Parent requested a meeting. On September 22, 2017, the District held another meeting with the Parent to discuss her concerns about the bus stop location, including her concerns about the Student’s safety due to the possibility of eloping. On September 25, 2017, the District issued prior written notice, refusing to relocate the Student’s bus stop to the Parent’s preferred location. The documentation shows the District reviewed the Student’s most recent reevaluation and considered the Parent’s input, in addition to reviewing District transportation polices, in consideration of relocating the Student’s bus stop.

Furthermore, the District offered to provide a bus aide to address the Parent's concerns regarding the Student's safety. The documentation does not show that the District failed to provide the Student with transportation consistent with his IEP. Also, it is noted that none of the Student's general education teachers attended the: the March 16, 2017 IEP meeting to discuss the Parent's concerns about the Student, the May 16, 2017 IEP meeting to develop the Student's annual IEP, nor the September 22, 2017 IEP meeting to discuss the Parent's request to change the location of the Student's bus stop.

Request for 1:1 paraeducator support: In her complaint, the Parent alleged that she requested 1:1 paraeducational support for the Student and the District failed to respond. Although the Parent expected paraeducational support for the Student during his lunch period at the middle school to be similar to his experience at the elementary school, the Parent did not include any additional facts or documentation regarding her request for 1:1 paraeducator to support the Student to provide specially designed instruction or other related services as laid in the Student's May 2016 IEP, May 2017 IEP, and amended May 2017 IEP. According to the District's response to this complaint, since September 26, 2016, when the timeline for this complaint began, it has no written documentation from the Parent requesting 1:1 paraeducator support, nor is there a record of any verbal requests made by the Parent. The District stated it conducted a review of email communications between staff and the Parent, reviewed the records of past IEP meetings, as well as interviewed District staff. The Parent has not substantiated that the District failed to respond to her request for 1:1 paraeducator support.

CORRECTIVE ACTION

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

None.

RECOMMENDATIONS

OSPI recommends the District consider using technology, such as telephone conference or video conference, to assist in increasing opportunities for parents to attend meetings.

Dated this ____ day of November, 2017

Glenna Gallo, M.S., M.B.A.
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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.)