

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-21

PROCEDURAL HISTORY

On February 28, 2018, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parents (Parents) of a student (Student) attending the Richland 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 March 1, 2018, 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 March 23, 2018, OSPI received the District's response to the complaint and forwarded it to the Parents on March 27, 2018. OSPI invited the Parents to reply with any information they had that was inconsistent with the District's response.

On April 11, 2018, OSPI received the Parents' reply. OSPI forwarded that reply to the District on April 12, 2018.

On April 12, 2018, OSPI requested clarifying information from the District and on April 13, 2018, OSPI spoke to the District director of special education. The District also provided clarifying information on April 17, 2018.

On April 13, 2018, OSPI received additional information from the District. OSPI forwarded the additional information to the Parents on the same day.

On April 16, 2018, OSPI received the District's additional response to the complaint and forwarded it the Parents on April 17, 2018. OSPI invited the Parents to reply with any information they had that was inconsistent with the District's additional response.

On April 16, 2018, OSPI received additional information from the Parents. OSPI forwarded the additional information to the District on April 17, 2018.

On April 20, 2018, OSPI requested and received additional information from the District. OSPI forwarded the additional information to the Parents on the same day.

On April 25, 2018, OSPI received additional information from the District. OSPI forwarded the additional information to the Parents on the same day.

On April 26, 2018, OSPI requested clarifying information from the District and on the same day, OSPI spoke to the District executive director of special education and director of special education.

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

OVERVIEW

At the beginning of the 2016-2017 school year, the Student transferred to the District from another Washington school district, and had an individualized education program (IEP) in place. At the end of September 2016, the District initiated the Student's triennial reevaluation and in late October 2016, the Student's IEP team developed his annual IEP, which was implemented the first week of November 2016. The Student's IEP provided him with goals and specially designed instruction in behavior (social), communication, math, and written expression, as well as extensive accommodations. The Parents disagreed with the November 2016 IEP and felt it was not comparable to the Student's previous IEP.

In the 2017-2018 school year, the Student attended a different school in the District. The Student's IEP team met at the beginning of September 2017, and the Parents requested an FM system for the Student and indicated that they wanted the Student to be reevaluated. In October 2017, the District agreed to reevaluate the Student. In December 2017, the Student's reevaluation group met and determined that the Student continued to be eligible for special education, but changed the Student's placement and amended his service areas. At the beginning of January 2018, the District provided the Student with an FM system. At the end of January 2018, the Student's IEP team developed his annual IEP. Initially, the Parents did not agree with the IEP, and as a result, several changes were made to the IEP before it was finalized and implemented. The Student's January 2018 IEP provided him with goals and specially designed instruction in math and written expression, as well as extensive accommodations.

Throughout the 2016-2017 and 2017-2018 school years, the Parents voiced concerns about the Student's general education math class, a lack of communication from the District, that certain Student records were either missing or not considered during the development of the evaluations/IEPs, that there were discrepancies between District and private testing, that the District failed to effectively implement accommodations, and about the provision of services. Throughout the 2016-2017 school year, the District used the Student's planner as a tool to provide daily communication to the Parents. On several occasions, in both school years, staff reported that the Student refused assistance from his paraeducator or refused his accommodations. The Parents disagreed and stated on several occasions that the Student was not provided with his accommodations, or that if the Student had refused, the school staff had failed to properly instruct the Student in how to use or accept accommodations. Later in the 2017-2018 school year, the Parents alleged that statements indicating that the Student had refused accommodations were false and needed to be removed from the Student's records. Additionally, throughout the 2017-2018 school year, the Parents requested various Student records and the District generally provided the records, if the records existed, within a few days or at most, two weeks.

In this complaint, the Parents alleged that the District failed to follow procedures for developing the Student's IEP, including ensuring parent participation and consideration of all applicable

Student records. The Parents also alleged that the District failed to implement the Student's IEP, including providing the Student with specially designed instruction in math, providing the Student with the accommodations listed in his IEP, and considering the Parents' request that the Student be provided with an FM system. The Parents also alleged that the District failed to provide them with progress reporting, failed to follow procedures for responding to the Parents' request to review the Student's educational records, and failed to respond to the Parents' request to amend the Student's educational records. The District denied all allegations.

SCOPE OF INVESTIGATION

This decision references events which occurred prior to the investigation time period, which began on March 1, 2017. 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 follow procedures for developing the Student's individualized education program (IEP), including ensuring Parent participation in the process and consideration of the private evaluation, during the 2017-2018 school year?
2. Did the District follow procedures for implementing the Student's IEPs in place during the 2016-2017 and 2017-2018 school years, including providing specially designed instruction in mathematics and providing the accommodations listed in the Student's IEP?
3. Did the District provide the Parents with progress reporting consistent with the Student's IEPs in place during the 2016-2017 and 2017-2018 school years?
4. Did the District follow procedures for responding to the Parents' requests regarding an FM system during the 2016-2017 and 2017-2018 school years?
5. Did the District follow procedures for responding to the Parents' request to review the Student's educational records, including Student work samples, consistent with the requirements of WAC 392-172A-05190?
6. Did the District follow procedures for responding to the Parents' request to amend the Student's educational records consistent with the requirements of WAC 392-172A-05215?

LEGAL STANDARDS

IEP Definition: An IEP must contain a statement of: (a) the student's present levels of academic achievement and functional performance; (b) measurable annual academic and functional goals designed to meet the student's needs resulting from their disability; (c) how the district will measure and report the student's progress toward their annual IEP goals; (d) the special education services, related services, and supplementary aids to be provided to the student; (e) the extent to which the student will not participate with nondisabled students in the general education classroom and extracurricular or nonacademic activities; (f) any individual modifications necessary to measure the student's academic achievement and functional performance on state or district-wide assessments and if the IEP team determines that the student must take an alternate assessment instead of a particular regular state or district-wide

assessment of student achievement, a statement of why: the student cannot participate in the regular assessment and the particular alternate assessment selected is appropriate for the student; (g) Extended School Year (ESY) services, if necessary for the student to receive a free and appropriate public education (FAPE); (h) behavioral intervention plan, if necessary for the student to receive FAPE; (i) emergency response protocols, if necessary for the student to receive FAPE and the parent provides consent as defined in WAC 392-172A-01040; (j) the projected date when the services and program modifications will begin, and the anticipated frequency, location, and duration of those services and modifications; (k) beginning no later than the first IEP to be in effect when the student turns 16, appropriate, measurable postsecondary goals related to training, education, employment, and independent living skills; and transition services including courses of study needed to assist the student in reaching those goals; (l) beginning no later than one year before the student reaches the age of majority (18), a statement that the student has been informed of the rights which will transfer to him or her on reaching the age of majority; and (m) the district's procedures for notifying a parent regarding the use of isolation, restraint, or a restraint device as required by RCW 28A.155.210. 34 CFR §300.320; WAC 392-172A-03090.

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. 34 CFR § 300.323(a); WAC 392-172A-03105(1). A school district must develop a student's IEP in compliance with the procedural requirements of the IDEA and state regulations. 34 CFR §§300.320 through 300.328; WAC 392-172A-03090 through 392-172A-03115. The district must also ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. The initial IEP must be implemented as soon as possible after it is developed. Each school district must ensure that the student's IEP is accessible to each general education teacher, case manager, related service provider, and any other service provider who is responsible for its implementation. 34 CFR §300.323; WAC 392-172A-03105.

IEP Revision: A student's IEP must be reviewed and revised periodically, but not less than annually, to address: any lack of expected progress toward annual goals or in the general education curriculum; the results of any reevaluations; information about the student provided to, or by, the parents; the student's anticipated needs; or any other matters. In conducting its review of a student's IEP, the IEP team must consider any special factors unique to the student, such as: the use of positive behavioral interventions and supports for a student whose behavior continues to impede the student's learning; the language needs of a student with limited language proficiency; instruction in the use of Braille for a student who is blind or visually impaired; the communication and language needs of a student who is deaf or hard of hearing; or the student's assistive technology needs. 34 CFR §300.324; WAC 392-172A-03110. Part of the information the IEP team considers when reviewing and revising a student's IEP is the result of the most recent evaluation. When the student's service providers or parents believe that the IEP is no longer appropriate, the team must meet to determine whether additional data and a reevaluation are needed. 34 CFR §300.303; WAC 392-172A-03015.

Parent Participation in IEP Development: The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. This is an active role in which the parents (1) provide critical information regarding the strengths of their child and express their concerns for enhancing the education of their child; (2) participate in discussions about the child's need for special education, related services, and supplementary aids and services; and (3) join with the other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting. Parents are considered equal partners with school personnel in making these decisions, and the IEP team must consider the parents' concerns and the information that they provide regarding their child in developing, reviewing, and revising IEPs. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,472, 12,473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 5, 9).

Parent Participation in IEP Meetings: A school district must ensure that one or both of the parents of a student eligible for special education are present at each IEP team meeting or are afforded the opportunity to participate, including: (1) notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) scheduling the meeting at a mutually agreed on time and place. The notification must: (a) indicate the purpose, time, and location of the meeting and who will be in attendance; and (b) inform the parents about the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student. If neither parent can attend an IEP team meeting, the school district must use other methods to ensure parent participation, including video or telephone conference calls. A meeting may be conducted without a parent in attendance if the school district is unable to convince the parents that they should attend. The school district must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. The school district must give the parent a copy of the student's IEP at no cost to the parent. 34 CFR § 300.322; WAC 392-172A-31000.

Definition of Specially Designed Instruction: Under the IDEA, the term "special education" means specially designed instruction provided to a student who has been determined through an evaluation to be eligible for such services. Specially designed instruction must be provided at no cost to the parents, consistent with a properly formulated IEP, and designed to meet the unique needs of the student. Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction: to address the unique needs of the student that result from the student's disability; and to ensure access of the student to the general curriculum, so that the student can meet the educational standards within the jurisdiction of the public agency that apply to all students. A need for special education is not limited strictly to academics; it also may include physical education, transition services, behavioral progress, and the acquisition of appropriate social and/or organizational skills. 34 CFR §300.39; WAC 392-172A-01175.

Provision of Services: Special education and related services must be provided by appropriately qualified staff. Other staff including general education teachers and paraprofessionals may assist in the provision of special education and related services, provided that the instruction is designed and supervised by special education certificated staff, or for related services by a certificated educational staff associate. Student progress must be monitored and evaluated by special education certificated staff or for related services, a certificated educational staff associate. 34 CFR §300.156; WAC 392-172A-02090(g).

Program Accommodations and Modifications: An IEP must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments. Additionally, the IEP must include a statement of the program modifications that will be provided to enable the student to: advance appropriately toward attaining his or her annual IEP goals; be educated and participate with other students, including nondisabled students in educational activities; and participate, if appropriate, in general education classroom, extracurricular, and nonacademic activities. 34 CFR §300.320(4); WAC 392-172A-03090.

Measurable Annual Goals: IEPs must include a statement of a student's measurable annual goals, including academic and functional goals designed to: meet the student's needs that result from the student's disability so that he or she can be involved in and make progress in the general education curriculum; and, meet each of the student's other educational needs that result from the student's disability. Additionally, for students who take alternate assessments aligned to alternate achievement standards, the statement of measurable annual goals should include a description of the benchmarks or short-term objectives the student should meet. 34 CFR §300.320(a)(2); WAC 392-172A-03090(1)(b).

Progress Reports: The purpose of progress reporting is to ensure that, through whatever method chosen by a school district, the reporting provides sufficient information to enable parents to be informed of their child's progress toward the annual IEP goals and the extent to which that progress is sufficient to enable the child to achieve those goals. *Amanda J. v. Clark County Sch. Dist.*, 267 F.3d 877 (9th Cir. 2001) (parents must be able to examine records and information about their child in order to "guarantee [their] ability to make informed decisions" and participate in the IEP process). IEPs must include a statement indicating how a student's progress toward the annual goals will be measured and when the district will provide periodic reports to the parents on the student's progress toward meeting those annual goals, such as through the use of quarterly or other periodic reports concurrent with the issuance of report cards. 34 CFR §300.320(a)(3); WAC 392-172A-03090(1)(c).

Education Records: Education records means the type of records covered under the definition of "education records" in the Family Educational Rights and Privacy Act (FERPA), 34 CFR Part 99. WAC 392-172A-05180. Under FERPA, "education records" means those records that are: 1) directly related to a student; and 2) maintained by an educational agency or institution or by a party acting for the agency or institution. These records include but are not limited to grades, transcripts, class lists, student course schedules, health records (at the K-12 level), student

financial information (at the postsecondary level), and student discipline files. The information may be recorded in any way, including, but not limited to, handwriting, print, computer media, videotape, audiotape, film, microfilm, microfiche, and e-mail. 34 CFR §99.3.

The term “education records” does not include records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute; records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement; or, in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person’s capacity as an employee and are not available for use for any other purpose. 20 USC §1232 (g)(4)(b).

Parents’ Access Rights to Student Records: Districts must permit the parents of a student eligible for special education to inspect and review, during school business hours, any educational records relating to the student that are collected, maintained, or used by the district. The district must comply with a request promptly and before any meeting regarding an individualized education program (IEP), hearing, or resolution session relating to the identification, evaluation, educational placement of the student, or provision of a free appropriate public education (FAPE) to the student, including disciplinary proceedings. The district must respond in no more than 45 calendar days after the request has been made. The right to inspect and review educational records includes: the right to a response from the district to a reasonable request for explanations and interpretations of the records; the right to request that the district provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising their right to inspect and review the records; and the right to have a representative of the parent or adult student inspect and review records. 34 CFR §300.613; WAC 392-172A-05190.

Amendment of Student Records: FERPA allows a parent to request that the school district amend their child’s educational records if the parent believes that the information is inaccurate, misleading, or in violation of their child’s privacy or other rights. 34 CFR §300.618; WAC 392-172A-05215. The Family Policy Compliance Office (FPCO) has explained that this right is not unlimited. A school is not required by FERPA to afford a parent the right to change substantive decisions made by school officials, such as grades, opinions, or other evaluations. *Letter to Anonymous*, 107 LRP 52770 (July 30, 2007). When a parent requests an amendment of student records, the district shall decide whether to amend the information within a reasonable period of time. If the school refuses to amend the information, it shall inform the parent of the refusal and advise the parent of the right to a hearing, conducted by the district, in accordance with district procedures. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the parents have a right to place a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the district in the records it maintains on the student. WAC 392-172A-05215.

FINDINGS OF FACT

Background Facts

1. During the 2015-2016 school year, the Student attended an online program operated by another Washington school district, and was eligible to receive special education services under the category of multiple disabilities.
2. On April 1, 2016, the Student's individualized education program (IEP) team from the other Washington school district amended the Student's November 2015 IEP. The amended IEP included annual goals in the areas of speech language therapy (four goals), written language, math (two goals), and fine motor. The Student's IEP also provided him with extensive accommodations, including:
 - **Other:** frequent breaks, provide homework lists, desktop list of tasks, daily assignment list.
 - **Presentation:** assistance with tracking, simplify test wording, shortened assignments, rephrase test questions/directors and check for understanding, read class materials orally, alter format of materials, desktop handouts of overhead/whiteboard, read aloud tools, speech-to-text.
 - **Response:** oral responses to assignments/tests, hands-on assignments, dictation to scribe.
 - **Setting:** Testing in separate location, provide study guides/outlines/graphic organizers, individualized/small group instruction, preferential seating, modify/repeat/model directions
 - **Testing:** scribes, math manipulatives, individual/small group testing, breaks, directions read aloud and check for understanding, human readers, read-aloud CDs, assistance navigating assessment and tracking, text-to-speech.

The IEP provided for the following specially designed instruction and related services from November 7, 2015 to November 5, 2016:

- **Math:** 45 minutes, one time per week – special education setting
 - **Written Language:** 30 minutes, one time per week – special education setting
 - **Fine Motor:** 30 minutes, one time per week – special education setting
 - **Speech Language Therapy:** 30 minutes, one time per week– special education setting
 - **Occupational Therapy (OT) Consultation:** 30 minutes, one time per month – special education setting
3. On August 25, 2016, in preparation for the Student entering the District during the 2016-2017 school year, the Parents provided the District with signed consent to obtain the Student's medical records from his private medical providers and provided the Student's evaluation report, IEP, and test scores from the Student's prior school districts. The Parents also provided the District with the Student's medical records related to OT, physical therapy (PT), and speech, vision, and hearing impairments.

2016-2017 School Year

4. The District's 2016-2017 school year started on August 30, 2016.

5. Also on August 30, 2016, the Student transferred to the District and his November 2015 amended IEP was in place.¹
6. The Student was placed in a structured program² at one of the District middle schools (middle school 1). With the exception of the first three days of school, the Student's schedule in September 2016 was as follows³:

Period	Class
1	General Education Science
2	Special Education Math 1 (with paraeducator support)
3	Special Education Writing (with paraeducator support)
4	Special Education Reading (with paraeducator support)
5	General Education Art
6	Special Education Social Thinking

7. On September 18, 2016, the Student's father emailed the Student's case manager/special education teacher (case manager) and stated that the Student felt that he did not belong in his special education math class and that he did not feel challenged. The Parent stated that this was the first time the Student had tried to advocate for himself and asked to schedule a meeting to discuss.
8. By September 19, 2016, according to documentation provided by the District in response to this complaint, the Student was receiving OT and direct fine motor services for 30 minutes per week and would have a 30-minute monthly OT consultation.
9. Also on September 19, 2016, the speech language pathologist (SLP) emailed the Student's case manager and stated that if the Student chose a general education math class, he would need to come back to the structured room for support because the District could not "offer para support for his gen-ed classes because the point is for him to be in his least restrictive environment."
10. On September 21, 2016, the Student and Parents met with the principal, school psychologist, and the case manager to discuss the Student's educational progress and transition into a general education math class.
11. On September 22, 2016, the Student's schedule was changed, as follows, so that the Student could enroll in a general education math class:

¹ The District stated that during the 2016-2017 school year, it provided the Student with comparable services as described in the previous IEP until a new IEP could be developed for the Student.

² According to the District, the structured program is a district-wide program that is focused on helping students with significant social and routine-driven needs. The program is mostly self-contained, but students may have different placements depending on their needs.

³ According to middle school 1's bell schedule, each class period was 55 minutes during the regular daily schedule.

Period	Class
1	General Education Science
2	General Education Math 1 (with paraeducator support)
3	Special Education Reading (with paraeducator support)
4	Special Education Writing (with paraeducator support)
5	Art 6
6	General Education Math + 6 (some paraeducator support)

According to the District’s response to this complaint, the Student received “specially designed instruction designed and monitored by [the case manager]” in the general education math class. In an interview with the District director of special education (director), the director explained that in general education math 1, the Student had a 1:1 paraeducator and the Student’s case manager collaborated with the math teacher to ensure the Student was provided specially designed instruction. The director also stated that Math + 6 was a general education intervention math class for students who required intervention based on test score criteria. The Math + 6 class used the Math180 curriculum and the Student had access to paraeducator support.

12. On September 29, 2016, the District issued a prior written notice that proposed initiating the Student’s triennial reevaluation. The Parents provided consent for the reevaluation.
13. On October 21, 2016, the Student’s evaluation group, including the Parents, met to discuss the results of the Student’s reevaluation. The evaluation report stated that in addition to a review of existing data, the Student was evaluated in the areas of social skills/behavior, fine motor, speech and language, writing, and math. The evaluation group reviewed an independent evaluation provided by the Parents in the area of cognitive development. The evaluation report stated that the Student qualified for special education services under the category of autism⁴ and recommended that the Student receive specially designed instruction in the areas of behavior (social), communication (articulation), math, and written expression. The evaluation report recommended no related services.
14. On October 26, 2016, the Student’s father emailed the Student’s case manager and the school psychologist regarding the Student’s math class. The father stated that the Student was struggling because he missed part of the quarter, that no one was helping the Student catch up, and that no one was checking with the Student to ensure understanding. The father stated that the Student said that “in other classes his teachers provide a lot of support when he asks questions.” The school psychologist responded and stated that they could discuss the Student’s general education math class at the upcoming IEP meeting.
15. Later on October 26, 2016, in response to the father’s email, the case manager emailed the SLP and stated that she felt the math class was “too tough” for the Student and that he

⁴ On August 29, 2016, the Student was diagnosed with autism spectrum disorder by a private psychologist. It is possible that listing the eligibility category as autism on the evaluation report was a mistake because the Student’s IEP and all prior written notices list the eligibility category as multiple disabilities. The Student’s eligibility category was changed back to multiple disabilities when he was reevaluated in the fall of 2017.

needed to be moved to “Math 180.”⁵ The case manager stated that when she brought this up with the Parent, “her response (directed towards [the Student]) was that he needed to work a little harder.” The case manager also stated that there were not enough paraeducators to provide support in the Student’s math class and that she had attempted to assist the Student in getting caught up, but that the Student “refused all of [her] help.”

16. On October 27, 2016, the SLP emailed the Parents and the case manager and stated: “Given the concerns with [the Student’s] math class and the fact that his recent reevaluation identified that he does qualify for math, we need to look at an intervention level class. He would not be able to receive Specially Designed Instruction (SDI) in his current class.”

17. On October 28, 2016, the Student’s IEP team, including the Parents, met and developed the Student’s annual IEP (2016 IEP), which went into effect on November 6, 2016. The Student’s IEP included annual goals in behavioral (social), which focused on asking for help or clarification when needed; communication, which focused on increasing his articulation skills; math, which focused on solving multi-step word problems, including whole numbers and fractions; and, written expression, which focused on writing paragraphs with fewer grammatical errors. The IEP stated that the Parents would be provided progress reporting quarterly, at the annual IEP review, and at parent-teacher conferences. The Student’s IEP also provided him with extensive accommodations⁶, including:

- **Presentation:** hardcopy handouts for projected materials, reading class materials orally/read aloud, multiplication chart, rephrase test questions and or directions, shortened assignments, simplify test wording, masking.
- **Setting:** modify/repeat/model directions; seated in front of teacher/board; provide individualized/small group instruction; provide study outlines/guides; take test in separate location.
- **Timing/Scheduling:** prior notice of tests/quizzes; extra time to complete assignments; extra time on tests/quizzes; allow breaks.
- **Response:** allow dictation to a scribe; hands-on assignments; utilize oral responses to assignments/tests.
- **Modify Student’s Schedule:** allow student to transition to classes 2-3 minutes early to avoid crowded hallways.
- **Assistive Technology:** read aloud/audiobook, books on tape, type longer assignments, Bookshare.
- **Other:** provide desktop list of tasks; provide homework lists; provide daily assignments list; modified grading; multiplication chart; alphabet strip.

⁵ According to the District, Math180 is a general education intervention level math class. The students are placed in Math180 if they require interventions based on test score criteria.

⁶ According to the Parents’ reply to the District’s response to this complaint, they believed speech-to-text was listed as an accommodation on the Student’s 2016 IEP. The 2016 IEP provided by the District in response to this complaint does not include speech-to-text; however, the 2016 IEP does include an accommodation that allows the Student to dictate to a scribe.

The Student would participate in district assessments with accommodations and the IEP provided for the following specially designed instruction from November 6, 2016 to November 5, 2017:

- **Behavior (Social):** 55 minutes, five times per week – special education setting
- **Communication:** 30 minutes, three times per month – special education setting
- **Math:** 55 minutes, five times per week – general education setting
- **Written Expression:** 55 minutes, five times per week – special education setting

The IEP also stated that the Student would receive special transportation, shared paraeducator support as needed, and would receive a speech language pathology consultation one time per month.

18. According to the Parents’ reply to the District’s response to this complaint, the Parents disagreed with the contents of the 2016 IEP and felt that the proposed IEP was not comparable to the Student’s previous IEP from his prior school district.

19. On November 2, 2016, the Student’s schedule changed and the Student was enrolled in the following classes for middle school 1’s second quarter:

Period	Class
1	Special Education Social Thinking
2	General Education Science (with paraeducator support)
3	Special Education Reading (with paraeducator support)
4	General Education Math 180 (with paraeducator support)
5	General Education Family Consumer Science
6	General Education Math 180 (some paraeducator support)

According to the District, the Student received specially designed instruction for written expression in the special education reading class. According to the District’s response, the Student received specially designed instruction designed and monitored by the case manager in his fourth period math 180 class, and the Student had 1:1 paraeducator support in both periods of math.

20. On November 14, 2016, the District provided progress reporting on the Student’s measurable annual goals that noted that “Due to [the Student’s] newly implemented IEP occurring at the change of the quarter, the goals have not yet been initiated, therefore there is no progress to report. As the school year progresses, updated information pertaining to these goals will be provided.”⁷

21. On November 15, 2016, the case manager met with the principal, SLP, school psychologist, general education math teacher, and general education science teacher to discuss the

⁷ In a phone interview with the director, she explained that the District’s policy was that a student’s case manager was responsible for progress reporting and that each individual teacher with a student who had an IEP was responsible for collecting data, compiling evidence, and sending progress reporting home to the parents. The District does not currently have a system to track and verify how and when progress reporting is sent.

Parents' expectations, Parents' concerns regarding the Student's math class, and Parents' concerns that certain records were missing or not considered during the development of the Student's November 2016 IEP.

22. On November 27, 2016, the Student's father emailed the case manager that December 19 should work to meet with the Student's IEP team.⁸ The father also emailed that he was concerned about communication regarding the Student's math class and that the Student's scores showed that he was not progressing. The father stated, "I did not see any mention of communicating with the parents in the IEP and [want] that specifically stated so that we can be part of the solution before it is too late and we have to struggle to [catch] up."
23. On November 28, 2016, the case manager forwarded the father's November 27 email to the principal, SLP, general education math teacher, and general education science teacher. The case manager noted that the Student refused help from the paraeducator in his math classes. The case manager also stated that they could add communication with the Parents to the Student's IEP, but that the team needed to discuss the best way to facilitate the communication without causing teachers too much extra work, especially if the Student continued to refuse assistance from paraeducators. In response, the SLP suggested that the Student's reluctance to accept help was probably due to his disability and not wanting to be "babied;" she suggested using a social story about accepting help and that the Student's planner is "enough communication for parents. Eventually we can have him fill it out but for now it might need to be para directed."

On November 30, 2016, the case manager emailed the Parents to let them know that the school team would be using the Student's planner for daily communication. The case manager stated that the Student refused help from his paraeducator in his math classes. The case manager stated that when the paraeducator "attempts to look at what [the Student] needs to correct, what he is missing, or making sure that he was able to complete what was written on the board/notes, he will not let her see it as he covers it up or will turn away." The case manager stated that she was working with the Student to teach him about the importance of accepting help. In response, the father stated that according to the Student, the paraeducator does not help him and he did not cover his page or refuse help. The father stated that he would remind the Student to accept help and that this was something that the Student could work on in therapy. Later that day, the father sent a second email, stating that the Student felt like he got in trouble when he talked to the paraeducator during class.

24. On December 1, 2016, the case manager responded and stated that it was great that the Student was advocating for himself and that the Student should try to write as much as he could on his own. The case manager stated that she would make sure the paraeducator was keeping her own set of notes as a backup copy. The case manager also stated that the Student refused his accommodations that day for a science test, and that she would continue

⁸ The District proposed and scheduled an IEP team meeting earlier in November 2016, and then the meeting was rescheduled several times.

working with the Student to help him understand that he would not get in trouble if he asked for help.

25. On December 19, 2016, the principal, case manager, the District’s executive director of special education (executive director 1), school psychologist, SLP, and two general education teachers met to discuss the Student’s educational progress, daily communication, and IEP accommodations. The Parents were invited to the meeting and planned to attend, but at the last minute, could not attend. According to the meeting minutes, the Student was showing “benefits of education [without] use of accommodations as per Student refusal.” The notes also stated that the math teacher indicated that the Student was doing well “but is still confused about placement – mom wanted intervention yet got mad when he’s not in Gen Ed.” Finally, the meeting notes indicated that the District needed documentation from the Parents in regard to the neurologist and vision tracking in order to provide the “Bookshare” accommodation.
26. The District was on break from December 21, 2016 to January 3, 2017.
27. The Student’s January 23, 2017 progress reporting noted that the Student had made adequate progress on all four IEP goals and included notes regarding his progress toward his communication goal. In their complaint, the Parents stated that they never received any progress reporting. According to the District’s response to this complaint, the Parents were provided with the Student’s progress reporting; however, the District stated that its system does not indicate how progress reporting was provided or provide proof that progress reporting was delivered.
28. On January 30, 2016, the Student’s schedule changed and the Student was enrolled in the following classes for the middle school’s third quarter:

Period	Class
1	Special Education Social Thinking
2	General Education Science (with paraeducator support)
3	Special Education Reading (with paraeducator support)
4	General Education Math 180 (with paraeducator support)
5	Adaptive P.E. (with paraeducator support)
6	General Education Math 180 (with paraeducator support)

According to the District, the Student received specially designed instruction in one period of math, coordinated by the case manager⁹, from both the paraeducator and the general education math teacher. The case manager stated that she communicated with the Student’s paraeducator

⁹ During the 2016-2017 school year, the District used a “case manager” service delivery model, in which many students eligible for special education received services from a general education teacher or a paraeducator under the supervision of a single special education teacher. In a phone interview with the District, executive director 2 and the director stated that because the Student’s case manager was a teacher in the structured program, she had a caseload of thirteen students and designed, directly taught, or was highly involved in supervising the students if they were provided specially designed instruction by a general education teacher.

and general education math teacher on a daily basis to determine what the Student was working on, what information needed to be sent home, and what the case manager could work on directly when the Student was in her class to keep him caught up with the general education math class. The District stated the Student's math class used the Math180 curriculum and that the Student's instruction was targeted at his level.

Complaint Timeline Begins on March 1, 2017

29. The Student's March 30, 2017 progress reporting noted that the Student had made adequate progress on his communication goal. The progress reporting did not contain information about the Student's progress in his other goal areas.
30. On May 2, 2017, the Parent emailed the Student's case manager to let her know that the Student was having trouble hearing and asked to make sure the Student sat close to and faced his teachers.
31. The Student's June 9, 2017 progress reporting noted that the Student had made adequate progress on all four annual goals. The progress reporting included notes on all four goals. The notes for the math goal stated that the Student "demonstrated an increase in his mathematical skills," and while he continued to struggle in some areas, that at that time, the Student was demonstrating success in the class and that math would be "reexamined in the fall to determine if [the Student] has lost any of his math skills."
32. The District's 2016-2017 school year ended on June 9, 2017.

Summer 2017

33. On August 2, 2017, the Student's mother requested a copy of the Student's November 2016 IEP and the Student's speech services logs. Staff at the District office provided the mother with a copy of the November 2016 IEP that same day.
34. On August 7 and 11, 2017, the Parents provided the District with additional Student medical records from recent testing.
35. On August 13, 2017, the Parents emailed the Student's case manager and provided updates on the Student's medical conditions. The Parents stated that they were concerned about the Student's speech services and the fact that the Student had only received a monthly speech consultation the previous year instead of "active speech therapy." The Parents stated that they had to return the Student to private OT, PT, and speech services because he "wasn't progressing" at school. The Parents also stated that the Student underwent some testing over the summer and that they wanted the Student to focus and work on "Receptive Language and Written Expression Disorder." The Parent requested an IEP meeting to "solidify the schedule and services."
36. On August 23, 2017, the Student's case manager responded to the Parents' August 13 email and suggested that they schedule an IEP meeting for September 1, 2017. The case manager

also stated that the IEP team would discuss doing another reevaluation due to the discrepancies in testing and the Parents' concerns about the service areas.

2017-2018 School Year

37. At the beginning of the 2017-2018 school year, the Student transferred to another middle school in the District (middle school 2) and his November 2016 IEP continued to be in effect.

38. The District's 2017-2018 school year started on August 29, 2017.

39. During the first semester, the Student was enrolled in the following classes:¹⁰

Period	Class
1	General Education Math Support (Math 180)
2	Special Education Reading/Writing (with paraeducator support)
3	General Education Math (with paraeducator support)
4	General Education History (with paraeducator support)
5	General Education Science (with paraeducator support)
6	Special Education Social Thinking (with paraeducator support)

According to the District, the Student was provided with specially designed instruction in math from both the general education teacher and the paraeducator, but that instruction was coordinated by the Student's case manager¹¹ who monitored the Student's progress through middle school 2's online portal. The case manager stated that she communicated with the Student's paraeducator on an almost daily basis.

40. On September 1, 2017, the Student's IEP team met. The Parents, assistant principal, District physical therapist, occupational therapist, assistant occupational therapist, case manager, school psychologist, SLP/structure program coordinator, speech pathologist, and a District special education administrator attended the meeting. The meeting minutes indicated that the team discussed the Student's school and private services, his health needs, and the following topics:

- **Recommendations:** Private neuropsychologist made recommendations related to written expression, expressive language, and behavior.
- **Parent Concerns:** Lack of communication, lack of speech services, records missing that the Parents had provided or provided consent for the District to obtain, unclear expectations about the role of the paraeducators and the scribes, validity of testing.
- **Parent Requests:** Increased support for writing, need for an FM system.
- **Accommodations:** Preferential seating, slant board for writing, speech-to-text.

¹⁰ According to middle school 2's bell schedule, students attend: all six classes on Monday and each class is 55 minutes; all six classes on Friday and each class is 45 minutes; and on Tuesday, Wednesday, and Thursday four of six classes meet each day, so students attend each class twice in the three days and each class is 80 minutes.

¹¹ The Student's case manager remained the same because she also transferred to middle school 2.

- **Other:** Need to notify the Parents when the Student refuses accommodations; classes and electives.

In response to some of the Parent concerns, the school psychologist stated that the Student qualifies for services in written expression, and the SLP stated that the Student may not have realized he was attending speech services when he met with her. The speech pathologist stated that in the future, the speech will be a combination of pull out and embedded services. The team also discussed creating a one-page document to give to all the Student's teachers that explained his medical concerns and classroom needs. Finally, the Parents indicated that they wanted a reevaluation or an independent educational evaluation (IEE).

41. At the IEP meeting on September 1, 2017, the Parents requested a copy of the Student's 2016 reevaluation report and the test results that informed the reevaluation.
42. On September 5, 2017, the father emailed the Student's case manager and reiterated that he was most concerned about the lack of communication he and the Student's mother experienced the previous school year. The father also stated that they were concerned about the Student receiving appropriate services, accommodations, and expectations. The father stated that he was concerned about a team member's suggestion that the Student refused services the previous school year and stated that none of the Student's providers had ever had this feedback and that no one from the school ever contacted or notified the family.¹² The Parent stated that if the Student refused help or accommodations, the Parents expected "to be notified immediately so we can address the issue with [the Student] and work on [it] with his doctors and psychiatrist." The Parent stated he and the Student's mother did not agree with the November 2016 IEP and continued to be frustrated because it seemed as though team members did not have access to all of the Student's records or understand the Student's complicated medical history. The Parent asked for the following: a clear written plan for the scribe and an explanation of the scribe's role; accommodations for the Student's hearing loss;¹³ information about an advocate to assist with the IEP; and, clarification on what testing the team used or will use to determine eligibility and as the basis for including accommodations.
43. Later on September 5, 2017, the Student's case manager forwarded the Parent's email to other members of the Student's IEP team and the school psychologist responded that the Parents could look at the most recent evaluation to see the testing that had been completed. Additionally, the school psychologist responded to the Parents and provided them with a

¹² The father's statement is contradicted by emails from the District that indicated that as early as November 28, 2016, the school began notifying the Parents if and when the Student refused accommodations.

¹³ The Parent stated that he had brought this issue up the previous year and that this "was a large reason we didn't agree with the IEP since all of [the Student's] hearing/vision accommodations all seemed to be removed." The Student's 2013 reevaluation report from a previous Washington district stated that the Student had conductive hearing loss and that there had been "successful use of a FM system in a brick and mortar." The Student's 2016 District evaluation report noted that the Student had a hearing impairment; however, there is no documentation that the Parents requested an FM system until September 2017.

copy of the procedural safeguards, contact information for an advocacy group, and stated that they could request an IEP meeting at any time if they were not in agreement with the Student's IEP or accommodations.

44. On September 6, 2017, the school psychologist emailed the Parents copies of the Student's most recent evaluation, the individual evaluator reports, and a copy of the Student's current IEP. The school psychologist stated that the emailed copies were not signed copies because the signature page is filed with the hardcopy version of the documents in the Student's permanent file at the District office.
45. Later on September 6, 2017, the school psychologist emailed the Parents with suggested next steps, which included reviewing all of the Student's records and meeting notes, reviewing the Parents' specific requests, and then setting up an IEP meeting to revise the IEP.
46. On September 7, 2017, the Student's father emailed the Student's case manager about a class assignment that he felt illustrated a disconnect between the Student's IEP/accommodations and the Student's needs. The father stated that he wanted the Student to be challenged, but "with the appropriate accommodations so he can be successful." The case manager responded and stated that she had not had a chance to discuss the assignment with the teacher, but had talked to the paraeducator about the Student's options to do assignments on the computer or have the paraeducator scribe for him.
47. On September 11, 2017, the speech pathologist emailed the Parents and provided an update about the Student's speech therapy. In response, the Parents emailed back that they had reviewed the "IEP Speech OT eval" and that they had several concerns about the previous evaluation, including the removal of the Student's hearing and vision accommodations.
48. On September 19, 2017, the school psychologist provided an update to her September 6 "next steps email." The school psychologist stated that she had picked up the Student's file and records. The school psychologist also wrote that she reviewed his IEP from his previous district in Washington, and that "nearly all" of the accommodations and modifications listed in the previous IEP were included in his current IEP. The school psychologist stated:

The differences I noted was that his previous [district] IEP listed "assistance with tracking" and "alter format of materials" and "speech to text." His current IEP does list "Masking" which can help with tracking and covering up distracting information but this wording can change or we can add the previous accommodation. It is my understanding from the previous meeting that speech to text was not a viable option because of the articulation errors, therefore he is allowed to type lengthy assignments and access to scribe or oral dictation. His current IEP does also contain many more accommodations than were previously listed.

The school psychologist ended the email by stating that the Parents should let her know if there were other accommodations and modifications that they felt would be appropriate.

49. On September 21, 2017, the Parents emailed the school psychologist, stating that they were concerned because several other records seemed to be missing from the Student's file.

Additionally, they stated that the District had not responded to their request for the signature pages of the IEP or evaluation,¹⁴ and they requested “testing at the states expense.”

50. Later on September 21, 2017, the school psychologist responded and attached the November 2016 IEP with the signature page. The school psychologist stated that she would request a copy of the evaluation from the District’s special programs office and copy the Parents on the email. In response, the Parents emailed back and listed several reasons why they did not agree with the Student’s current IEP, including: disagreement with OT and speech services, disagreement with writing goals, and frustration that some of the Student’s accommodations were not implemented.
51. Also on September 21, 2017, the school psychologist emailed the District office and requested a copy of the Student’s evaluation report, including the signature page, and copied the Parents on the email.
52. On September 22, 2017, the school psychologist responded to the Parents’ September 21 email regarding the Parents’ concerns. The school psychologist wrote that the Student’s IEP goals could “absolutely be changed” and that she “empathize[d] with your feelings regarding the evaluation.” The school psychologist stated that the District may need to “initiate a reevaluation that includes more of your input and all relevant information that you are able to provide regarding outside evaluations.” The school psychologist suggested that they schedule a meeting with the director and review the Student’s October 2016 evaluation and November 2016 IEP.
53. Also on September 22, 2017, the District special education secretary (secretary) emailed the Parents and stated that the records were available to be picked up at the District office.
54. On September 29, 2017, the school psychologist invited the Parents to a meeting on October 6, 2017 to review the Student’s October 2016 evaluation and November 2016 IEP. The Parents responded that they could attend.
55. On October 6, 2017, the Parents, assistant principal, school psychologist, and director met to discuss next steps. The team discussed accommodations (e.g., activating the Student’s Bookshare account) and requesting an assistive technology evaluation from the Special Education Technology Center (SETC). The team also discussed setting up a meeting with the school team and the Student’s general education teachers to ensure that they were all aware of and were implementing the Student’s accommodations, that the Student’s scribe was being used effectively, and that the teachers were communicating with the Parents about the Student’s progress. At the meeting, the Parents provided copies of medical evaluations from private providers. And finally, it was decided that the school psychologist and Parents would meet to come up with an assessment plan for the reevaluation and that the evaluation group

¹⁴ It is unclear from the documentation provided when the Parents requested the signature page of the IEP and evaluation specifically.

would consider placement because the Parents felt that the Student's current placement was too restrictive.

56. On October 11, 2017, the Student underwent testing with an audiologist and the audiologist report, dated the same day, recommended that the Student have "preferential seating and use of FM headset in school."
57. On October 20, 2017, the Parents, school psychologist, assistant principal, and speech pathologist met and developed an assessment plan for the Student's reevaluation.
58. On October 23, 2017, the Parents signed consent to reevaluate the Student using additional assessments. The same day, the District sent the Parents a prior written notice, proposing to initiate the reevaluation to "determine need for additional service areas as well as consider [the Student's] least restrictive environment." The District declined to do additional vision assessments because the Student's vision records were sufficient and the Parents declined additional cognitive testing.
59. Also on October 23, 2017, the Parents emailed the school psychologist and requested that the Student be tested to identify areas of challenge with reading, and provided some background on the Student's history. In response, the school psychologist stated that the academic testing would assess reading fluency and comprehension and that phonological processing could be assessed on a cognitive measure and possibly in some of the language testing.
60. Later on October 23, 2017, the Parents emailed the school psychologist and the director the Student's login information for his Bookshare account. The next day, the director forwarded the information to the District vision specialist to add the Student's Bookshare account.
61. On November 2, 2017, the District issued progress reporting regarding the Student's measurable annual goals. The notes for goals in communication, math, written expression, and behavior (social) indicated that the Student was making progress, but that he continued to need support in math and written expression. For example, the notes under the written expression goal stated "at this time, [the Student] is working on his writing in either 1-on-1 or 2-on-1 setting to insure [sic] that he is getting the intense support that he needs." And the notes on the Student's math goal stated that while the Student "has continued to demonstrate success with this class with his accommodations/modifications and provided SDI, he still demonstrates that he needs assistance with understanding some of the functions and processes." According to the District's response to this complaint, the Parents were provided with the Student's progress reporting; however, the Parents stated they did not receive any progress reporting until they requested them from the District in December 2017.
62. On November 5, 2017, the Student's annual IEP was due. According to the District, it had a verbal agreement with the Parents to extend the IEP timeline in order to complete the Student's reevaluation. According to the District, the Student continued to receive the

specially designed instruction and accommodations outlined in his November 2016 IEP until the Student's new annual IEP was later developed in January 2018.

63. On November 10, 2017, the school psychologist sent the Parents a questionnaire to fill out for the Student's reevaluation. On November 16, 2017, the Parents responded to the questionnaire with many of the same concerns that had been previously brought up in emails to District staff, including that:

- Reports and recommendations from private providers had not been incorporated into the Student's October 2016 evaluation and November 2016 IEP.
- The goals in the November 2016 IEP were simplistic and not met.
- The November 2016 IEP accommodations were not implemented.
- Services were not provided, which required the Parents to seek out private services for the Student.
- The Student's needs were not being met and he was falling behind academically.

64. On November 26, 2017, the Student's father emailed the Student's case manager about the Student's math class. Specifically, the father was concerned that the Student had not been given math homework over Thanksgiving and that the Student was "basically failing Math...and I haven't heard anything from the Math teacher...It's gotten so bad I am now paying for private tutoring which is ridiculous."

65. Also on November 26, 2017, the case manager forwarded the email to the Student's math teacher. The math teacher replied to the case manager that the assignment was optional, not graded, and only handed out to students who had finished their tests. Additionally, the math teacher addressed the Parent's statement that he had not heard from the math teacher and stated:

This is not true. I tried to call him...when I was told he believed we weren't following [the Student's] IEP...He did not pick up so I left a message letting him know that I was following [the Student's] IEP but that I could double check to make sure he had a multiplication chart....He did not call me back. [The director] let me know the next day that he called her to complain that I sounded defensive in my message...The [Parents] also did not stop by to meet me at conferences. They are welcome to make an appointment with me so that I can help them better understand [the grading] and go over how [the Student] is doing in my class.

It is unclear from the documentation in this complaint, if the information provided by the math teacher was forwarded to the Parents.

66. On December 1, 2017, the Student's evaluation group met and the evaluation report stated that in addition to a review of existing data, the Student was evaluated in the areas of writing, math, behavior/social, communication, fine motor development, hearing, and vision.¹⁵ The

¹⁵ The evaluation report noted that the group considered the following district and private evaluations and records: March 2016 private autism center report, August 2017 neurodevelopmental testing, October 2017 audiologist testing, February 2011 developmental vision evaluation, 2013 evaluation report from the Student's prior

evaluation report also included feedback from the Parents regarding the Student's challenges, academic progress, and records that they felt had been overlooked or not incorporated into the November 2016 IEP. The evaluation report also included the following information:

- **Social Behavior:** While there were discrepancies between school and home, the Student does not demonstrate a need for specially designed instruction in the area of social behavior.
- **Reading:** The Student scored at or above grade level.¹⁶
- **Writing:** The Student did not meet grade level performance standards and more often than not, the Student will attempt to complete as much work as he can independently.
- **Math:** The Student scored below the average range and did not improve significantly over the course of the 2016-2017 school year.
- **Communication:** The Student scored in the average to above average range and his lisp does not interfere with his ability to communicate with teachers and peers in the academic setting.
- **Fine Motor:** The Student's teachers reported that the Student often chose not to use occupational therapy accommodations, due to a desire to be like his peers.

The evaluation report stated that the Student continued to be eligible for special education services under the category of multiple disabilities and recommended that the Student receive specially designed instruction in the areas of math and written expression. The evaluation report recommended no related services, but did recommend that the speech language pathologist, occupational therapist, and vision specialist consult to help determine and implement appropriate accommodations, including the Student's FM system and speech-to-text software. The evaluation report also noted that the group determined that the Student's least restrictive environment was the general education setting with resource room support and that the Student should transition from the structured program after winter break.

67. On December 3, 2017, the Parent emailed the Student's case manager, the school psychologist, and the director regarding the speech-to-text accommodation. The Parent stated that he could not find the software on the Student's computer and that the Student did not know how to use speech-to-text. The Parent also asked about the Student receiving clean copies of class notes created by the paraeducator. The school psychologist responded that the Student's case manager would follow up regarding the notes and that the speech pathologist would work with the Student to figure out speech-to-text.

68. On December 5, 2017, the speech pathologist and Parents communicated by email regarding speech-to-text, including directions for using the software and the fact that the Student did not want a visual of the directions saved on his computer. The Parent stated that the Student "needs to be taught and encourage[d] to use his accommodations and modifications" and

Washington school district, academic history, social skills report, academic achievement and State/District test scores, classroom data, speech and language testing, fine motor testing, and information from a private tutor.

¹⁶ The evaluation report noted that the Student underwent the testing in a quiet room and refused other accommodations. The Student "demonstrated on grade level success when completing this test independent of support."

that if the Student refused accommodations or services, the school should notify the Parents immediately. The Parents also stated that the Student struggles to remember things even when he says he will remember, which is why implementing the Student's accommodations was important.

69. On December 7, 2017, the District sent the Parents a prior written notice, proposing to continue the Student's eligibility for special education and change his placement and service areas.
70. On December 13, 2017, the director emailed the Parents and other members of the IEP team a proposed timeline for completing the Student's IEP, with the goal to implement the new IEP by January 24, 2018, which was the start of the new semester. The director asked the Parents for feedback on the timeline, scheduling an IEP meeting, and scheduling a meeting with SETC.
71. Also on December 13, 2017, the school psychologist emailed the director, the principal, the assistant principal, the case manager, the speech pathologist, and the Parents. The school psychologist stated that she spoke with the Parents that morning and the Parent was concerned that the FM system was not being used. The school psychologist stated that the FM system needed to be put in place as soon as possible. The school psychologist also reminded the team that the Parents requested same day communication if the Student declined to use his accommodations.
72. On December 19, 2017, the Parent requested copies of all of the Student's OT testing, including examples of the Student's work, and copies of all meeting notes since August 2016. In response, the District special education secretary stated that the Parents could stop by the District office the next day to pick up records. The case manager also emailed the Parents and stated that the Student was not on the OT caseload last year after his evaluation, so there was no Student work in his file. The case manager stated that she would send home Student work related to his written expression goals after break.
73. Also on December 19, 2017, the school psychologist emailed the Parents regarding ongoing technical issues with the speech-to-text software and stated that the District had obtained the FM system, which would be installed over break.
74. The District was on break from December 20, 2017 to January 2, 2018.
75. On December 20, 2017, the Student's mother emailed the director and secretary that she had gone to pick up the Student's records, but was told that there were no "OT testing or samples available." The Parent stated that she had attempted to get these records several times and had been given different answers each time. She stated that the Student had transferred into the District with an IEP that included OT services and that the District had "tested him twice to disqualify him from services." In response, the District special education secretary (secretary) responded that there were no tests or work samples in the Student's file for the time period requested, but that the meeting minutes and OT reports from the fall of 2016

were ready for the Parent when she arrived to pick them up. The director also responded that her understanding was that the Parent had requested the OT testing protocols for 2016 and 2017. The director stated that the 2017 OT protocols and samples had not been finalized because the Student's evaluation report had not been finalized. The director also stated that she would touch base with the OT staff after break regarding the 2016 records.

76. On December 21, 2017, the Parents requested all progress reporting since August 2016 and all meeting notes since September 2017.

77. On December 22, 2017, the secretary responded to the Parents' request and stated that the progress reports and a writing sample were ready to be picked up either that same day or on January 3, 2018, when the District office reopened. The secretary also stated that she did not yet have the meeting minutes from the most recent meeting because staff at middle school 2 had not sent the notes to the District office.

78. On December 28, 2017, the Parents emailed the director, school psychologist, and case manager and stated that after reviewing the records they had requested, they found copies of progress reporting that had never been sent to or discussed with the Parents. The Parents requested that all future meeting minutes, progress reporting, and report cards be mailed to the Parents via certified mail. The Parents also stated that after reviewing the meeting minutes, concerns that the Parents had previously communicated had not been recorded, including that:

- The progress reporting and meeting minutes included false statements.
- The Parents did not agree with the Student's stated progress, especially in math.
- The Parents did not agree with the results of the speech assessments and OT evaluation.
- The Parents had concerns about the Student's placement.
- The Parents did not agree that Bookshare, speech-to-text, and the FM system had been implemented or implemented effectively.
- The Parents did not agree with statements that the Student had refused services or accommodations.
- The Parents stated they had previously asked for a breakdown of the Student's written expression specially designed instruction and had never received that information.
- The Parents stated they had concerns about the Student's math and written expression specially designed instruction.
- The Parents stated they did not agree to the IEP extension and the excessive timeline.

The Parents also stated that the Student read his evaluation and stated that it included "a lot of lies about me and no one from the school has ever addressed the issues with me. I have always done what I am told to do. School is my job. I have never refused to do anything, I do get overwhelmed sometimes."

79. Also on December 28, 2017, OSPI received a request for a special education citizen complaint (SECC) from the Parents and opened SECC 17-92. That complaint concerned the Parents' request for an IEE.

80. On January 3, 2018, the director respond to the Parents' December 28, 2017 email and stated that the Parents' concerns would be added to the Student's evaluation report.
81. Also on January 3, 2018, the Parents emailed the case manager, director, and school psychologist and requested the work samples that the occupational therapist used in 2016 and 2017 to show that the Student was ineligible for services and the "measurable goal from last year 'Spooky Tale.'"
82. On January 3, 2018, the Parents also emailed the case manager and school psychologist regarding their ongoing concerns about the Student's math class. The Parents asked for an explanation of the Student's specially designed instruction in math because the Parents were not seeing progress. The Parents also wanted to verify that all of the Student's accommodations and modifications were being used, including checking for understanding after lessons. The case manager forwarded the Parents' email to the other members of the Student's IEP team and the math teacher.
83. Also on January 3, 2018, the director invited the Parents to a meeting on January 19, 2018, to develop the Student's IEP and the Parents confirmed that they could attend.
84. According to the documentation provided by the District, the FM system was set up and the Student was using it on January 4, 2018.
85. On January 4, 2018, the Student's case manager emailed the Parents an update on the FM system¹⁷, the Student's classes, and the fact that the Student did not want to use his accommodations during testing. The Parents responded and asked specifically what accommodations were being used, stated that they were primarily concerned about whether the "check and connect" was being implemented, and stated that it appeared no one was "ensuring [the Student] knows how to use the accommodations in different situations."
86. On January 5, 2018, the Student's general education math teacher emailed the Parents regarding their concerns and asked if they wanted to schedule a meeting to discuss further. The Parents responded and asked if the math teacher was available to meet that day. Later that day, the Parents met with the general education math teacher and District director regarding the Student's specially designed instruction and accommodations. According to the Parents, this meeting made clear to them that the Student was not receiving specially designed instruction in math.
87. Also on January 5, 2018, the Parents emailed the case manager, director, and school psychologist updates from the Student's audiologist. The case manager responded and stated that she would continue to pass on information about the FM system to the Student's teachers and that the District would make adjustments as needed.

¹⁷ According to the District's documentation, the District created a "daily log" for the Student's FM system to help ensure he was using it in each class. The daily log was generally emailed to the Parents each day or every couple days.

88. Also on January 5, 2018, the director invited the Parents to a meeting with the SETC on March 5, 2018.
89. On January 8, 2018, the Student's general education math teacher emailed the Parents about setting the Student up with some additional math programs. The Parents responded and asked what specially designed instruction the Student was receiving in math.
90. On January 14, 2018, the Parents emailed the secretary and again requested a copy of the "Spooky Tales measurable goal" or any other written expression work samples, OT work samples including testing samples, all meeting notes, and the Student's State and district test scores from his prior school districts. The director responded and stated that the OT testing copies (i.e., the evaluation report, scoring protocols, and examinee booklet) and meeting minutes from September 1, October 6, October 20, 2017 and January 5, 2018 were ready to pick up.¹⁸ The director stated that there were no other meeting minutes and that the District did not have access to testing scores from other districts where the Student went to school.¹⁹ The director stated that the case manager would follow up regarding the measurable goals and written expression work samples. The Parents responded and stated that they had provided the District with hard copies of all previous Student testing and medical reports, and requested access to those records.
91. Also on January 16, 2018, the Parents emailed the director, case manager, and the occupational therapist with questions and concerns about the Student's OT testing. The director responded and addressed the Parents' questions.²⁰
92. On January 17, 2018, the Parents emailed the Student's general education math teacher, the case manager, the school psychologist, and the director and again asked what the Student's math and written expression specially designed instruction looked like, and requested a schedule of when the case manager was in the Student's math class. The Parents also requested all math and written expression work samples used to develop the Student's December 2016 reevaluation. In response, the general education math teacher stated that the case manager would provide more details, but that "most of what [she did] for [the Student] falls under his IEP. What would be considered SDI would be the XTRA math program

¹⁸ Meeting minutes from any 2016 meetings were provided previously on December 20, 2017.

¹⁹ According to the Parents' reply, the District did not provide the meeting minutes from an August 26, 2016 staff meeting about the Student's transfer into the District and the December 19, 2016 staff meeting. The Parents stated that they "acquired meeting notes from a third party that we did not know existed, several we were not invited to the meeting."

²⁰ Throughout the 2017-2018 school year, the Parents raised concerns about the results and validity of the fine motor/OT testing conducted as part of the Student's 2016 and 2017 reevaluations, and concerns that District testing appeared to contradict testing conducted by outside providers. The Parents requested an IEE, based at least in part on these concerns, to which the District agreed. According to the documentation provided by the District and the Parents, the IEE appears to be in progress at the time of this complaint decision.

I've put him in and Khan Academy MAP practice." The general education math teacher also stated that the Student's paraeducator was with him every day in math.

93. Later on January 17, 2018, the director responded to the Parents' email about specially designed instruction and attached copies of the writing samples used in the Student's evaluation. The director forwarded the Parents a response from the Student's case manager that stated:

The SDI he receives is individual Khan instruction development, the teacher and para providing more in depth examples, work opportunities, breaking down materials, presenting a different way to complete the tasks than what was taught to the class, utilizing increased opportunities for practice and skill development while in the gen ed setting. There have been a few occasions when we have done homework days in my classroom that either myself or the para has assisted him with his math tasks, and for most of his math tests, he completes them in our quiet room with either the para or myself. I have also provided additional practice and visual aids for him...There is continuous monitoring, progress checking, checking for understanding, offering/implementing accommodations/modifications that are applicable.

In response to the question about specially designed instruction in writing, the case manager stated that daily instruction is given, the Student then receives a 1-on-1 interaction regarding the work, corrections, questions, and varied scaffolding. She stated that whatever the class is focusing on is tailored to the Student's level of understanding and the needs within his writing and ability. The Student also had access to Read180 software, which had a writing component tailored to the Student's level.

94. On January 18, 2018, the Parents responded and stated that, according to the Student, the specially designed instruction described by the case manager was not occurring in the Student's math class. The Parents also stated that they did not think the two additional math programs were specially designed instruction because they were assigned to the entire class.
95. Also on January 18, 2018, the Student's general education math teacher responded and stated that she would check on whether the two additional math programs were specially designed instruction, and stated that she was following the Student's IEP and providing all of the accommodations listed. The Parents responded and again requested a schedule of the specially designed instruction he received from a case manager in the general education setting.
96. Also on January 18, 2018, the director emailed the Parents and stated that she had located the pre-2016 records and a copy of the writing samples used in the 2017 OT evaluation. She stated that copies were ready to be picked up or emailed. The director also stated that the District no longer had the writing samples from the 2016 reevaluation. The Parents responded and stated that emailed copies were fine, and the District emailed the copies that same day. The Parents also asked why they were not being allowed to see samples of the Student's work related to the Student's IEP goals and progress reporting.

97. Later on January 18, 2018, the director emailed the Parents and asked if they would agree to excuse the school psychologist from the IEP meeting. The Parents agreed to excuse the school psychologist and asked if a District administrator could facilitate the meeting, to which the director responded that she and the new District executive director of special education (executive director 2) would attend the meeting to facilitate.
98. On January 18, 2018, the Parents also emailed executive director 2, the director, and the school psychologist a detailed document outlining their concerns and requested that the document be considered part of the Student's most recent evaluation and new IEP. The document also included feedback from the Student, Student work samples, and documentation about the relationship between hearing loss and listening/learning needs. The Parents also provided information and specific draft goals that they wanted to include in the IEP, and noted accommodations and modifications they wanted to remove or add to the IEP.
99. On January 19, 2018, the Student's IEP team met to develop the Student's annual IEP (2018 IEP), which addressed and incorporated many of the concerns and suggestions the Parents raised in their January 18 email. The Parents, Student, case manager, executive director 2, speech pathologist, director, assistant principal, occupational therapist, and a general education teacher attended the meeting. The Student's IEP included two measurable annual goals in written expression and two measurable annual goals in math. The IEP stated that the Parents would be provided with progress reporting quarterly and at the annual IEP review. Progress reporting would be emailed or sent electronically and would consist of IEP progress reports, report cards, State and district testing, and any work sample or other testing material that is used to determine progress. The Student's IEP also provided him with accommodations, including:
- **Presentation:** hardcopy handouts for projected materials, multiplication chart, rephrase test questions and or directions, shortened assignments, alphabet chart, provide test/quiz study guide, daily binder of all classroom notes.
 - **Setting:** modify/repeat/model directions; check clarification of instructions; seated in front of teacher/board; provide individualized/small group instruction; take test in separate location; allow breaks.
 - **Timing/Scheduling:** prior notice of tests/quizzes; extra time to complete assignments; extra time on tests/quizzes; allow breaks.
 - **Response:** help card (green=ok, red=I need help); utilize oral responses to assignments/tests; type longer assignments; speech-to-text software; magnification.
 - **Modify Student's Schedule:** allow student to transition to classes 2-3 minutes early to avoid crowded hallways; elevator; backpack or other tool for transporting materials.
 - **Assistive Technology:** audiobook, books on tape, book share; FM system.
 - **Other:** provide desktop list of tasks; provide homework lists; provide daily assignments list.

The Student would participate in State and district assessments with accommodations. The IEP provided for the following specially designed instruction and related services from January 29, 2018 to January 28, 2019:

- **Math:** 45 minutes, four times per week – general education setting

- **Written Expression:** 45 minutes, four times per week – general education setting
- **OT Consult:** 15 minutes, quarterly – special education setting
- **Speech Language Consult:** one time per month – general education setting
- **Vision Consult:** quarterly, as needed – general education setting

The IEP specified that for the Student’s written expression specially designed instruction, the general education and case manager would meet weekly to discuss the Student’s needs and instruction. Additionally, the case manager would provide instruction in small groups or individually with adapted methodology in the core language arts class. For the Student’s math specially designed instruction, the Student would receive instruction from the general education teacher and the paraeducator, under the direction of the case manager who would also provide instruction in a small group or individually with adapted methodology. The Parents noted on the signature page of the IEP that the “Parents would like to review final draft before signing.”

100. On January 21, 2018, following the IEP meeting, the Parents emailed the director, executive director 2, and the school psychologist and repeated their concerns about whether the Student had been receiving specially designed instruction in math from August 2016 to the present. The Parents also expressed concern about the delay in receiving the FM system because the Parents had provided medical records documenting the need for an FM system in August 2016, and the negative reaction by staff to the FM system.²¹ Executive director 2 responded and stated that the purpose of the meeting on January 19 and the meeting scheduled for January 26 was to develop the Student’s IEP. Executive director 2 stated that if they needed to schedule additional meetings to discuss other concerns, they could. Finally, executive director 2 apologized if the speech pathologist came across as negative, and stated that the District had received the recommendations for a new FM system and was in the process of ordering the new system.

101. On January 23, 2018, the Parents emailed the director, school psychologist, and case manager and stated that the Student was overwhelmed by the demands of what he “needs to remember, do, and carry from class to class.” Specifically, the Parents mentioned the FM system and the fact that the speech-to-text software still did not work. In response, the case manager forwarded the Parents’ email to other members of the IEP team, and the case manager and speech pathologist emailed back with several different suggested solutions (e.g., carrying the FM system in a wheeled backpack or having a paraeducator carry the FM system). Staff and the Parents also emailed to troubleshoot the speech-to-text technical difficulties.

102. On January 25, 2018, the Parent emailed the case manager, director, resource room teacher, executive director 2, and the general education math teacher regarding the

²¹ According to the District’s response, the Student’s IEP from a previous Washington district did not include an FM system as an accommodation, nor did the Students March 2016 autism evaluation recommend the Student use an FM system. The District stated that the Parents first requested that an FM system be added to the Student’s IEP at a meeting on September 1, 2017.

Student’s specially designed instruction in math. The Parent copied the case manager’s January 17 statement on what the specially designed instruction consisted of and stated that the Student “has been clear he does not receive this in Math but this does look like what his private tutor does.” Additionally, the Parent stated that “we met with [the Student’s] math teacher and [the director] and to the best of our knowledge she does not do this during math class nor does it seem she could while simultaneously teaching a large class.” Further, the Parent stated, “to the best of our knowledge and stated by members of the team the para/scribe is not trained in math and does not do the above.”

103. Also on January 25, 2018, the Parent emailed the director and school psychologist and stated that after reviewing the records provided on January 18, the Parent still thought there were missing records. Additionally, the Parent stated that she was concerned that certain records had not been provided to pertinent members of the IEP team (e.g., the vision specialist had not seen the vision report).
104. Also on January 25, 2018, the Parent also emailed the speech pathologist and the Student’s resource room teacher and stated that the Student was continuing to experience technical difficulties using the speech-to-text software.
105. On January 26, 2018, the Student’s IEP team met again to finalize the IEP. The Parents agreed to excuse the school psychologist and the case manager.
106. On January 28, 2018, the director emailed the Parents a copy of the draft IEP so that the Parents could review before they signed the IEP.
107. On January 29, 2018, executive director 2 emailed the Parents and asked them to sign the IEP signature page if they were in support of the IEP. The Parents responded with continued concerns about whether or not the Student was provided with specially designed instruction in math. The Parents did not sign the IEP signature page on January 29, 2018.
108. On January 29, 2018, the Student’s January 2018 IEP went into effect.
109. During second semester, the Student was enrolled the following classes.

Period	Class
1	General Education Language Arts (with paraeducator support)
2	General Education Math (with paraeducator support)
3	General Education Language Arts (with paraeducator support) ²²
4	General Education Washington in the World (with paraeducator support)
5	General Education Life Science (with paraeducator support)
6	General Education Technology

²² According to the District’s response, the Student received paraeducator support in his first period language arts class and specially designed instruction from the resource room teacher in the third period general education language arts class.

110. On January 30, 2018, the Parent emailed the Student's language arts teacher and requested that she provide the Student with an audio book or a book through Bookshare for the Student to use for his independent at home reading project.
111. On January 30, 2018, the Student's language arts teacher emailed the Student's resource room teacher and asked whether audio books and Bookshare were accommodations on the Student's IEP. The language arts teacher also asked for a printed copy of the Student's IEP.
112. Also on January 30, 2018, the Parents emailed the school psychologist, director, and executive director 2 and stated that they were concerned that the Student never met the math goal in his November 2016 IEP, that this fact did not align with the progress reported in the Student's progress reporting, and did not align with the Student's State test scores. After several emails back and forth, the school psychologist stated that as she read the "progress note from June it states that [the Student] demonstrated the stated skill 3/5 opportunities which was an increase from 1/5 (his baseline) and the goal being 4/5." The school psychologist stated that in future, if the Parents disagreed with progress reporting, they should contact the Student's case manager. In response, the Parents again requested the work samples used for the progress reporting and evaluations. The Parents also stated that they were still waiting for the work samples cited in the "OT evaluation report dated 6 Oct 2016 and evaluation 19 Oct 2017. Also the writing goal work samples cited on the progress reports to include [the Student's] writing goal for his IEP of 6 Nov 2016 of 'spooky tale,' which was supposed to be completed by 6 Nov 2017."
113. On January 31, 2018, the Parents emailed the Student's general education math teacher multiple times about the Student's progress in the math class and one of the Student's math assignments. The Parents requested that the math teacher ensure that she is using the Student's red/green cards to check for understanding. The teacher responded that she checked in with the Student, determined he partially understood, and that the class would be continuing to work on the topic.
114. Also on January 31, 2018, the Parents emailed the director and asked whether the SETC meeting could include a discussion of vision and hearing accommodations, speech-to-text, and training on accessing audiobooks, Bookshare, and any other devices the Student would be using. The director responded that she would check and see if everything could be addressed during the meeting.
115. Later on January 31, 2018, the Parents emailed the occupational therapist, resource room teacher, and director with additional concerns about OT, written expression, and OT related accommodations like pencil grips, weighted pencils, and slanted writing surfaces.
116. On February 2, 2018, executive director 2 responded to the Parents' January 30 email requesting additional Student records. Executive director 2 attached several work samples, including "the 2017 OT collection of writing samples, baseline data for the new IEP we just wrote, and classroom writing samples used for the 2017 evaluation." Executive director 2 stated that the District no longer had the "spooky tales" document or the work samples used

to determine growth towards goals in previous progress reporting. Executive director 2 stated “we know that going forward, you want to see the work used to determine growth, so as we discussed, those will be provided” and asked if there were any other documents that the Parents had requested and not received.

117. On February 4, 2018, the Parents emailed executive director 2 regarding the Student records. The Parents repeated questions about which writing samples were used to evaluate the Student’s progress, concerns that the progress reporting and Student performance on State exams was contradictory, and disagreement with how certain work samples were used. The Parents also stated that statements in the record that indicated that the Student had refused services or accommodations were false, reflected personal bias, and negatively impacted the Student. The Parents again requested a schedule of the Student’s math and writing specially designed instruction. The Parents also stated that they wanted to know how the Student’s “records can be amended; specifically there are statements in the evaluation and other documents that [the Student] had been provided FM system, speech to text, and Bookshare but refused to use them. It is also implied that these have existed since starting in Aug. 2016.” The Parents stated that the statements about the Student refusing accommodations were false and that they needed to be removed.
118. On February 5, 2018, the Parents emailed the director a list of changes and comments that they wanted incorporated into the Student’s January 2018 IEP. The director responded that she would make the changes and resubmit the IEP for the Parents’ review.
119. On February 6, 2018, the Student’s resource room teacher emailed the Parents and stated that all of the Student’s teachers were meeting that day regarding Bookshare, that the Student would be video recorded on February 9, 2018 for the SETC meeting, and that the new FM system order had been finalized.
120. On February 12, 2018, executive director 2 responded to the Parents’ February 4 email regarding records and stated that the Parents could submit a “Parent Addendum” to the Student’s evaluation, IEP, and progress reporting and request that it be included in the Student’s file. Executive director 2 also stated that the District did not maintain specially designed instruction schedules, it only had class schedules. Executive director 2 stated that there was not a “specific record that I can provide to you which is going to explain his SDI other than what is in the IEP or the explanation that [the case manager] previously provided.” According to the District’s response to this complaint, it has added all of the Parents’ statements to the Student’s records.
121. Also on February 12, 2018, the occupational therapist emailed the Parents and the other members of the Student’s IEP team and described the letter strip cards that the Student would begin using as an accommodation.
122. On February 15, 2018, the director emailed the Parents a revised version of the Student’s January 2018 IEP, which incorporated the comments the Parents provided by email on February 5, 2018. The director also stated that because the District was in the process of

conducting an IEE, the IEP team may need to revise the IEP again depending on the outcome of the IEE.

123. On February 16, 2018, OSPI issued a decision in SECC 17-92 and ordered the District to hold an IEP meeting to develop the Student's annual IEP by March 16, 2018.²³
124. On February 20, 2018, the Parents emailed the director with typed comments based on the IEP meeting notes.
125. On February 21, 2018, the director invited the Parents to a meeting with the SETC on March 5, 2018. The director emailed a second time to let the Parents know that the Student's teachers had been trained on Bookshare and that the Student could be trained the following week. The director also stated that the new FM system had arrived.
126. On February 21, 2018, the Student's resource room teacher emailed the Parents a list of textbooks to download into the Student's computer.
127. On February 22, 2018, the Parents emailed the Student's resource room and language arts teachers regarding the challenges the Student was experiencing getting access to audiobooks and books on Bookshare.
128. According to the documentation provided by the District, between February 26 and February 28, 2018, the Student began using and adjusting to his FM system with new hearing aids.
129. On February 27, 2018, the Parents emailed the director regarding continued frustration and challenges with using and accessing Bookshare and audio books. The director and executive director 2 discussed by email whether they needed to set up an IEP meeting to address the Parents' concerns and whether they should request a mediated IEP meeting.
130. On February 27, 2018, executive director 2 emailed the Parents and asked if they were now in agreement with the IEP developed in January 2018. Executive director 2 noted that the Parents had signed the IEP and "noted 'not in agreement'" and that the District had since incorporated several of the Parents' changes and concerns. Executive director 2 stated that if the Parents were still not in agreement with the IEP, the District proposed holding a mediated IEP meeting to finalize the Student's IEP.
131. On February 28, 2018, the Parents emailed the director a copy of a 2011 IEE of the Student and asked that it be provided to the IEP team.
132. Also on February 28, 2018, the director emailed the Parents an update on the Student's Bookshare account, access to audio books, and the text-to-speech software. The Parents responded and asked if they could attend a training on Bookshare with the Student.

²³ At this point, the District had developed the Student's annual IEP at meetings on January 19 and 26, 2018.

133. Also on February 28, 2018, the Parents filed this citizen complaint.
134. On March 1, 2018, the Parents emailed executive director 2 and stated that they were open to a mediated IEP meeting and asked that the meeting be on a Friday.
135. On March 2, 2018, the director emailed the Parents and invited them to meet on March 9, 2018, regarding the Student's Bookshare account.
136. On March 5, 2018, the Parents met with the SETC, director, assistant principal, school psychologist, a general education teacher, and the case manager. During the meeting, the group discussed assistive technology, strategies, and ideas for addressing fine motor concerns (e.g., handwriting, notetaking), vision, hearing, speech-to-text software, reading and math support, and audio books. The group also discussed next steps for deciding which solutions to implement and borrowing items from the SETC lending library.
137. On March 8, 2018, the Parents requested the Student's State test scores and the District provided the scores the same day.
138. On March 9, 2018, the District sent the Parents a prior written notice, proposing changes to the Student's January 2018 IEP based on the consultation with the SETC and based on recommendations in the areas of "motor, academic/learning for vision, speech-to-text, reading/writing, reading-audiobooks, and writing graphic organizers." The changes were to be initiated on March 14, 2018. According to the Parents' reply to the District's response to this complaint, the speech-to-text options discussed have not yet been made available to the Student.
139. On March 19, 2018, an audiobook program was provided to the Student.
140. According to the District, the Parents attended a mediated IEP meeting on March 30, 2018. In a phone conversation with the director, she stated that she was not able to attend the meeting, but that she believed there were some amendments made to the January 2018 IEP accommodations and that the Parents were now in agreement with the IEP.
141. On April 16, 2018, the District provided the Parents with progress reporting regarding the Student's annual goals. In an email to OSPI, the Parent stated that "the progress report does not address all of [the Student's] goals" because there was no statement or summary discussing the progress made or not made for each goal.²⁴ The Parent also stated that the work samples provided (e.g., edited, typed language arts class project) did not "represent [the Student's] independent abilities nor does it inform us of where he is towards his goal." The Parent also stated that the Student was still receiving "foldables," which the Parents do not want the Student to use and are not an accommodation listed in his IEP. In response, the

²⁴ The Parents provided OSPI with three samples of the Student's work and an email noting the Parents' disagreement with the District's progress reporting. The Parents did not provide OSPI with a copy of the actual progress reporting.

District stated, in an email to OSPI, that the progress reporting sent to the Parents was incomplete and has since been finalized with additional information for the Parents.

CONCLUSIONS

Issue 1 – IEP Development: The one-year timeline for this complaint begins on March 1, 2017; therefore, OSPI will not address any issues regarding the development of the Student’s individualized education program (IEP) prior to that date.

The Parents alleged that the District failed to follow procedures for developing the Student’s IEP. Specifically, the Parents alleged that the District failed to ensure parent participation and failed to consider all of the applicable records. Further, the Parents alleged that the lack of available records and progress reporting prevented them from fully participating in the development of the Student’s IEP.²⁵ At the beginning of each school year, each district must have in effect an individualized education program (IEP) for every student who is eligible to receive special education services; and, a student’s IEP must be reviewed and revised periodically, but not less than annually. The documentation in this complaint shows that the District’s timeline to develop the Student’s annual IEP was noncompliant. The Student’s annual IEP was due by November 5, 2017, but was not finalized until January 29, 2018. While the District stated that the Parents were in agreement with extending the timeline, there is no provision in the Individuals with Disabilities Education Act (IDEA) or state regulations to do so, regardless of whether the District had parent consent. Additionally, it is unclear why the District waited almost two months after the Student’s evaluation group determined the Student’s continued eligibility for special education services on December 1, 2017, to develop his already overdue IEP.

The parents of a student eligible for special education are equal participants along with school personnel in developing and revising the student’s IEP and the IEP team should consider parents’ concerns and information provided by the parents. A school district must ensure that one or both parents are present at each IEP team meeting or are afforded the opportunity to participate. The documentation in this complaint substantiates that the Parents had ample opportunity to participate in the development of the Student’s January 2018 IEP. On January 18, 2018, the Parents provided the District with a detailed document that outlined their concerns, provided feedback from the Student, provided draft goals, and noted accommodations that the Parents wanted added to or removed from the Student’s IEP. On January 19 and 26, 2018, the Student’s IEP team, including the Parents, met and developed the Student’s January 2018 IEP. The January 2018 IEP addressed the recommendations made in the 2017 reevaluation, addressed and incorporated many of the concerns and suggestions provided by the Parents, and addressed additional concerns expressed by the Parents between the two IEP meetings. The Parents

²⁵ In reviewing the documentation in this complaint, it became clear that the Parents disagreed with the results of the District’s 2016 reevaluation, felt that the November 2016 IEP was not properly developed, and also disagreed with the results of the District’s fall 2017 reevaluation. OSPI did not investigate the Parents’ concerns regarding the fall 2016 reevaluation and the development of the November 2016 IEP because these issues are outside of the one-year complaint timeline, which began on March 1, 2017. Additionally, OSPI did not investigate the fall 2017 evaluation because it was not raised as an issue in this complaint. Also, the Parents requested an IEE to address their concerns with the 2017 evaluation.

attended all IEP meetings and the District considered, addressed, and/or incorporated substantially all of the Parents' concerns and requests. While there is some indication that certain records were not provided to the Parents (*see below*, progress reporting) by the January 19, 2018 IEP meeting, the Parents had access to progress reporting, Student work samples, testing records, and the Student's 2017 reevaluation.

There is no evidence that the District failed to ensure Parent participation in the development of the Student's 2018 IEP.

Issue 2 – IEP Implementation: The one-year timeline for this complaint begins on March 1, 2017; therefore, OSPI will not address any issues regarding the implementation of the Student's IEP prior to that date.

The Parents alleged that the District failed to implement the Student's IEP, including providing the Student with specially designed instruction in math and providing the Student with accommodations listed in his IEP. Under the IDEA, special education means "specially designed instruction" provided to a student who has been determined through an evaluation to be eligible for such services. Specially designed instruction means adapting, as appropriate, the content, methodology, or delivery of instruction to address the unique needs of the student. Specially designed instruction must be provided by appropriately qualified staff. General education teachers and paraeducators may assist in the provision of special education, provided that the instruction is designed and supervised by special education certificated staff. IEPs must also include a statement of any accommodations and modifications that will be provided to enable the student to advance appropriately toward attaining IEP goals, and be educated and participate with other students.

Specially Designed Instruction in Math: 2016-2017 School Year

The Student's November 2016 IEP, which was in place on March 1, 2017 when the timeline for this complaint began, provided the Student with fifty-five (55) minutes of daily specially designed instruction in math, in the general education setting. During the portion of the 2016-2017 school year investigated in this complaint, the Student was enrolled in two periods of general education Math180, with paraeducator support. According to the District, the Student received specially designed instruction in math coordinated by the IEP case manager, from both the general education teacher and paraeducator. The case manager stated that she met with or communicated with the paraeducator and general education math teacher on an almost daily basis to determine what the Student was working on, what information needed to be sent home, and what the case manager could work on directly when the Student was in his special education social thinking class, taught by the case manager, to keep him caught up with the general education math class. The District's progress reporting indicated that the Student made adequate progress and demonstrated an increase in his mathematical skills. According to the Parents, the Student only made progress because he was receiving private math tutoring and that the progress documented by the District was not reflective of the Student's actual ability.

While the Parents may disagree about the quality of instruction or why the Student made progress, the District's documentation substantiates that the Student was provided specially designed instruction in math during the 2016-2017 school year. Because the Student received specially designed instruction in math, there are no Student specific corrective actions for the 2016-2017 school year period of the complaint.

Specially Designed Instruction in Math: 2017-2018 School Year

During the 2017-2018 school year, the Student's November 2016 IEP remained in place until January 29, 2018, when the 2018 IEP was implemented. The November 2016 provided for 55 minutes of specially designed instruction in math five times weekly. From September 2017 – January 2018, the Student was enrolled in two general education math classes, one with paraeducator support. According to the District, the Student was provided with specially designed instruction in math from both the general education teacher and the paraeducator, but that instruction was coordinated by the case manager who monitored the Student's progress through middle school 2's online portal. The case manager also stated that she communicated with the Student's paraeducator on an almost daily basis. Throughout the school year, the Parents expressed concern about the Student's progress in math class and on several occasions, sought clarification regarding what the Student's specially designed instruction consisted of in his math class. In January 17, 2018, after repeated requests, the Student's general education math teacher emailed the Parents and stated that most of what she did fell under the Student's IEP and that two math programs the Student was using for extra practice would be considered specially designed instruction (although the teacher indicated that she was not sure and would need to check). The general education math teacher also stated that the Student's paraeducator worked with him every day. The case manager also responded to the Parents' requests, and described the Student's specially designed instruction as individual instruction development; more in depth examples; increased work opportunities; breaking materials down into steps; presenting different ways to complete the tasks; and, providing increased opportunities for practice and skill development in the general education math class. The special education teacher also stated that she or the paraeducator also works directly with the Student on math on homework days and that there was continuous monitoring, progress checking, checking for understanding, and offering/implementing applicable accommodations. The Parents continued to disagree that the Student was being provided specially designed instruction as described by the special education teacher. The Parents stated that the Student communicated to them that he was not receiving specially designed instruction because the Student did not receive the same level of instruction or attention in his general education math class as he did in private tutoring. On January 29, 2018, the Student's new annual IEP was implemented, which provided him with forty-five (45) minutes of specially designed instruction in math, four times a week. The January 2018 IEP also stated that the Student would receive instruction from the general education teacher and the paraeducator, under the direction of the special education teacher, who would also provide instruction in a small group or individually with adapted methodology.

While the Parents may disagree about the quality of instruction in the general education math class as compared to the instruction provided by a private tutor, the District's documentation

substantiates that the Student was provided specially designed instruction in math during the 2017-2018 school year. There is some indication that the Student's general education math teacher did not fully understand or was not able to articulate what the Student's specially designed instruction consisted of in her math class. Thus, the District will provide training on specially designed instruction for general education teachers who are responsible for providing specially designed instruction to students eligible for special education in their classes. Because the Student received specially designed instruction in math, there are no Student specific corrective actions for the 2017-2018 school year period of the complaint.

Accommodations

The Student's November 2016 IEP listed extensive accommodations, including an alphabet strip, dictation to a scribe, audio books, and access to Bookshare (among others). Throughout the 2016-2017 and 2017-2018 school years, there were several instances when the Student refused to use his accommodations. When this occurred, the District would notify the Parents and the special education teacher began using social stories to help teach the Student the importance of accepting or asking for help. At the beginning of September 2017, and continuing throughout the school year, the Parents began to express concern that the Student's accommodations were not being provided or implemented, that the District was not notifying the Parents when the Student refused an accommodation, and that if the Student refused an accommodation, this was an indication that the District was not effectively implementing the accommodations. At the October 6, 2017 IEP meeting, the team discussed the Student's accommodations, decided to request an assistive technology evaluation from the Special Education Technology Center (SETC), and discussed setting up a meeting with the Student's teachers to ensure that all teachers were aware of and implementing the Student's accommodations, although there is no indication in the documentation that this meeting occurred. On October 23, 2017, the Parents provided the District with the Student's login information for his Bookshare account. In December 2017, the Student began to use speech-to-text as an accommodation, but had technical difficulties that prevented effective use of the software. The District attempted to fix the technical issues with the speech-to-text software, but to date has not seemed to have resolved them. On January 29, 2018, the Student's new annual IEP was implemented and the IEP provided the Student with many of the same accommodations, including an alphabet strip, speech-to-text, audio books, and access to Bookshare (among others), as stated in his November 2016 IEP. On January 30, 2018, the Parents emailed the Student's language arts teacher and requested that she provide the Student with an audio book or a book through Bookshare for the Student to use on a class project. The language arts teacher indicated that she was not aware that this was one of the Student's accommodations. During February 2018, the District provided the Student's teachers with training regarding Bookshare and on February 12, 2018, the Student was provided with a letter strip card to use. On March 5, 2018, the Parents attended a meeting with school staff, District staff, and the SETC regarding assistive technology and additional training on the Student's accommodations.

Because speech-to-text was not listed as an accommodation until the Student's January 2018 IEP, it is not a violation that the District did not provide this as an accommodation until after January

29, 2018. However, there is some indication that the speech-to-text has still not been implemented. The documentation in this complaint also indicates that many of the other accommodations first listed in the Student's November 2016 IEP were not provided until the 2017-2018 school year, and when the accommodations were provided, they may not have been implemented effectively due to technical difficulties or due to a lack of training. The District will schedule a meeting for all of the Student's current teachers to review the Student's January 2018 IEP and ensure that all accommodations are being implemented. The District will also hold a similar meeting in August 2018, prior to the beginning of the 2018-2019 school year, to review the accommodations with the Student's new teachers. The District also proposed corrective actions, which OSPI accepts with the below modifications.

Issue 3 – Progress Reporting: The one-year timeline for this complaint begins on March 1, 2017; therefore, OSPI will not address any issues regarding the progress reporting prior to that date.

The Parents alleged that the District failed to provide them with progress reporting as outlined in the Student's IEPs. IEPs must include a statement indicating how a student's progress toward the annual goals will be measured and when the district will provide those periodic reports to the parents. The purpose of progress reporting is to ensure that, through whatever method the district chooses, the reporting provides sufficient information to enable parents to be informed of their child's progress toward the annual IEP goals and the extent to which that progress is sufficient to enable the child to achieve those goals.

The Student's November 2016 IEP stated that the Parents would be provided with progress reporting quarterly, at the annual IEP review, and at parent-teacher conferences. During the timeline for this complaint, the District updated the Student's IEP "Report of Student Progress" page on March 30, June 9, and November 2, 2017. However, the March 30, 2017 progress reporting only included information regarding the Student's communication goal. On June 9 and November 2, 2017, the progress reporting stated that the Student had made adequate progress and provided notes on the Student's math, written expression, behavior (social), and communication goals. The District stated that it provided the Parents with the Student's progress reporting and also stated that its system does not contain a record of how progress reporting was provided or provide proof that progress reporting was delivered. The Parents stated that they were not provided any progress reporting until they requested the Student's records, including progress reporting on December 21, 2017. Based on the documentation provided in this complaint, there is no evidence that the District provided the Parents with progress reporting as stated in the Student's 2016 November IEP during the timeline for this complaint. However, it is noted that the documentation provided in this complaint also shows that during the 2016-2017 school year, the Parents were provided with daily communication via the Student's planner, and therefore did receive information about the Student's progress.

The Student's January 2018 IEP stated that the Parents would be provided with progress reporting quarterly and at the Student's annual IEP review, and the IEP stated that "IEP Progress Reports, Report Card, State and District Tests-Sent Scanned via E-mail" and that the Parents would be provided with work samples or other testing material that is used to determine

progress toward the Student's measurable annual goals. On April 16, 2018, the Parents received progress reporting and work samples related to the Student's goals, although the Parents disagreed that the progress reporting sufficiently updated them on the Student's progress. While the Parents may disagree with the contents of the progress reporting, the documentation provided indicates that the District is providing progress reporting consistent with the Student's January 2018 IEP. Given that the Parents received past progress reporting through a records request, there are no Student specific corrective actions. The District proposed corrective actions, which OSPI accepts with the below modifications.

Issue 4 – Request for an FM System: The Parents alleged that the District failed to timely respond to the Parents' request to provide the Student with an FM system. The parents of a child with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their child. Parents provide critical information regarding, among other things, the child's need for special education, related services, and supplementary aids and services. The IEP team must consider the parents' concerns and information they provide regarding their child. Additionally, an IEP must include the accommodations and modifications necessary for a student.

The Student's 2013 reevaluation report from a previous Washington school district stated that the Student had conductive hearing loss and that there had been "successful use of a FM system in a brick and mortar" and the Student's 2016 District evaluation report noted that the Student had a hearing impairment. At the September 1, 2017 IEP meeting, the Parents noted that the Student needed an FM system. In an email on September 5, 2017, the Parents stated that one of the reasons they did not agree with the Student's November 2016 IEP was because all of the Student's hearing accommodations had been removed. The Parents reiterated these concerns on September 11, 2017. On October 11, 2017, the Student underwent testing with a private audiologist and the audiologist report recommended that the Student have preferential seating and the use of an FM headset; however, the District did not amend the Student's November 2016 IEP to address these recommendations. The Student's reevaluation report, dated December 1, 2017, also recommended that the use of an FM system be included as an accommodation for the Student, but as discussed above in issue no. 1, the District did not develop a new IEP for the Student until January 2018. According to documentation provided by the District, the FM system was set up and the Student was using it by January 4, 2018. The FM system was then added as an accommodation in the Student's January 29, 2018 IEP. In January and February 2018, the Parents provided the District with updated recommendations regarding the Student's FM system and hearing aids, and between February 26 and 28, 2018, the Student began using the new FM system with new hearing aids.

The Parents clearly requested that the Student be provided with an FM system by September 1, 2017, and likely provided medical records documenting the need as early as August 2016, but for certain in October 2017. The Student was not provided with an FM system until January 4, 2018, four months after the Parents' request. The District failed to timely respond to the Parents' request for an FM system. Because the District did ultimately provide the Student with an FM system, there are no Student specific corrective actions associated with this issue. The District is

required to provide training on considering and implementing accommodations, and develop procedures to ensure equipment is ordered and set up in a timely manner.

Issue 5 – Request to Review Records: The Parents alleged that the District failed to respond to their requests to review the Student’s educational records. A district must permit parents of a student eligible for special education to inspect and review any education records relating to the student that are collected, maintained, or used by the district. The district must comply with a request promptly and in no more than forty-five (45) calendar days after the request has been made. The right to inspect and review education records includes the right to a response from the district to a reasonable request for explanations and interpretations of the records.

Throughout the 2017-2018 school year, the Parents requested various Student records and the District provided the following records:

- 2016 IEP: Requested August 2, 2017; Provided August 2, 2017
- 2016 reevaluation and test results: Requested September 1, 2017; Provided September 6, 2017
- Evaluation and IEP signature page: Requested September 21, 2017; Provided September 21 and 22, 2017
- OT testing, examples of student work, copies of all meeting notes: Requested December 19, 2017; Provided December 20, 2017 (2016 OT reports and 2016 meeting minutes); *2017 OT protocols not yet available*
- All progress reporting and 2017 meeting minutes: Requested December 21, 2017; Provided December 22, 2017; *December 2017 meeting minutes not yet available*
- 2016-2017 OT work samples and “spooky tale” measurable goal: Requested January 3 and 14, 2018; Provided January 14, 2018 (OT testing copies evaluation report, scoring protocols, examinee booklet)
- Written expression work samples, all meeting notes, state and district test scores from prior school districts: Requested January 14, 2018; Provided January 14, 2018 (remaining meeting minutes); Provided January 18, 2018 (pre-2016 records and 2017 OT writing sample); *2016 writing samples no longer exist*
- All math and written expression work samples used to develop the Student’s evaluation: Requested January 17, 2018; Provided January 17, 2018
- Schedule of specially designed instruction: Requested January 17, 18, 19, and 21, 2018; *Does not exist*
- Work samples used for progress reporting and evaluations, 2016 and 2017 OT evaluation reports, “spooky tales” work sample: Requested January 30, 2018; Provided February 2, 2018 (2017 OT writing samples, baseline data, classroom writing samples for 2017 evaluation and IEP); *Spooky tales document and work samples used to demonstrate growth towards goals in previous progress reporting no longer exists*
- Occupational therapist names, titles, license numbers: Requested February 22, 2018; Provided March 1, 2018

On several occasions, after receiving records, the Parents communicated concerns that certain records previously provided by the Parents were missing or that there were records (e.g., progress reporting) that the Parents had never received prior to their records request. According to the documentation provided in this complaint, the District responded to the majority of the Parents’ requests for records the same day the request was made or the following day. The

District responded to all requests well within the forty-five (45) calendar days required. While there is some evidence that the District did not maintain the Student's records in an organized manner and there were times the District seemed to be missing (at least temporarily) records previously provided by the Parents, the District substantiated that it responded to all Parent requests in a timely manner. The District proposed corrective actions, which OSPI accepts with the below modifications.

Issue 6 – Request to Amend Records: The Parents alleged that the District failed to respond to their request to amend the Student's educational records. Under the Family Educational Rights and Privacy Act (FERPA), parents are allowed to request that a district amend their child's educational records if the parents believe that the information is inaccurate, misleading, or in violation of their child's privacy or other rights. If parents request an amendment of student records, and the district refuses, the district is required under WAC 392-172A-05215 to inform the parents of the refusal and advise the parents that they have a right to a hearing in accordance with district procedures. If, as a result of the hearing, the district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the parents have a right to place a statement commenting on the information or setting forth reasons for disagreeing with the decision of the district in the records it maintains on the student.

On February 4, 2018, the Parents emailed executive director 2 and asked how the Student's records could be amended. The Parents wrote that there were statements in the evaluation and other documentations that were inaccurate (e.g., that certain accommodations had been implemented). The Parents also stated that statements about the Student refusing accommodations were false and damaging to the Student, and that those statements needed to be removed. On February 12, 2018, executive director 2 responded to the Parents' email and stated that the Parents could submit a "Parent Addendum" to the Student's evaluation, IEP, and progress reporting and request that the addendum be included in the Student's file. According to the District, it either changed documents (e.g., the 2018 IEP) based on the Parents' comments or added all of the Parents' statements to the Student's records.

The District did advise the Parents that they could include a statement commenting on the information or stating their disagreement with the records, and it is clear that the District recorded or incorporated many of the Parents' comments and concerns regarding the Student's evaluation, IEP, and other educational documents. However, the District did not advise the Parents that they had a right to a hearing in accordance with district procedures as required under WAC 392-172A-05215.

CORRECTIVE ACTIONS

By or before **May 11, 2018, May 18, 2018, June 15, 2018, and September 12, 2018**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

1. By or before **May 11, 2018**, the District will hold a meeting with all of the Student's teachers and paraeducators at middle school 2 to review the Student's January 2018 IEP

accommodations and ensure that all accommodations are being implemented. The District will provide OSPI with documentation of that meeting, attendees, and the topics reviewed by or before **May 18, 2018**. Prior to the beginning of the 2018-2019 school year, the District will hold a meeting to review the Student's accommodations with his teachers to ensure that all accommodations will be implemented. The District will provide OSPI with documentation of that meeting, attendees, and the topics reviewed by or before **September 12, 2018**.

2. By or before **May 4, 2018**, the District will provide the Parents with information regarding how to request that Student records be amended and their right to a hearing in accordance with district procedures as required under WAC 392-172A-05215. The District will provide OSPI documentation of that communication by or before **May 11, 2018**.

DISTRICT SPECIFIC:

1. By **August 15, 2018**, the District will provide training regarding: providing specially designed instruction in a general education setting, responding to requests for accommodations, implementing accommodations, data collection for student measurable annual goals, progress reporting, responding to requests to view student records, and responding to requests to amend student records. The training will be for all District special education administrators and the following staff at the two middle schools identified in this complaint: all special education certificated staff, including educational staff associates (ESAs), school principals, assistant principals, and all general education teachers who have students eligible for special education in their classes. The trainer will not be an employee of the District. The training will also include examples.

By **May 11, 2018**, the District will notify OSPI of the name of the outside trainer, and provide documentation that the District has provided the trainer with a copy of this decision for use in preparing training materials.

By **June 15, 2018**, the District will submit a draft of the training materials to OSPI for review. OSPI will approve the materials or provide comments by June 22, 2018 and additional dates for review, if needed.

By **September 12, 2018**, the District will submit documentation that staff participated in the training. This will include 1) a sign-in sheet from the training, and 2) an official human resources roster of all District certificated special education staff, school principals, and assistant principals so OSPI can verify that all required staff participated in the training.

2. The District will develop procedures to ensure technical equipment and computer technology are promptly ordered and provided/installed for student use. By **May 18, 2018**, the District will submit a draft of the procedures. OSPI will approve the procedures or provide comments by June 4, 2018 and provide additional dates for review, if needed. By **June 15, 2018**, the District will provide OSPI with documentation showing that the procedures have been provided to all principals, school office managers, special education certificated staff, and ESAs. This will include a roster of all required staff members, so OSPI can cross reference the list with the actual recipients.

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.

RECOMMENDATIONS

The District, in its response, stated that it is currently exploring how to document when progress reporting is communicated to parents. OSPI recommends that the District continue this work and develop policies and procedures to standardize how progress reporting is collected and communicated to parents.

Dated this ____ day of April, 2018

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