

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-52

PROCEDURAL HISTORY

On May 25, 2018, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from a complainant (Complainant) on behalf of the parent (Parent) of a student (Student) attending the Seattle School District (District). The Complainant 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 May 29, 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 June 14, 2018, OSPI granted the District an extension of time until June 25, 2018, to submit its response to this complaint.

On June 22, 2018, OSPI received the District's response to the complaint and forwarded it to the Complainant on June 26, 2018. OSPI invited the Complainant to reply with any information she had that was inconsistent with the District's information. The Complainant did not reply.

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

OVERVIEW

During the 2017-2018 school year, the Student attended a District elementary school and was eligible to receive special education services under the category of autism. At the beginning of the school year, the special education teacher went on leave. The Student's specially designed instruction was then provided by an instructional assistant supported by special education certificated staff. A new teacher was assigned in December 2017. Meanwhile, bus transportation problems, including a bus strike in February 2018, caused the Student to be late to school on numerous days during the school year. Also during the school year, the Student's individualized education program (IEP) team addressed the results of an independent educational evaluation (IEE) of the Student that was conducted in May 2017, and addressed the social/behavior needs of the Student, by agreeing to conduct a limited reevaluation to incorporate the information from the IEE. The Parent then requested another reevaluation to address the Student's behavior, along with a behavioral intervention plan. In March 2018, the IEP team developed a new IEP for the Student, which reduced the amount of her services in the areas of study/organization and communication in preparation for middle school.

The Complainant alleged that the District failed to do the following: provide the Student with specially designed instruction until the new special education teacher was assigned; provide special transportation consistent with her IEP; consider the results of the IEE, including providing prior written notice; consider the request for a behavioral intervention plan; and, follow procedures for reducing the amount of the Student's services in the areas of study/organization

and communication. The District admitted the transportation issue, but denied the remaining allegations.

ISSUES

1. Did the District implement the specially designed instruction in accordance with the Student's individualized education program (IEP) during the 2017-2018 school year?
2. Did the District provide the Student with transportation consistent with her IEP in place during the 2017-2018 school year?
3. Did the District follow the procedures for considering the results of an independent educational evaluation, including prior written notice to the Parent?
4. Did the District follow the procedures in response to the Parent's request for a behavioral intervention plan?
5. Did the District follow procedures in reducing the amount of specially designed instruction in the areas of study/organization skills and communication in her March 2018 IEP?

LEGAL STANDARDS

IEP Implementation: At the beginning of each school year, each district must have in effect an individualized education program (IEP) for every student within its jurisdiction who is eligible to receive special education services. 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. It 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, special education teacher, related service provider, and any other service provider who is responsible for its implementation. 34 CFR §300.323; WAC 392-172A-03105.

Independent Educational Evaluation (IEE): If the parent obtains an IEE at public or private expense, the results of the evaluation: must be considered by the district, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the student.. 34 CFR §300.502(c); WAC 392-172A-05005(5).

Behavioral Intervention Plan (BIP): A behavioral intervention plan is a plan incorporated into a student's IEP if determined necessary by the IEP team for the student to receive FAPE. The behavioral intervention plan, at a minimum, describes: the pattern of behavior(s) that impedes the student's learning or the learning of others; the instructional and/or environmental conditions or circumstances that contribute to the pattern of behavior(s) being addressed by the IEP team; the positive behavioral interventions and supports to reduce the pattern of behavior(s) that impedes the student's learning or the learning of others and increases the desired prosocial behaviors and ensure the consistency of the implementation of the positive behavioral interventions across the student's school-sponsored instruction or activities; and the skills that will be taught and monitored as alternatives to challenging behavior(s) for a specific pattern of behavior of the student. WAC 392-172A-01031.

Positive Behavioral Interventions: Positive behavioral interventions are strategies and instruction that can be implemented in a systematic manner in order to provide alternatives to challenging behaviors, reinforce desired behaviors, and reduce or eliminate the frequency and severity of challenging behaviors. Positive behavioral interventions include the consideration of environmental factors that may trigger challenging behaviors and teaching a student the skills to manage his or her own behavior. WAC 392-172A-01142.

IEP Team Unable to Reach Consensus: The IEP team should work toward consensus, but the district has ultimate responsibility to ensure that the IEP includes the services that the student needs in order to receive FAPE. It is not appropriate to make IEP decisions based upon a majority "vote" and no one team member has "veto power" over individual IEP provisions or the right to dictate a particular educational program. If the team cannot reach consensus, the district must provide the parents with prior written notice of the district's proposals or refusals, or both, regarding the student's educational program and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12, 472, 12,473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9). *Ms. S. ex rel. G. v. Vashon Island Sch. Dist.*, 337 F.3d 1115, 1131 (9th Cir. 2003). *See also, Wilson v. Marana Unified Sch. Dist.*, 735 F.2d 1178, 1182-83 (9th Cir. 1984) (Holding that a school district is responsible for providing a student with a disability an education it considers appropriate, even if the educational program is different from a program sought by the parents.)

Change in Placement: One of the procedural requirements of the IDEA is that a reevaluation must be completed before a significant change of placement is made. *In re: Kent School District*, OSPI Cause No. 2016-SE-0111 (WA SEA 2016). The performance and skill levels of students with disabilities frequently vary, and students, accordingly, must be allowed to change from assigned classes and programs. However, a school may not make a significant change in a student with disabilities placement without a reevaluation. *Student Placement in Elementary and Secondary Schools and Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act* (Office for Civil Rights, August 2010). In determining whether a change in placement has occurred, the district responsible for educating a student eligible for special education must determine whether the proposed change would substantially or materially alter the student's educational program. In making this determination, the following factors must be considered: whether the educational program in the student's IEP has been revised; whether the student will be educated with nondisabled children to the same extent; whether the student will have the same opportunities to participate in nonacademic and extracurricular activities; and, whether the new placement option is the same option on the continuum of alternative placements. *Letter to Fisher*, 21 IDELR 992 (OSEP, July 6, 1994).

Prior Written Notice: Prior written notice ensures that the parent is aware of the decisions a district has made regarding evaluation and other matters affecting placement or implementation of the IEP. It documents that full consideration has been given to input provided regarding the student's educational needs, and it clarifies that a decision has been made. The prior written notice should document any disagreement with the parent, and should clearly describe what the district proposes or refuses to initiate. It also includes a statement that the parent has procedural safeguards so that if they wish to do so, they can follow procedures to resolve the conflict. Prior

written notice is not an invitation to a meeting. Prior written notice must be given to the parent within a reasonable time before the district initiates or refuses to initiate a proposed change to the student’s identification, evaluation, educational placement or the provision of a free appropriate public education. It must explain why the district proposes or refuses to take action. It must describe any other options the district considered, and it must explain its reasons for rejecting those options. 34 CFR 300.503; WAC 392-172A-05010.

IEP Must State Amount of Services: An IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student. An IEP must also include a statement of the program modifications or supports for school personnel that will be provided to enable the student: to advance appropriately toward attaining the annual IEP goals; to be involved and progress in the general curriculum in accordance with present levels of educational performance and to participate in extracurricular and other nonacademic activities; and to be educated and participate with other children with disabilities and nondisabled children in the above activities. 34 CFR §300.320(a)(4); WAC 392-172A-03090(1)(d).

FINDINGS OF FACT

2016-2017 School Year

1. During the 2016-2017 school year, the Student attended a District elementary school and was eligible to receive special education and related services under the category of autism.
2. On March 28, 2017, the Student’s individualized education program (IEP) team developed a new IEP for the Student. The IEP indicated that the Student was bright and dedicated to her education. She had strengths in math and vocabulary but struggled in writing. In communication, the Student had achieved her previous annual goals but still needed assistance in her delivery tone when stating comments and opinions and recognizing appropriate comments and topics. In fine and gross motor skills, the Student was in the average range but demonstrated mild-to-moderate sensory processing difficulties.

In the area of social/behavior, the IEP stated that the Student’s social skills improved since the previous year. She was very responsible and engaged with school work and becoming better engaged with fellow students. But the Student at times became distracted and had issues with self-control. Her organizational skills interfered with her work but not so much to interfere with her success in the classroom. She struggled with transitions, such as moving from subject to subject. The IEP indicated that the Student’s behavior did not impede her learning or the learning of others.

The IEP provided for annual goals in the areas of study/organizational skills, social skills, and communication. The IEP provided for the following special education and related services:

Service	Service Provider	Monitor	Frequency	Location
Communication	Speech/language pathologist	Speech/language pathologist	30 minutes/6 times monthly	Special education

Study/Organization Skills	Instructional assistant	Special education teacher	45 minutes/5 times weekly	General education
Study/Organization Skills	Special education teacher	Special education teacher	45 minutes/5 times weekly	General education
Study/Organization Skills	Special education teacher	Special education teacher	50 minutes/5 times weekly	General education
Study/Organization Skills	Instructional assistant	Special education teacher	50 minutes/5 times weekly	General education
Study/Organization Skills	Special education teacher	Special education teacher	15 minutes/5 times weekly	General education
Social/behavior	Instructional assistant	Special education teacher	30 minutes/2 times weekly	General education

The IEP also provided occupational therapy as a supplementary aid and service 135 minutes yearly and special transportation. The IEP also included the following support for school personnel: IEP draft disseminated to parents and all staff members one week before the IEP meeting. Additionally, the IEP provided for the following accommodations and modifications:

- Daily check-ins with access teacher
- Unfinished classwork sent home with accompanying instructions
- Frequent redirect during class time
- Left handed scissors
- Multiple redirection and cues to complete work and turn in assignments
- Use of graphic organizers
- Allow her access to absorbent pencil grip or alternative pencil
- Sensory breaks
- Send unfinished work home completion
- Access to sensory objects and activities (i.e., chewy pencil topper, noise reduction headphones, “bouncy band” on desk or chair)
- Access to a pencil grip modifier
- Access to use a daily planner to list assignments
- Extended time to complete tasks, especially long-term projects
- Access to computer to support understanding of new/difficult concepts
- Typical peer partner with student’s prior notification
- Check in frequently for understanding, e.g., giving examples, prompts, redirection, asking directions
- Provide a flip chart showing clear visual expectations for class routines and lessons
- Timing/scheduling: printed daily schedule available on personal flip chart
- Visual schedule posted in the classroom
- Pre-warning about partnering and small group membership

- Encouragement to wear glasses, with natural breaks
 - Proactively alert student/family to scheduling or staff changes
 - Allow access to cream and soap for skin, and hand towel
 - Written directions multi-step, assignments, projects
 - Consistent daily schedule
 - Testing: universal Tools: allow more time on tests, pre-teaching testing
 - Testing: designated support: extra time
 - Printed daily schedule available on personal flip chart
3. On April 7, 2017, the District provided the Parent with prior written notice, proposing to implement the Student's new IEP. The notice indicated that the District agreed to pay for an IEE of the Student. The Parent requested the following from the IEP team: assistive technology to support needs in the areas of sensory, organization, and self-regulation; include the Student's health plan in the IEP; and training on autism for school personnel, including autism for girls, social thinking, and self-regulation. According to the notice, the District neither agreed nor refused to implement the requests. The District eventually addressed assistive technology in the May 23, 2018 prior written notice, but there was no documentation that the District either proposed or refused to include the health care plan in the IEP or providing training to staff.
 4. On June 23, 2017, the District's 2016-2017 school year ended.

2017-2018 School Year

5. On September 6, 2017, the 2017-2018 school year began. The Student continued to attend a District elementary school, and her March 2017 IEP was in place.
6. According to documentation provided by the Complainant and substantiated by the District, the Student arrived late at school on the following dates in September 2017:¹:
 - September 11 – 43 minutes late
 - September 19 – 43 minutes late
7. On September 14, 2017, the Student's special education teacher (special education teacher 1) went on temporary leave. In the interim, the District utilized certified substitute teachers supported by the District regional supervisor and program specialists to provide services.
8. According to the District, the District implemented the following Student schedule beginning in late September 2017:

¹ According to the Complainant, the Parent documented the days the Student arrived late to school, including how many minutes late she arrived, and documented the days when the bus was late picking the Student up from school. The Parent's documentation only included those days when the bus was over 30 minutes late in picking up or dropping off the Student, but there were a number of times when the Student arrived less than 30 minutes late to school or arrived home less than 30 minutes late. For purposes of this investigation, the focus will be on the times the Student arrived late to school due to transportation problems because of the potential implications for the implementation of special education and related services.

- 7:55 am – 8:10 am – Meeting/RULER²
- 8:10 am – 8:25 am – Math
- 8:25 am – 9:05 am – Physical Education
- 9:10 am – 9:55 am – English Language Arts
- 9:55 am – 11:25 am English Language Arts on Monday, Wednesday, Friday
 - Tuesday, Thursday – 10:45 am – 11:15 am – Speech/Language Pathology
- 11:20 am – 12:20 pm – Lunch, Recess, RULER
- 12:20 pm – 12:50 pm – Math
- 12:50 pm – 1:05 pm – Math (Early dismissal on Wednesdays)
- 1:05 pm – 1:30 pm – Recess
- 1:30 pm – 2:25 pm – Social Studies, Science, Art

9. According to the District, the Student’s specially designed instruction was provided in the general education classroom by the instructional assistant supported by certified special education staff. The Student received study/organization during math and English language arts and social/behavior instruction was scheduled during RULER.

10. In response to the complaint, the District provided information about the implementation of the Student’s IEP during the time when special education teacher 1 was not available and the instructional assistant was providing the specially designed instruction.

- The District indicated that the instructional assistant had access to the Student’s IEP and knew his responsibilities under the IEP.
- At the beginning of the school year, special education teacher 1 initially reviewed the IEP with all staff serving the Student, including the instructional assistant, and coordinated instruction and data collection.
- While no formal training was required for the instructional assistant to implement the IEP, the instructional assistant received support from the special education program specialists. After special education teacher 1 went on leave, the program specialists were in the building 2-3 days a week working with staff to implement the IEP and collect data, along with special education teacher 1 being available on the phone. The program specialists also reviewed schedules and data to ensure implementation. The special education services supervisor also supervised the special education classrooms, including reviewing IEPs and schedules. Related service providers also consulted with the instructional assistant and other staff.
- The District stated that services were provided in accordance with the IEP and provided some examples of data collection forms and some actual data collection.

11. During the first week of October 2017, special education teacher 1 temporarily returned, but was unable to return full time. The District continued with the existing plan using the instructional assistant supported by other special education staff until a new teacher could be assigned.

12. On October 20, 2017, special education teacher 1 emailed the Parent, along with the school principal and the Student’s general education teacher, indicating that the general education

² RULER is a social-emotional literacy curriculum.

teacher had talked with the Student who in expressing concern about her grandparents wrote that her life was cursed and wanted to die.

13. During October 2017, the Student arrived late to school because of transportation problems on the following dates:

- October 1 – 90 minutes late
- October 20 – 47 minutes late
- October 26 – 47 minutes late
- October 31 – 30 minutes late

14. On November 6, 2017, the IEP team, including the Parent, but not the occupational therapist who was excused, met to review the results of the IEE that was conducted in May 2017. The IEE report noted that cognitively, the Student functioned in the very high range, and scored in the average range in oral reading fluency and reading comprehension. The Student had difficulties in the areas of social-emotional reciprocity, nonverbal communication behaviors, and developing, understanding, and maintaining social relationships. The IEE report stated:

Collectively, these symptom presentations and characteristics merit the continuation of her diagnosis of autism spectrum disorder at this time...It is important to note [Student's] difficulties with executive functioning and attention-related processes as documented by parent and teacher report and several objective measures. Abnormalities of attention (i.e., becoming overly focused or easily distracted) are common in individuals with autism spectrum disorders, as is hyperactivity. The social dysfunction and executive processes pose as a noteworthy impediment to the full expression of [Student's] academic skills...

The IEE report included twenty-eight recommendations for school and home, including the following:

- Study/Organizational service area mapped to writing and mathematics
- Occupational therapist review results to adjust goals and provide any additional accommodations needed
- Speech/language pathologist assist the Student learn appropriate inferencing skills
- Support during interactions with typically developing peers, including small groups, turn-taking, social rules
- A one-to-one aide was not required for the Student. The Student was at risk of becoming prompt dependent
- Communication between the Parent and the District include specific information about grade level expectations and if concerns are being addressed in the IEP

15. The documentation in this complaint includes a prior written notice, dated November 6, 2017, which stated that the IEP team discussed the Student's anxiety and depression and that the Parent planned to pursue private counseling for the Student. The prior written notice stated that no changes were made to the IEP.

16. On November 6, 2017, the District program specialist emailed the Parent, special education services supervisor, and a District occupational therapist to schedule a meeting to discuss the results of the IEE regarding occupational therapy. The meeting was scheduled for November 13, 2017. According to the District, a phone meeting was held with the email recipients, including the occupational therapist who consulted with the IEE evaluator.

17. During November 2017, the Student arrived late to school on the following date:
- November 2 – 30 minutes late
18. On December 1, 2017, the Parent emailed the District special education director the following request:
- ...I am writing to request an Evaluation Revision to include the results from the IEE and any additional assessments needed. [IEE evaluator] has brought to the team's attention about [Student's] anxiety and depression, however [Student] did not get evaluated at this time. We would like to include a Social/Emotional component.
19. On December 8, 2017, the District and the Parent scheduled an IEP meeting for January 26, 2018.
20. On December 11, 2017, another special education teacher (special education teacher 2) was assigned to provide the special education services to the Student and other students at the elementary school. Special education teacher 2 sent a group email to the parents of the students she would be working with. The email, in part, stated:
- My goals to have completed by the time we come back to school in January, are to make sure all kids' minutes are scheduled and being met (which I have already done pending minor adjustments), make sure we have a good data collection system in place to track student progress and growth, and to have a system of communication of data with families weekly.
21. On December 12, 2017, the Parent emailed the Student's special education teacher 2 and general education teacher, requesting an IEP meeting before the winter school break to discuss a reevaluation. The Parent indicated that the Student was "socially awkward" and experiencing anxiety and irritation. The Parent stated that the Student scratched herself in the face until bleeding and rubbed her hands excessively. The Parent stated, "...We wanted to include the results from IEE and any additional assessments needed. We would like to at least include the social/emotional component and a functional behavioral assessment."
22. On December 13, 2017, the District special education director responded to the Parent's email, stating that the District did not observe any abnormal behavior of the Student. In addition, the District was unable to convene the IEP team as the Parent requested within the following three days before break. The director indicated that the District would schedule an IEP meeting to consider the Parent's request with input from a District school psychologist (school psychologist 1). In the meantime, the District would collect data for the proposed functional behavior assessment.
23. On December 15, 2017, school psychologist 1 emailed special education teacher 2, the school principal, the school counselor, and the Student's general education teacher, stating the following:
- Now that the parent has made us aware of concerns for self-harm, I think we need to follow up with a safety plan at school. Even though the staff reports they haven't seen these behaviors, we've been informed by the parent that [Student] is at risk for them...

24. During December 2017, the District provided special education progress reporting regarding the Student's progress towards her annual goals. On some study/organization skills, the Student met the goal while the progress reporting for her other goals stated "not applicable," including completing work on time and using a checklist.
25. From December 18, 2017 to January 1, 2018, the District was out of session because of the winter break.
26. On January 2, 2018, the school nurse emailed a safety plan to the Parent. The nurse asked the Parent let to her know if she wished to change it. The plan provided the following opportunities to the Student if she became upset or displayed self-harming behavior:
- Offer a time out, rest in the office for 30 minutes, or place [Student] considers safe
 - Help [Student] develop a plan of who she can talk to if she feels out of control
 - School will inform parents if we observe concerning behaviors

The plan stated classroom management strategies allowed the Student to exit the classroom to practice her anxiety reducing strategies in a safe, designated space, as needed, and reviewing the IEP academic accommodations.

27. On January 9 and 12, 2018, the Parent emailed the special education director, indicating she had not heard back from the District about her request for a reevaluation to include a social/emotional component to the Student's IEP. On the same day, school psychologist 1 replied to the Parent:
- [Student] already qualified for social/emotional services from her prior evaluation. I assessed that area and recommended social/behavior services at the time of her March 22, 2016 reevaluation...I informed [Student's] IEP manager of this after seeing your December 2, 2017 email. I also contacted our school nurse about your concerns to ask her to update [Student's] Health Plan. I will respond to your request for a reevaluation with a formal Prior Written Notice, but wanted to answer your email. A behavior intervention can be written without a reevaluation. It's part of the IEP process and is usually completed by the IEP manager. I will forward your request to [IEP manager], [Student's] IEP manager.

28. On January 19, 2018, the Parent emailed special education teacher 2, reiterating the Student's behavior incidents and requested a behavioral intervention plan (BIP) and counseling. The Parent also requested that since the Student was already eligible for social/behavior services, the IEP team move forward to set additional goals in her IEP. The Parent also stated that she had not signed the health plan and requested a draft copy of the IEP a week before the meeting on January 26, 2018. Later that same day, special education teacher 2 emailed a draft of the IEP to the Parent.

29. On January 22, 2018, the District provided the Parent with prior written notice, stating that the District refused the Parent's request for a reevaluation to include a social/emotional component to the Student's IEP. The notice stated:

We are refusing to begin a reevaluation, because [Student] is currently eligible for social/behavior services. On November 6, 2017, the IEP met to review the results of the

IEE with [IEE evaluator]. Conversation including sharing about [Student's] anxiety and depression, with a request to the team to be aware of her need for support to use self-advocacy skills and to check in with her and her parents if they have concerns. Making changes to the IEP during this meeting was rejected...A reevaluation is not needed to provide information for the IEP. [Student] currently qualifies for social/behavior services. IEE information will be incorporated in the new IEP and social/behavior goals will be written to address [Student's] needs. If needed, [Student's] IEP manager will write a BIP after obtaining parent consent for a functional behavior analysis.

The notice provided additional factors relevant to the District's refusal:

On December 15, 2017, after the Parent reported concerns (emails December 12 & December, 2017) about [Student] being emotionally fragile. [School psychologist], school psychologist contacted the school nurse and the IEP team to recommend a safety plan be written. [School psychologist] followed up by phone with [school principal] and in person with [school nurse] confirmed that she would contact [Parent] and add the appropriate information to [Student's] current Health Plan. This was done to provide appropriate protections for [Student], while [Parent's] request for a BIP is processed by [Student's] IEP manager, [IEP manager].

30. On January 23, 2018, the school nurse emailed the Parent another copy of the Safety Plan for the Parent to sign.
31. On January 26, 2018, the Parent emailed special education teacher 2, cancelling the January 26 IEP meeting because she was unable to attend. The Parent requested the IEP meeting be rescheduled.
32. On January 31, 2018, the Parent emailed the special education director, requesting the District reconsider its refusal to conduct a reevaluation. The Parent stated that the Student was in "crisis the past 45 days due her mental health resulting in repeated emergency assistance." The Parent stated she was being denied "the opportunity to discuss the recommendations found in the IEE, know and understand what recommendations the District was agreeing to or not, is not allowing me to be a part of my daughter's education."
33. On February 1, 2018, the school nurse emailed the Parent, asking for feedback about the Safety Plan.
34. From February 1-12, 2018, bus transportation was not provided by the District because of bus strike. As a result, the Parent transported the Student to school.
35. On February 2, 2018, the District regional supervisor emailed the Parent, stating that the IEE results were already incorporated into the evaluation record, but the District would proceed with the requested revision to update the social behavior area. The regional supervisor stated that while the IEE did not change the Student's eligibility or change the services, the District agreed to add current information and reevaluate the Student.
36. On February 5, 2018, the Parent emailed the school nurse, stating that she added some details to the Safety Plan. The District then incorporated the Parent's suggestions into the

Safety Plan. On February 7, 2018, the Parent signed the Safety Plan and provided it to the District.

37. On February 14, 2018, another District school psychologist (school psychologist 2) emailed the Parent and attached a consent to reevaluate form. On February 20, 2018, the Parent responded to the school psychologist and asked the following questions:
- Is all emotional now listed under Social/Behavior? That does not seem appropriate.
 - What is Cognitive – Pre-academics?
 - Why is reading and math not listed? They were a part of the results with updated scores?
 - Is executive functioning under your marked category of Study/Organizational skills?
 - What section will the sensory profile information be included in?
 - Why is adaptive not listed as we have new scores and areas of concern?
38. The District was on break February 19-23, 2018.
39. During February 2018, the Student arrived late to school on the following date:
- February 26 – 120 minutes late
40. On March 7, 2018, school psychologist 2 replied to the Parent's February 20, 2018 email, asking for clarification from the Parent about the scope of the evaluation. School psychologist 2 indicated that until that time, the purpose of the reevaluation had been to include the IEE data into the existing evaluation. On March 12, 2018, the Parent replied, stating she did not receive a response regarding her questions. According to the District, another school psychologist (school psychologist 3), who worked in the role of student support services supervisor, then contacted the Parent and determined the reevaluation would address all areas of need.
41. On March 14, 2018, the Contact Attempt Record form stated that the Parent was contacted and requested to attend an IEP meeting on March 23, 2018. The form stated that the Parent could attend.
42. On March 23, 2018, the District convened the IEP team to review the draft IEP that was provided to the Parent. On the same day, the Parent provided written feedback in response to the draft IEP, some of which were incorporated into the Student's IEP. The IEP team reviewed the following progress information based on the Student's present levels of performance:
- **Study and organizational skills** – the Student can get out needed materials, organize her workspace, initiate a task, use an assignment checklist, develop a timeline for task completion, ask for clarification or assistance when needed, and put away her reading materials during assignments. The daily data showed the Student was focused on her assignments, engaging in topic conversations with peers and adults, and is organized and prepared for assignments 100% of the time.
 - **Social/behavior** – the IEP indicated that the Student's behavior did not impede her learning or the learning of others. The IEP stated: "[Student's most recent IEP goals in social/behavior skills were when given a social scenario [Student] will orally state pro-social responses to the situation, and participate in an interactive game with 2 to 3 typical peers. Based on teacher

observation, [Student] is able to participate in a conversation with peers but it is not normally typical conversation. She has not been observed playing an interaction game with 2 to 3 peers.”

- **Communication** – the progress monitoring indicated that the Student met her previous annual goals for demonstrating appropriate tone of voice and identifying appropriate topics. The Student was uncomfortable with discussing some social topics and had mixed responses to group activities.
- **Occupational therapy** – the Student demonstrated age appropriate fine motor skills, including hand writing. She would get started on a writing assignments but would struggle to commit her thoughts to paper.

The IEP provided for annual goals in the areas of communication, study/organization skills, and social/behavior. The IEP provided the following specially designed instruction and related services from March 26, 2018 to August 30, 2018:

Service	Service Provider	Monitor	Frequency	Location
Social/Behavior	Special education teacher	Special Education teacher	30 minutes/1 time weekly	General Education
Social/Behavior	Instructional assistant	Special Education teacher	30 minutes/1 time weekly	Special Education
Study/Organization	Instructional assistant	Special Education teacher	150 minutes/weekly	General Education
Communication	Speech/Language Pathologist	Speech/Language Pathologist	180 minutes/monthly	Special Education

The IEP provided for the following special designed instruction and related services from August 31, 2018 to March 25, 2019, when the Student would attend middle school:

Service	Service Provider	Monitor	Frequency	Location
Communication	Speech/Language Pathologist	Speech/Language Pathologist	90 minutes/monthly	Special Education
Study/Organization	Special education teacher	Special education teacher	175 minutes/weekly	Special Education
Social/Behavior	Special education teacher	Special education teacher	75 minutes/weekly	Special Education

The IEP also provided for occupational therapy 135 minutes a year. Additionally, the IEP provided for the following accommodations/modifications:

- Access to a daily planner
- Access to computer to support understanding of new/difficult concepts
- Access to directions in verbal and written form
- Access to left-handed scissors
- Access to sensory objects and activities (i.e., chewy pencil topper, noise reduction earbuds or headphones, “bouncy band” on desk or chair)
- Access to visual daily schedule
- Behaviorally related – typical peer partner with student’s prior notification
- Daily check-ins with Access teacher
- Encourage to wear glasses, with natural breaks

- Extra time on writing assignments
- Extra time to complete assignments
- Frequent redirection during class time
- Organization: provide a flip chart showing clear visual expectations for class routines and lessons
- Pencil grip
- Pre-warning about partnering and small group membership
- Proactively alert student/family to scheduling or staff changes
- Quiet area or sensory breaks

The March 2018 IEP did not include a BIP or reference the Student's Safety Plan.

43. Also on March 23, 2018, the District provided prior written notice to the Parent. The notice stated the Parent disagreed with the change in service minutes, change of service location, and reducing the communication services for the 2018-2019 school year. The description of the District's IEP proposed action stated:

The school plan as well as home supports were shared. Mom requests school counselor meets with (private psychologist) for coaching. We discussed service minutes, locations, providers especially in split matrix moving to middle school next fall. Concerns on study/organization service location for middle school, potentially specifically writing and/or math after reevaluation results.

The reason for the IEP changes was as follows:

The team met because it was time for [Student's] annual IEP review. [Student's] mother also requested that the team use time to prioritize aligning [Student's] supports at home and school. Plans were shared in response to Mom's request to continue watching [Student] for sign of sensory overload and emotional well-being. Some signs may be hand rubbing or scratching arms/face. The classroom teacher and case manager will be point persons for contact home with Mom. We will request more information from middle school service providers and/or specialist for an amendment later this school year.

The notice also indicated that the IEP team considered the Student's need for assistive technology, specifically for a checklist on an iPad and typing assignments. The District refused the request and stated that an assistive technology assessment had been conducted and the occupational therapist would work with the Student in fine motor skills and sensory supports. The team would meet again if a need for assistive technology was determined.

44. In the District's response to this complaint, the District explained the reason for the reduction in services:

While at [middle school], [Student] would continue to receive 60 minutes of social/behavior instruction per week, but would receive 30 of those minutes from [special education teacher] and 30 minutes in the special education room to allow for [Student] to receive explicit instruction and social modeling outside of the [general education teacher's] classroom, which was occurring when [Student] sought out social coaching. Given [Student's] progress and needs, [Student's] study org. minutes were reduced to 150 minutes per week. This change also reflected [special education teacher 1's] and [special education teacher 2's] different approach in writing IEPs. Specifically, whereas

[Student's] March 2017 IEP reflected not only the time [Student] would be receiving explicit instruction from her teacher and IAs, but also the support with executive functioning that would occur while [Student] was in the general education environment, the March 2018 only reflected [specially designed instruction] in study org. Nonetheless, [Student] would continue to receive general education support (daily check-ins, frequent redirection).

Based on [Student's] transition to middle school, a second matrix was also developed. Based on [Student's] needs, the school team agreed that [Student] would receive study org. during a Study Skills class. As such, the matrix was amended to reflect [Student's] participation in this class (175 minutes/weekly).

[Student's] speech minutes were reduced to 90 minutes per month. At the meeting, [the elementary school SLP] explained that she had talked with the middle school SLP and received input on the communication minutes in the middle school setting for a student who may be participating in the Highly Capable Cohort (HCC). [The middle school SLP] explained that there would be an increased workload in middle school, particularly if [Student] were to be in HCC, and that missing an hour of classes and content per week for communication [specially designed instruction] would likely be a large stressor for [Student]. Given [elementary school speech/language pathologist's] review of her data and [Student's] progress, she believed 90 minutes [per month] of pullout speech would be sufficient to make progress on [Student's] goals, and would allow [Student] to remain in classes as much as possible.

[Student's] social/behavior minutes were increased to 75 minutes per week, and moved to the special education classroom, primarily to provide additional instruction during [Student's] transition to middle school.

45. On March 27, 2018, the Parent emailed the special education director, indicating that she did not agree with "many areas of the IEP." The Parent requested a copy of the IEP and stated that the May 2017 IEE results should be incorporated into the reevaluation results and that consent for the reevaluation had not been sent to her. The Parent also included a letter from a private psychologist recommending the following:

- Preparation for transitions in teachers, schedule, and expectations
- Safe person at school to connect with when overwhelmed
- Safe plan at school, including:
 - Contact with mother
 - Ability to leave over-stimulating environments (such as physical education)
 - Access to staff member to support problem solving and coping skills

46. During March 2018, the Student arrived late to school on the following dates:

- March 8 – 164 minutes late
- March 14 – 120 minutes late
- March 15 – 145 minutes late
- March 16 – 131 minutes late

47. On April 2, 2018, school psychologist 2 sent a consent form to the Parent. In its response to this complaint, the District included an undated "Reevaluation Notification/Consent" form that stated the following areas were going to be addressed in the reevaluation:

- General background
- Reading

- Social/behavior
- Special education
- Adaptive/Life skills
- Cognitive
- Communication
- Motor
- Study/Organizational skills
- Written Language

48. On April 5, 2018, the Parent emailed school psychologist 2, indicating that she had received the consent form. The Parent asked how the evaluation was going to address the Student's mental health needs, executive functioning, and sensory issues that were not motor related. She also stated that math was not listed. On the same day, school psychologist 2 replied the following:

The instruction I was given from the special education supervisors based on your agreement with them, was to include the information from the IEE and the previous evaluation in order to update the team on the latest findings. Math was not evaluated on the IEE, only reading. Are you asking that math now be evaluated? Executive functioning is evaluated under the category of study/org. I will relay your sensory questions to the occupational therapist as they are the individuals who complete the sensory portions of evaluations. Emotional concerns are addressed for all students under the social/behavior tab. The information from the IEE regarding her social/emotional and behavioral performance will be addressed under this section of the evaluation. This can be confusing for parents as emotional concerns fall under social/behavior and a specific emotion section.

49. On April 9, 2018, the Parent provided consent for the reevaluation.

50. The District was on break April 9-13, 2018.

51. In April 2018, the Student arrived late to school due to the District's transportation problems on the following dates:

- April 3 – 120 minutes late
- April 18 – 120 minutes late
- April 19 – 120 minutes late
- April 20 – 120 minutes late
- April 30 – 120 minutes late

52. On May 14, 2018, the District sent the Parent a meeting notice to review the reevaluation results on May 25, 2018.

53. On May 21, 2018, the Parent emailed school psychologist 2 and special education teacher 2, cancelling the reevaluation meeting and requested to reschedule the meeting so her attorney could attend. The Parent also requested that the Student receive a 1:1 instructional assistant to address her anxiety, including being bullied, and assistance with her organizational skills and work completion. The Parent also requested mental health counseling from a specialist who works with students on the autism spectrum because of being recently traumatized by seeing police arrest a stranger at school and bullying by classmates.³ The Parent also requested a BIP for the Student.

³ Sometime during the beginning of the school year, an unauthorized adult came on the school's campus and was arrested.

54. On May 24, 2018, the District and the Parent agreed to reschedule the reevaluation meeting for June 4, 2018.

55. On May 25, 2018, the Complainant filed this citizen complaint.

56. As of May, 25, 2018, the Student was late to school due to the District's transportation problems on the following dates:

- May 1 – 120 minutes late
- May 10 – 120 minutes late
- May 11 – 120 minutes late
- May 14 – 131 minutes late
- May 15 – 120 minutes late

57. On June 4, 2018, the District reviewed the reevaluation results with the Parent. The evaluation report recommended specially designed instruction in the areas of social/behavior, study/organization skills, and communication. Occupational therapy as a related service was also recommended.

58. On June 18, 2018, the IEP team, including the evaluator who completed the Student's May 2017 IEE, met to discuss the Student's transition to middle school. The request for a BIP was discussed along with a 1:1 paraprofessional. According to the District's prior written notice, dated June 18, 2018, the District proposed coordinating with the IEE evaluator once a week for the first six weeks of middle school to coordinate the Student's school and private services. In addition, IEP team agreed to a safety plan review, a home-school communication plan, and a support plan identifying the Student's distress levels would be implemented. The District rejected conducting a functional behavioral assessment, developing a BIP, and providing the Student 1:1 paraprofessional support and counseling services. The reasons for refusal stated:

- 1) The family requested an FBA and BIP to support [Student's] anxiety and depression when navigating school situations. Because the behaviors are observed at home and not a school, the school proposed a six week support plan from [IEE agency]. [IEE evaluator] discussed that the family may want to work with their private providers on an FBA in the home setting. The school team and [IEE evaluator] did not think an FBA is appropriate in this situation because the targeted behaviors discussed by the Parent are not observed in the school setting.
- 2) The school team and [IEE evaluator] agreed that the school team can support [Student's] needs with existing personnel and services being provided. [IEE evaluator] expressed concern that a 1:1 would create over-reliance on an adult, would not teach the social skills [Student] needs to develop, and would cause regression. The school team also expressed concerns that [Student] does not want to appear different than her peers.
- 3) The team believes the district's proposal with [IEE agency], coupled with existing supports will address [Student's] needs in the school setting.

CONCLUSIONS

Issue 1: Implementation of Specially Designed Instruction – The Complainant alleged that the District failed to implement the Student's specially designed instruction in the fall of 2017 until special education teacher 2 was hired. The Complainant stated that the December 11, 2017 email from special education teacher 2 supports this allegation.

A district is required to have a current IEP in place for a student at the beginning of the school year and to implement the IEP as written. Here, the special education teacher (special education teacher 1) at the beginning of the school went out on leave after two weeks of school. An instructional assistant with the support of certificated special education program specialists provided specially designed instruction to the Student until a new special education teacher (special education teacher 2) was hired in December 2017. Special education teacher 2 sent an email to parents, stating that by January 2018, she wanted to make sure “all kids’ minutes are scheduled and being met (which I have already done pending minor adjustments)...” The District stated that special education teacher’s 2 email was “in no way an admission that [specially designed instruction] had not been provided” and strongly disputed that interpretation. The District explained that the instructional assistant who was providing the specially designed instruction was being supervised and supported by the special education supervisor, program specialists, and other special education staff. The program specialists were in the classroom with the instructional assistant 2-3 times a week. The District also provided some documentation regarding the implement of specially designed instruction. Based on the information provided by the District, the District has substantiated that it provided the Student’s specially designed instruction in the fall of 2017 until special education teacher 2 was hired.

Issue 2: Implementation of Special Transportation – The Complainant alleged that the District’s lack of on-time bus transportation caused the Student to be late to school and picked up late from school numerous times. The district is responsible for providing transportation that would enable a student to arrive at school on time in order to access his/her education services. Here, the District acknowledged that the Student arrived late to school because of difficulties with bus transportation. The District agreed with the Complainant that the Student was late to school at least 2,271 minutes (37.8 hours) during the 2017-2018 school year.⁴ The District has offered 24 hours (1,440 minutes) of one-to-one compensatory services to the Parent to make up for any lost special education services. OSPI agrees that the provision of 24 hours of one-to-one compensatory services offered by the District is appropriate given that it was unclear from the Student’s schedule the specific amount of special education services that the Student actually missed due to her services being provided in the general education setting throughout her school day, and because the services would be provided on a one-to-one basis, which are more intensive than the services provided in a group setting.

Issue 3: Consideration of the IEE – The Complainant alleged that the District failed to consider the results of the Student’s May 2017 IEE and add the recommended services to the Student’s IEP or conduct a reevaluation, along with failing to provide the Parent with prior written notice of its refusal to do so. A district is required to consider the results of an IEE as appropriate, but not necessarily implement its recommendations. If the district does not agree with the IEE’s recommendations, it must provide the parent with prior written notice, explaining the reason for its refusal to implement the recommendations.

⁴ The Complainant included only those times when the bus was late more than 30 minutes. The Complainant also did not include information about the bus strike that occurred from February 1-12, 2018.

Here, the District first reviewed the May 2017 IEE report with the Parent on November 6, 2017. The IEE report included a list of twenty-eight recommendations for school and home, including specially designed instruction to map study/organizational skills for writing and mathematics and instruction in social skills. According to the District, because the Student's March 2017 IEP already included specially designed instruction for social/behavior that addressed the Student's needs, the IEP was not changed. However, the District's November 6, 2017 prior written notice did not address this, but instead addressed that the IEP team's discussion on November 6 centered on the Student's anxiety and depression, the need for self-advocacy, and checking in with the Student and Parent to see if there were any concerns. The District failed to provide the Parent with prior written notice that addressed the recommendations of the IEE in November 2017.

Later in December 2017 and January 2018, the Parent requested an "evaluation revision" to include the results of the IEE, specifically for a social/emotional component. The District attempted to clarify that a reevaluation was not necessarily required to add a further social/emotional component to the IEP, and was already addressing social/behavior in the IEP. On January 22, 2018, the District provided the Parent with prior written notice, refusing the reevaluation for the same rationale. Based on the documentation in this complaint, the District's decision to refuse to conduct a reevaluation was based on student-specific data and made in light of the Student's abilities and needs at the time. Additionally, the District continued to work with the Parent to address her concerns and eventually agreed to conduct a reevaluation to determine whether the Student needed additional services or supports. Based on the documentation, there was no violation.

Issue 4: Request for a Behavioral Intervention Plan – The Complainant alleged that the District failed to consider a behavioral intervention plan (BIP) to address the Student's self-harm. A BIP is a plan incorporated into a student's IEP if determined necessary by the IEP team for the student to receive FAPE. A district may also address behavior that interferes with a student's learning or the learning of others by implementing positive behavior interventions, as appropriate.

Here, the Parent first expressed concerns about the Student's behavior, including self-injurious behavior, on December 12, 2017, and requested that the District conduct a reevaluation and functional behavioral assessment (FBA). In response, the District indicated that none of the Student's self-injurious behavior had been observed at school, but the District would begin taking data on the Student's behavior for an FBA, and almost immediately developed a safety plan for the Student, providing a copy to the Parent on January 2, 2018. The District then explained to the Parent that a BIP could be written without conducting any assessments, and could be incorporated into the Student's IEP. On January 19, 2018, the Parent requested that a BIP be developed for the Student. In response, on January 22, 2018, the District provided prior written notice to the Parent, which stated that along with addressing the Student's needs through social/behavior services, the IEP manager would write a behavioral intervention plan, if needed, after obtaining consent for a functional behavior assessment. The District then provided the Parent with a consent form, but she did not agree with the proposed reevaluation and the District continued to work with the Parent to address her concerns. According to the documentation,

the District took reasonable steps to address the Student's behavior, which did not necessarily require a behavioral intervention plan in light of the existing safety plan and specially designed instruction in the area social/behavior and accommodations that helped mitigate the Student's anxiety. In addition, the IEE evaluator did not recommend a BIP because the target behaviors were not being observed in school. Based on the documentation, the District followed the process in addressing the Parent's request for a behavioral intervention plan.

Issue 5: Procedures for Reducing Study/Organization and Communication Instruction – The Complainant alleged that the reduction in the Student's services for study/organizational skills and communication were based on the middle school schedule rather than the Student's needs. The Complainant also alleged that increasing the amount of time in a special education class was a change of placement. A district is required to conduct a reevaluation before significantly changing a student's placement. Also, a district is required to provide a parent with prior written notice documenting, among other things, its proposals or refusals to change the IEP along with the reason for making its decision.

Study/Organization – Here, the previous March 2017 IEP provided for 1,025 minutes a week of study/organization instruction in general education. The District divided the Student's March 2018 IEP into phase 1, from March 26, 2018 to August 30, 2018, and phase 2 from August 31, 2018 to March 25, 2019. Phase 1 changed the amount of services in the area of study/organizational skills from a total of 1,025 minutes a week in a general education setting to a total of 150 minutes a week in a general education setting and phase 2 changed the services to 175 minutes a week in a special education setting. According to the District, the decision was based on the Student having made significant progress towards her study/organization goals or met her goals. In addition, the Student would receive study/organizational instruction during a study skills class in middle school, which could conceivably lessen the need for specially designed instruction in study/organizational skills. The Parent disputed the reduction in service and the placement into the special education classroom. The Student's study/organizational instruction was significantly reduced, as well as the time in the general education classroom, both of which constituted a significant change of placement, and required the District to first conduct a reevaluation before making such changes. Although the District subsequently conducted a reevaluation, the District should have conducted a reevaluation before changing the Student's placement. In addition, as part of the procedure to change the amount of services, the District is required to provide the Parent with prior written notice of its proposals or refusals and explain the reason for its decision. The District provided the Parent prior written notice, but the notice only stated that service minutes were "discussed" but did not provide a description of the proposal to reduce services and did not provide the reason why the District was reducing the amount of services and time in the general education classroom. The District provided an explanation in its response to this complaint, but the March 23, 2018 prior written notice did not reflect those reasons. Based on the failure to conduct a reevaluation and provide the Parent with proper prior written notice, a violation is substantiated. The District will hold an IEP meeting prior to the beginning of the 2018-2019 school year to review the Student's June 2018 reevaluation report and any other available information, and determine if the proposed IEP

services are appropriate for the Student. The IEP team will consider a continuum of placement options when making the decision.

Communication – The District reduced the Student’s speech/language services from 180 minutes a month during the 2017-2018 school year to 75 minutes a month during the 2018-2019 school year. The District’s response to this complaint states that the Student made good progress towards her communication goals during the 2017-2018 school year and the SLP in the middle school believed that the increased workload in a middle school highly capable program would necessitate reducing the communication services. These were plausible reasons for reducing the amount of the Student’s communication services. As part of the process to change the amount of services, the District was required to provide the Parent with notice of its proposal and the reasons for proposing it, especially in light that the Parent was disputing the reduction in service. The District’s March 23, 2018 prior written notice lacked a description of the proposal to reduce the amount of the Student’s communication services and provide a rationale in the prior written notice.

CORRECTIVE ACTIONS

By or before **September 14, 2018, October 26, 2018, November 9, 2018, and February 15, 2019**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

1. By **September 5, 2018**, the District is required to convene the IEP team to review the reevaluation and revise, as necessary, the Student’s study/organization services and placement. The IEP team will review the Student’s June 2018 reevaluation report and any other available information, and determine if the proposed IEP services are appropriate for the Student. The IEP team will consider a continuum of placement options when making the decision. By **September 14, 2018**, the District will send OSPI a copy of the meeting notice, the IEP, if amended, prior written notice, and meeting notes, if taken.
2. By **September 14, 2018**, the District will work with the Parent to develop a schedule to provide the Student with a total of (24) hours of compensatory services to address her missed instruction due to being late to school because of transportation problems.* The District will provide OSPI with documentation of the schedule by **September 14, 2018**. The services will be provided outside of the District’s regular school day. The specially designed instruction must be provided by a certificated special education teacher. If the District’s provider is unable to attend a scheduled session, the session must be rescheduled. If the Student is absent, or otherwise does not attend a session without providing the District with at least 24 hours’ notice of the absence, the District does not need to reschedule.

The services must be completed no later than January 31, 2019. On **November 9, 2018 and February 15, 2019**, the District will provide OSPI with documentation of the date, service, duration of service, and state whether any of the sessions were rescheduled by the District or missed by the Student.

The District must provide transportation, if required, or reimburse the Parent if the Parent must transport the Student. The District must reimburse the Parent for round trip mileage at the District's privately owned vehicle rate. The District must provide OSPI with documentation by **February 15, 2019**.

3. The District is required to offer reimbursement to the Parent in the event that the Parent was required to transport the Student to school because of the transportation problems or the bus strike. The District must reimburse the Parent for round trip mileage at the District's privately owned vehicle rate. The Parent will submit to the District documentation of the days that the Parent transported the Student because of transportation problems during the 2017-2018 school year by **August 17, 2018**. The District will reimburse the Parent and provide documentation of reimbursement to OSPI by **September 14, 2018**. Any disagreements about reimbursement will be resolved by OSPI.

DISTRICT SPECIFIC:

By **October 19, 2018**, the District will provide training regarding prior written notice to all special education certificated staff, including educational staff associates (ESAs), and school administrators at the Student's previous elementary school.*

By **September 14, 2018**, the District will submit a draft of the training materials to OSPI for review. OSPI will approve the materials or provide comments by September 28, 2018 and additional dates for review, if needed.

By **October 26, 2018**, the District will submit documentation that all required staff participate in the training. This will include a 1) sign-in sheet from the training, and 2) a roster of the certified special education staff, ESAs, and administrators. *If any of the IEP team are unable to participate, the District will hold a follow-up session(s) within the required timeframe.*

*Recommended by the District.

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

Dated this ____ day of July, 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.)