

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 18-86**

### **PROCEDURAL HISTORY**

On September 28, 2018, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the [REDACTED] 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 October 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 October 19, 2018, OSPI received the District's response to the complaint and forwarded it to the Parent on October 22, 2018. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information.

On November 1, 2018, OSPI received the Parent's reply. OSPI forwarded that reply to the District on November 2, 2018.

On November 13, 2018, OSPI requested clarifying information from the District and on November 15, 2018, OSPI interviewed the District's director of secondary student services via telephone.

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

### **SCOPE OF INVESTIGATION**

This decision references events that occurred prior to the investigation time period, which began on September 29, 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 amending the Student's secondary transition plan, course of study, and graduation requirements, based on his individual needs, in his individualized education program (IEP) at the September 26, 2018 IEP meeting?
2. Did the District follow procedures for determining the Student's placement for the 2018-2019 school year?
3. Did the District follow procedures for responding to the Parent's request that the independent educational evaluation (IEE) provider attend the September 26, 2018 IEP meeting and follow procedures for considering the results of the IEE?
4. Did the District follow procedures for ensuring Parent participation in the September 26, 2018 IEP meeting?

## LEGAL STANDARDS

When investigating an alleged violation, OSPI must identify the legal standard that the District is required to follow and determine whether the District met the legal standard. OSPI reviews the documentation received from the complainant and district to determine whether there is sufficient evidence to support a violation. If there was a violation, there will be corrective action to correct the violation and maintain compliance.

Transition Requirements for IEPs: Beginning not later than with the first IEP to be in effect when a student eligible for special education turns 16, or younger if determined appropriate by the IEP team, the student's IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and the transition services including courses of study needed to assist the student in reaching those goals. 34 CFR §300.320(b); WAC 392-172A-03090(1)(j).

Transition Services: Transition services means a coordinated set of activities for a student eligible for special education that: is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate his or her movement from school to post-school activities, including postsecondary education, vocational education, integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation, and is based on the individual student's needs, taking into account the student's strengths, preferences, and interests; and includes: instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. Transition services for students eligible for special education may be special education, if provided as specially designed instruction, or a related service, if required to assist a student eligible for special education to benefit from special education. 34 CFR §300.43(a); WAC 392-172A-01190.

Graduation Requirements: Washington law sets out subject and credit requirements for high school graduation. WAC 180-051-068. A student eligible for special education shall not be denied the opportunity to earn a high school diploma solely because of limitations on ability. Districts shall adopt written policies that include procedures for meeting the unique limitations of each student, including: (1) extension of time the student remains in school up to an including the school year in which such student reaches twenty-one years of age; (2) special education program in accordance with chapter 28A.155 RCW; and (3) special accommodations for individual students, or in lieu thereof, exemption from any requirement of this chapter, if such requirement impedes the student's progress toward graduation and there is a direct relationship between the failure to meet the requirement and the student's limitation. WAC 180-51-115.

Least Restrictive Environment: School districts shall ensure that the provision of services to each student eligible for special education, including preschool students and students in public or private institutions or other care facilities, shall be provided: 1) To the maximum extent appropriate in the general education environment with students who are nondisabled; and 2)

Special classes, separate schooling or other removal of students eligible for special education from the general educational environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR §300.114; WAC 392-172A-02050.

A student's IEP team has the responsibility to determine the student's LRE, and must consider the following factors when making the determination: the educational benefits to the student of a placement in a general education classroom; the nonacademic benefits of interaction with students who are not disabled; the effect of the student's presence on the teacher and other students in the classroom; and, the cost of mainstreaming the student in a general education classroom. *Sacramento City Unified School District, Board of Education v. Rachel Holland*, 14 F.3d 1398, 1400 (9<sup>th</sup> Cir. 1994).

Educational placement decisions must be determined annually, or sooner if appropriate, and be made by a group of persons, including the parents, and other persons knowledgeable about the student, the evaluation data, and the placement options that provide a reasonably high probability of assisting the student to attain his or her annual goals, and a consideration of any potential harmful effect on the student or on the quality of services the student needs, based on the student's IEP and LRE requirements. 34 CFR §300.116; WAC 392-172A-02060. A student should not be removed from his or her age-appropriate general education classroom solely because of needed modifications in the general education curriculum. 34 CFR §300.116(e); WAC 392-172A-02060(4).

Continuum of Alternative Placement Options: Each school district shall ensure that a continuum of alternative placements is available to meet the special education and related services needs of students. The continuum required in this section must: include the alternative placements listed in the definition of special education in WAC 392-172A-01175, such as instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions; and make provision for supplementary services such as resource room or itinerant instruction to be provided in conjunction with general education classroom placement. 34 CFR §300.115; WAC 392-172A-02055. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student eligible for special education, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. WAC 392-172A-01175.

Independent Educational Evaluation (IEE): Parents of a student eligible for special education have the right to obtain an independent educational evaluation (IEE) of the student at public expense if they disagree with the district's evaluation. An IEE is an evaluation conducted by a qualified examiner who is not employed by the district responsible for the education of the student in question. At public expense means that the district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents. Parents are entitled to only one IEE at public expense each time the district conducts an evaluation with which the parents disagree. 34 CFR §300.502; WAC 392-172A-05005.

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; and may be presented as evidence at a hearing regarding that student. 34 CFR §300.502(c); WAC 392-172A-05005(5).

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.

Parents of a child with a disability will participate with school personnel, in developing, reviewing, and revising the student's IEP. This is an active role in which the parents: provide critical information regarding the strengths of their child, and express their concerns for enhancing their child's educational program; participate in discussions about their child's need for special education, related services, and supplementary aids and services; and join with 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. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 5).

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 agreement, the district must determine the appropriate services and 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); Letter to Richards, 55 IDELR 107 (OSEP 2010); *Ms. S. ex rel. G. v. Vashon Island Sch. Dist.*, 337 F.3d 1115, 1131 (9<sup>th</sup> Cir. 2003). See also, *Wilson v. Marana Unified Sch. Dist.*, 735 F.2d 1178, 1182-83 (9<sup>th</sup> 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.)

## FINDINGS OF FACT

### Background Facts: 2017-2018 School Year

1. At the beginning of the 2017-2018 school year, the Student attended a District high school (school 1) and was eligible for special education and related services under the category other health impairment.
2. The District's 2017-2018 school year started on September 6, 2017.
3. In the fall of 2017, the District reevaluated the Student. The Student's evaluation group, including the Parent, met on October 27, 2017 to discuss the results of the reevaluation. The evaluation group determined that the Student continued to be eligible for special education services under the category other health impairment. The reevaluation report indicated that the Student had significant delays in reading, math, and written language. In the classroom, the Student was reading at the equivalent of a second grade level. The Student's scores in cognitive performance ranged from the first percentile to the fourth percentile, and the evaluation report noted that the Student has "a mild to moderate intellectual disability." With regard to the Student's daily living/adaptive behavior, the input from the Parent placed the Student in the seventh percentile, while the District staff placed the Student in the first percentile. The evaluation report noted that there was significant discrepancy between the Parent's evaluation of the Student's adaptive skills and that of the teachers and paraeducators.
4. The Student's individualized education program (IEP) team developed an IEP for the Student. However, the Parent disagreed with the evaluation and requested an independent educational evaluation (IEE).
5. On November 8, 2017, the District agreed to provide an IEE in the areas of academic, cognitive, daily living/adaptive, and vocational.
6. On May 30, 2018, the Student's IEP team, including the Parent, amended the Student's October 2017 IEP. The IEP noted that the Parent had transferred the Student to a different District high school (school 2) for the following school year. The IEP included several goals in each of the following areas and provided specially designed instruction in the areas of reading, written expression, math, daily living/adaptive, and vocational skills. The IEP also included a transition plan, which included the following in the post-secondary goals and outcomes section:
  - **Education/Training:** "Upon leaving public school, [the Student] will receive on the job training from an employment specialist to help him learn new skills and maintain employment, and parent would also like him to take classes at [local] Community College."
    - **Transition Services:** "Job training will include continued exposure and training in varying employment options. If this area continues to be of interest to [the Student], there will be a focus on different positions available in Office related jobs, and in different types of office locations. Parent requests that '[the Student] will receive progressive goals and instructional in the areas of Reading, Writing, Math, Computer Applications, and organization/note taking."

- **Employment:** "Upon leaving public school, [the Student] will obtain employment in a position that allows him to work in an environment suitable to his needs, interests and preferences. Parent describes [the Student's] Employment Goal as Office Management. Parent requests that [the Student] will obtain a position in Office Management."
  - **Transition Services:** "[The Student] will receive career related education such as course work in Computer Applications, and office productivity tools, and a job experience in an office setting. He will also have job placement in office settings to apply skills achieved in course work."
- **Independent Living:** "[The Student] states that after graduation he would like to 'live independently, in an apartment (away from Washington state) in Florida, NY, WA DC, or Pennsylvania.' [The Student] shows the capacity to live in supported or group living arrangement. Parent reports that '[the Student] will live at home where he cooks his own meals, does his own laundry, pays his own expense and takes care of his own designated living space. He will engage in activities with a designated support person such as roller skating, movies, etc.'"
  - **Transition Services:** "Instruction in recreation opportunities, leisure, community involvement, Metro use, general housekeeping duties, cooking, meal planning, shopping and budgeting, personal needs, social skills and self-advocacy training, are needed in order to live with support in independent or group living situation. 'Parent expects to teach many daily living skills outside of school: Leisure, Community involvement, general housekeeping duties, cooking, meal planning, shopping and budgeting and personal needs.'"

The transition plan also included a course of study for second semester at school 1 (social skills/daily living/adaptive, math skills, functional English, essential English, Technology, Work Experience, SAS-note taking and organization), classes for the 2018-2019 school year at school 2 (adaptive/daily living, math skills, English, vocational skills, work experiences/TA opportunities, general education elective), and stated that during the 2019-2020 and 2020-2021 school years, the Student would participate in the District's transition program and work experience training.

The prior written notice, dated May 30, 2018, noted that the team "rejected a reference to [the Student] starting the transition program in fall 2019" until "the IEP conducts further discussion regarding that school year."

7. The Parent, in her reply to this complaint, stated that the Student's post-secondary goals included his goal to "work in an office at a high school or large college", and that this goal had been communicated by the Parent to every IEP case manager since middle school, but had never been added to the IEP.
8. On June 26, 2018, the Parent filed a request for a special education citizen complaint, which OSPI opened as 18-68. The complaint investigated seven issues, including the following issues that are directly related to this complaint:
  - "Did the District follow procedures for developing the Student's individualized education program (IEP), including addressing...A post-secondary transition plan, including course of study..."

- “Did the District follow procedures for determining the Student’s placement in the least restrictive environment?”<sup>1</sup>
9. On August 28, 2018, OSPI issued the decision in SECC 18-68, which found that, in relevant part, the District “considered the Parent’s request and provided the Parent with prior written notice of the District’s proposal and rationale”<sup>2</sup> regarding the transition plan; however, the District improperly waived graduation requirements. OSPI also found that the District did not discuss the full range of settings, aids, and supports for the Student. The decision in SECC 18-68 required the District to convene the Student’s IEP team, including the Parent, and address the following issues (among others):
- Least restrictive environment – review and document the continuum of placements and what supplemental aids and services might be necessary for the Student along with the benefits and potential harmful effects of each placement that is considered for the Student; and,
  - Secondary transition plan – review the course of study and with the Parent’s input, and determine what graduation requirements, if any, should be waived.

### **Background Facts: Summer 2018**

10. On June 27, 2018, the IEE evaluator (evaluator 1) emailed the District’s director of secondary student services (director) the vocational assessment IEE report (IEE 1). The report included information on the Student’s strengths, which included the Student’s passion for connecting with people and energy to participate, and barriers, which included the Student’s difficulty understanding conceptual ideas and his short attention span. The report also documented the Student’s vocational interests and accommodations, and stated that the Student did not have a specific job or industry he was pursuing and gave general answers about his interests, which included “working in an office and helping the sports team, or described his work in the school library.” Evaluator 1 noted that the Student needed significant one-on-one guidance, could learn basic Microsoft products, and that the Student would be more productive with “frequent and new tasks, especially if they involve social interaction (i.e. help/reception desk).” The report stated that “physically stationary and routine jobs, including long period of time sitting at a desk” would be challenging for the Student, and that he would “excel with direct or nearby supervision available throughout his shift to assist with redirecting him back on task and to recognize when he needs more detailed instruction.”
11. On August 6, 2018, the Student’s other IEE evaluator, a clinical neuropsychologist (evaluator 2), emailed the Parent, in response to previous emails about meeting, with dates in August she was available to meet with the Parent and the Student’s IEP team. On August 13, 2018, the Parent forwarded this email to the director and the school psychologist.
12. On August 16, 2018, the director and school psychologist emailed regarding scheduling an IEP meeting with the Parent.

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<sup>1</sup> For a complete list of the issues and conclusions, please see OSPI’s decision in SECC 18-68.

<sup>2</sup> See August 28, 2018 decision in special education citizen complaint 18-68.

13. On August 22, 2018, the Parent emailed the Student's special education teacher a list of tips and information about the Student. The Parent's email included information about the Student's language processing disorder, auditory processing disorder, challenges figuring out cause and effect, oral sensory processing disorder, general processing, fear of bugs, need for snacks, other health concerns, and riding the bus. The Parent also stated that she thought the Student needed more comprehensive and challenging math goals and needed to work on his decoding skills.
14. On August 25, 2018, according to the Parent, the Parent and the school psychologist discussed and decided that the Student's IEP team should have time to observe and interact with the Student before holding an IEP meeting in order to allow the team to "formulate questions for the IEE Provider on how to best teach student with their disabilities."

### **2018-2019 School Year**

15. The District's 2018-2019 school year began on August 29, 2018. The Student began attending school 2 and continued to be eligible for special education services under the category other health impairment. The Student's May 2018 IEP amendment continued to be in place.
16. The Student was enrolled in the following classes during the 2018-2019 school year:
  - Period 1: Essential Reading
  - Period 2: Essential Reading
  - [School] Homeroom
  - Period 3: Independent Living
  - Period 4: Math Skills
  - Period 5: Integrated Physical Science
  - Period 6: Annual (Yearbook)<sup>3</sup>
17. On August 31, 2018, the school psychologist and special education teacher emailed to discuss the Student's schedule and the possibility of changing the Student's math class. The school psychologist stated that they would discuss more the following week.
18. On September 2, 2018, the Parent and the school psychologist emailed several times regarding scheduling an IEP meeting and which of the Student's teachers it would be helpful to have at the meeting. The Parent indicated that she wanted to meet for an hour with evaluator 2 and a second hour to discuss IEP changes, per OSPI's decision in 18-68. The Parent also stated that she had shared for years her goal to "try and get [the Student] the education and skills to get him to post-high school education and career goals", which include the Student working in an office administrative position. The school psychologist stated that the school team would not "push back...in pursuing goals and objectives that will help [the Student] move in the direction you are thinking."
19. On September 6, 2018, the Parent emailed the special education teacher and shared concerns regarding the implementation of the Student's IEP.

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<sup>3</sup> The District's documentation uses both "annual" and "yearbook" to refer to this class. This decision will use the term yearbook throughout.



20. Between September 5 and 9, 2018, the Parent and director exchanged emails regarding meeting with evaluator 2. In relevant part, the emails are summarized as follows:

- The Parent emailed the director and stated that she and the school psychologist determined it would be best to meet with evaluator 2 at the end of September.
- The director emailed the Parent and stated that the District was required to consider the results of the IEE, and as such, would hold a meeting to consider the results of the IEE reports and discuss any changes that the IEP team felt was warranted. The director stated that he was still waiting on the final IEE report, and if there were "questions about the IEE results or recommendations that are unclear and require [evaluator 2] to be present in order to understand...[evaluator 2] may be invited by the district" to attend the meeting. The director stated that, "in the meantime, if you would like to invite [evaluator 2] to be present at the meeting, you are welcome to do so at your expense." The director also stated that the special education teacher and school psychologist would be reaching out to schedule an IEP meeting prior to September 28, 2018.
- The Parent replied and stated she was confused because her understanding from previous communications was that evaluator 2 would be at the meeting, that it "was clear to all parties that it was the expectation that [evaluator 2] would be at this meeting", and that no one had ever communicated to her that evaluator 2 "would not attend or that I would have to pay for her attendance."
- The director replied and apologized for the confusion, stating that many parents choose to have outside evaluators attend the IEE results meeting at their own expense and that he assumed this was the Parent's intent. The director stated that they were required to hold a meeting to consider the results of the IEE, but that outside evaluators are not always invited to these meetings. He stated that if anything in the report was unclear, he may decide to invite evaluator 2 at the District's expense or follow up with her in some other manner, but that this determination had not yet been made. The director stated that the Parent was welcome to invite evaluator 2 at her own expense, if she would like to do so.
- The Parent responded and stated that the District had "communicated your intent for [evaluator 2] to present and answer questions/give direction to [the Student's] teachers", and based on that, the Parent had assumed the District would pay for the evaluator's attendance.

21. The Parent, in her complaint and reply, stated that her understanding was that the District had previously (in January and May 2018) requested that she invite evaluator 2 to the May 2018 IEP meeting<sup>4</sup>, and that because the evaluator had not completed her report at that time, that the District would have evaluator 2 attend a future IEP meeting. The Parent stated that the director's position in the September 5-9, 2018 emails was "contrary to [his] position in January 2018 and May 2018."

22. On September 10, 2018, evaluator 2 emailed the Parent and director her report (IEE 2). The report included information on the Student's educational history, referral for special education, medical and developmental information, prior evaluations, behavior observations,

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<sup>4</sup> In her reply, the Parent stated that the director "required" the Parent "to schedule [evaluator 2] to be present at the May 30, 2018 IEP meeting."

and test and assessment results in several areas (intelligence, academic achievement, written expression, processing skills, and daily living/adaptive behavior). The report included a summary of findings and the following recommendations (summarized):

- Access a blended program: special education services and participation in selected general education classes and activities;
- Accommodations for visual learning, one-to-one and small group learning, and breaks;
- Academic and vocational learning activities grounded in real-life experiences (functional academic program to prepare for future vocational and community setting);
- Visually-based reading instruction and regular reading practice;
- Practice writing for practice communication purposes (e.g., reminder notes and letters);
- Start working on fractions and dividing concepts in a variety of practical settings;
- Opportunities to participate in activities that match Student's visual strengths and interests (e.g., photography and art);
- Specialized instruction in adaptive behaviors; and,
- Supervision in academic, vocational, and daily living settings.

23. On September 11, 2018, the Parent forwarded IEE 2 to the school psychologist.

24. On September 12, 2018, the Parent emailed the assistant principal, school psychologist, special education teacher, and director and stated that she, the Student's private speech therapist, and the Parent's attorney had reviewed IEE 2 and agreed that the Student's current IEP goals are sufficient. The Parent stated that she did not think they needed to have an IEP meeting to address the IEE at that time. The Parent requested that the IEP team change the Student's IEP service matrix to reflect his current schedule and update the IEP to reflect the Student's current transportation arrangements without a meeting. The assistant principal responded and stated that they did need to hold an IEP meeting, and that per the Parent's email to the assistant principal, the meeting was scheduled for September 26, 2018. The Parent replied and requested that she be notified of all the attendees from the District in advance of the meeting.

25. On September 14, 2018, the Parent emailed the assistant principal, school psychologist, special education teacher, and director and requested a copy of the draft IEP with all proposed changes and a list of all meeting attendees. The Parent also stated she wanted to "seek assurances that all decisions...and everything that has already been implemented will not change...all these decisions were made on May 30<sup>th</sup> at [school 1]."

26. On September 15, 2018, the Parent emailed evaluator 2 with questions regarding IEE 2, including questions about how the Student's "developmental delays have impacted his learning" and stated that she did not see the District's transition program as a viable option. Evaluator 2 responded with some information about the term "developmental delay" and stated that the Parent's proposed transition plan sounded "promising in terms of the goals you outlined when we first met."

27. On September 20, 2018, the special education teacher emailed the Parent a meeting invitation and proposed IEP amendment. The teacher stated that he would also put a hard copy in the Student's backpack and make sure the Student "understands not to take it out" and that this would give the teacher "another opportunity to work on his organization."

28. On September 21, 2018, the Parent's attorney emailed the District's attorney and asked if it would be possible to have a facilitator at the IEP meeting.
29. On September 24, 2018, according to the Parent's reply, the Parent spoke with evaluator 2 on the phone and the evaluator stated that functional skills referred to "academic skills the student would need to increase his deficits to obtain his job goal of Office Management/Technology." According to the Parent, evaluator 2 also stated that there was no timeline for the implementation of her recommendations or a specific program that was the best place for her recommendations to be applied.
30. Also on September 24, 2018, IEE evaluator 2 wrote a letter at the request of the Parent, to clarify her opinion in IEE 2. The letter stated that the Student "will need ongoing, regular practice in his basic academic skills in order to prevent academic skill loss (i.e., regression) and in order to maintain the academic skills that he has acquired thus far."<sup>5</sup>
31. On September 25, 2018, the Parent emailed the school psychologist, special education teacher, and assistant principal with concerns regarding the Student's math class. The Parent requested that all of the Student's classes be pass/fail. The school psychologist stated that they would discuss this modification at the IEP meeting the following day.
32. On September 26, 2018, the Student's IEP team met as required by the corrective action ordered in SECC 18-68. In attendance were the Parent, Parent's attorney, special education teacher, assistant principal, school psychologist, director, counselor, general education teacher, District's attorney, District staff note-taker, and facilitator.

The District's response stated that the team reviewed the IEE reports, and particularly focused on the following requirement from IEE 2: "Student will do best when academic and vocational learning activities are grounded in 'real life' experiences, with strong utilization of concrete visual cues and step-by-step directions diagramed on a picture checklist. A functional academic program is recommended that can prepare him for future vocational and community settings." The District's response further clarified that it saw the key themes of IEE 2 to be a focus on practical skills and settings.

According to the meeting notes (and the prior written notice issued after the meeting), the team discussed the Student's least restrictive environment (LRE), continuum of placements, secondary transition plan, course of study, and graduation requirements, among other topics (see Appendix A: Meeting Notes); and the team came to the following decisions:

LRE & Continuum of Placements: The team discussed the Student's current LRE and class schedule, which the Parent felt should remain the same. The team discussed the benefits and downsides of adding a special education math class and removing the general education yearbook class. The team decided that the Student did not need a more restrictive setting or

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<sup>5</sup> While this letter was included in the District's response, it is unclear when exactly this letter was provided to the District.

more time in special education, and that the Student could receive his specially designed instruction in vocational skills in the general education setting (yearbook class). The team did not change the Student's current schedule.

Graduation Requirements: The team revisited the Student's middle school IEP team decision to waive the Washington State history class and decided that it would not benefit the Student to take a middle school course at this point in his education, and that the material taught in the senior year civics class was more important to the Student's civic participation. The team decided that senior civics would not be waived as a graduation requirement and the team "declined to reinstate [the middle school] graduation requirement following its waiver at the middle school level."

Transition Plan & Course of Study: The team discussed options for the Student's course of study in his transition plan extensively, which included a discussion of whether the Student would take senior civics in the spring of 2019 (2018-2019 school year) or in the fall of 2019 (2019-2020 school year).

The Parent proposed the following plan for the Student, for the 2019-2020 school year: (1) take senior civics in the fall of 2019<sup>6</sup>; (2) take three additional academic classes at school 2; and (3) spend remaining two periods of school at off-site vocational training.<sup>7</sup>

The District members of the team felt that the Student should take senior civics in the spring of 2019 and move into the District's transition program full time for the 2019-2020 and 2020-2021 school years. According to the District's prior written notice, the "team did not reach consensus with Parent on [the transition/course of study] proposal" and that,

In absence of consensus, District members of the IEP team determined that [the Student's] appropriate course of study in 2019-20 is to participate full-time in the District's transition program. [The Student] has one remaining high school course to take to meet graduation requirements, and he can take this class (Senior Civics) during spring semester 2019. This will enable [the Student] to complete four years of high school with his peer group and move on to the transition program, based at [local] Community College. District members of the team felt that [the Student] would be less engaged in high school classes in fall 2019 after the rest of his class has moved on; that the transition program is the appropriate location for [the Student] to develop his reading, writing, and math skills in a functional setting through real-life applications, as recommended by the recent IEE; and that it would not benefit [the Student] in his postsecondary life to prolong his time in an academic

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<sup>6</sup> The Parent noted, in her reply, that the Student has two graduation requirements to complete – the senior civics class and senior final project, both of which she would like the Student to complete at school 2 in the fall of 2019.

<sup>7</sup> According to the Parent's complaint, she requested a "Hybrid 5<sup>th</sup> year" where the Student would take "non-waived graduation requirement of Senior Civics (one semester) as well as basic academics of reading, writing and math, all to [be] done in the first 4 periods of [school 2] school day. Student then would be in transition for vocational training and job placement at end of day." In the Parent's reply, the Parent stated that she continues to request an "individualized, modified Transition Plan that is tailored to the student's needs and long term goals of having a living wage, personally rewarding career as well as a full life."

setting at the expense of the functional skill development in workplace and community settings that the transition program can provided.

Further, the District noted in its response that, "As was previously noted by OSPI in its decision on Citizen Complaint 18-68, Parent and the District have a difference of opinion about the appropriate balance between Student's academic and functional needs." The District went on to state that the recommendations made by evaluator 2 align with the District's decision that the Student's course of study should "focus on functional academics, practical skills, and real-life experiences" and that the decision was not made "simply because Student has completed four years of high school, but because the transition program can offer instruction in real-life settings in a manner that is not feasible in a classroom-based academic program at a high school."

33. According to the District's response, the team agreed to extend the length of the IEP meeting to ensure that they discussed the Student's transition plan and course of study, and to ensure that the Parent had an opportunity to fully explain her requests and rationale. The District noted that the Parent's attorney was also present and participated in the discussion.
34. Also on September 26, 2018, the Student's IEP team amended his IEP, although the Parent noted next to her signature that she disagreed with the IEP. The post-secondary goals and outcomes section of the Student's secondary transition plan remained unchanged (from the May 2018 IEP amendment); however, the team did update the course of study to read as follows:
  - 2018-2019: Adaptive/daily living – including: social skills, self-advocacy and communication; essential math; essential English; essential reading; vocational skills; general education elective (science); senior civics (spring semester)
  - 2019-2020: Local Community College; District Transition Program; Work Experience Training
  - 2020-2021: Local Community College; District Transition Program; Work Experience Training<sup>8</sup>

The IEP continued to include several goals in each of the following areas and specially designed instruction in reading, written expression, math, daily living/adaptive, and vocational skills. The IEP stated that the Student would spend 40% of his time in the general education setting, which included the yearbook class where he would receive specially designed instruction in vocational skills and a general education science class. The Student would be in the special education setting for his math, reading, writing, and adaptive/social skills classes. The IEP also reflected the IEP team's discussion and consideration of the continuum of placements and least restrictive environment for the Student.

35. In her complaint, the Parent alleged that during the meeting, a District staff person was assigned to take notes in a document being updated in real time and projected on a screen. The Parent stated that it was difficult for her to engage and listen to the conversation and

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<sup>8</sup> The Parent stated, in her reply, that for the Student's "final year under FAPE", the Student would take academic courses at the "adult education program" at the local community college, including business technology class, and that the Student would pay for tuition, fees, and books. Additionally, she would like the Student to participate in a job placement and have a job coach through the District's transition program.

follow the real time meeting minutes being taken. In her reply, the Parent further stated that she noticed that the director was also typing in the meeting minutes document at the same time as the other District staff person. The Parent stated that she believes that this indicated the District made changes to the meeting minutes document before printing and giving her a copy.

36. According to the Parent, the director unilaterally denied the Parent's proposed transition plan and course of study. The Parent stated in her complaint that she recalls that the IEP team agreed that the current class schedule would remain in place for the 2018-2019 school year, and that the director overruled the rest of the team. According to the Parent, the director stated that the Student did not qualify to remain at the high school for the 2019-2020 school year and that the director made the decision based on the Student's age. The Parent stated in her complaint that the director's decision was arbitrary and not based on the individualized needs of the Student.<sup>9</sup> Further, according to the Parent, the District has "repeatedly stated they do not 'modify or individualize' the [District] Community Based Transition program."<sup>10</sup>

Further, in the Parent's reply to the District's response to this complaint, the Student has already achieved what the District's transition program has to offer and thus, participating in this program would not move the Student toward his "individual goals and training."<sup>11</sup> The Parent stated that at a previous internship, the Student's job coach deemed him "employment ready" and that the Student currently has obtained a part-time, entry-level job. The Parent stated that she believes the Student does not need the portion of the District's transition program that focuses on "basic job skills." In her reply, the Parent went on to list the many independent living skills the Student has mastered, including cooking, household chores, recreational activities, transportation, and budgeting and money management.

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<sup>9</sup> In her reply, the Parent included information from a public record request she made to the District that stated that currently, six 19-year-old students and four 20-year-old students are enrolled at school 2 (not in the transitions program).

<sup>10</sup> The Parent also included, in her reply, a letter from another parent in the District who has attended the Student's IEP and evaluation meetings (and IEP meetings with other families, in addition to IEP meetings for her own student). This parent stated that she has seen the District allow other students to remain in high school until age 21, that the District does not individualize the transition program, or that the District has allowed other students to spend part of their day at the high school for academics and part of the day in the transition program. The other parent stated that if families do not agree with District staff, then the District either has the student graduate or places the student in a more restrictive setting and limits transition program services.

<sup>11</sup> The Parent also included in her reply a letter from the Student's private speech language pathologist (SLP) that stated, in part, that the District's transition program does not offer a curriculum that supports the Student's "individual learning profile" and is too "low-level." It is unclear from the documentation provided how much the Student's SLP knows about the District's transition program or what information the SLP is basing these statements on.

37. In a phone interview with the director, OSPI asked the director to provide information about the District's transition program, which is a partnership with a local community college. The director stated that the participants in the program are generally students in the last three years (students aged 19-21) of high school. The basic program is five days a week, where students take classes in the morning (four classes throughout the week) and in the afternoon, attend an internship at a work site with a job coach Monday through Thursday (one internship per semester). On Fridays, students plan and attend community outings, which also gives students an opportunity to apply skills (e.g., budgeting) learned in the classroom. Classroom work includes instruction in budgeting, personal finance, meal planning, cooking, disability awareness, self-disclosure, advocacy and requesting accommodations, job skills, social skills, and resume writing, among other topics. The director stated that there is a focus on functional academics, meaning that subjects such as math and English are not taught in isolation but are instead taught in a manner that allows students to learn and practice practical, real world applications. The director stated that the focus was on supporting students to achieve their goals and be ready to graduate at 21. The director noted that in the last three years of the program, 100% of the students have had a paid job position arranged upon graduation from the program.

In response to a question about how the transition program can be individualized, the director stated that instruction is individualized based on the level and needs of the students, including providing accommodations and modifications. The director also stated that a student's schedule and participation entirely depended on the student and that some students, depending on need, may take another year of traditional high school<sup>12</sup>, some students have a hybrid schedule (some periods at the high school and some at the transition program)<sup>13</sup>, students have different job placements, and some students only participate in one or some portion of the program (i.e., only attend the job internship, or only attend classes, or only participate in the community outing days).

## CONCLUSIONS

**Issue 1: IEP Amendment** – The Parent alleged that the District failed to properly amend the Student's secondary transition plan, course of study, and graduation requirements. The Student's IEP team met on September 26, 2018, per the corrective actions ordered in special education citizen complaint 18-68, to discuss the results of the IEEs, the Student's least restrictive environment (LRE), continuum of placements, secondary transition plan, course of study, and

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<sup>12</sup> The director noted that in this case, the Student is, in fact, already taking another year (or a 5<sup>th</sup> year) of high school. Although, OSPI notes that the Parent characterizes this additional year as a 3<sup>rd</sup> year of middle school.

<sup>13</sup> The director did note that, in the past, students with hybrid schedules struggled with moving between the high school classroom and the transition program. The director stated that once students start the transition program at the community college, students receive a community college identification card, have access to community college facilities and other classes, and often start to identify as college students. In the past, students with a hybrid schedule have had a difficult time going back to the high school.

graduation requirements. An IEP team should work toward a consensus, but in the event that they can't, the district has the ultimate responsibility to ensure that the IEP includes the services that a student needs in order to receive a free appropriate public education (FAPE). If the team cannot reach agreement, the district must determine the appropriate services and provide the parents with prior written notice of the district's proposals or refusals, or both, regarding the student's educational program.

Graduation Requirements: Washington law sets out subject and credit requirements for high school graduation. While there may be times, when due to the nature of a student's disability, he will not be able to complete a graduation course requirement and will instead need take an alternate course, this is a decision that must be made by following the District's procedures established under WAC 180-051-115.

The Student currently needs to take a senior civics class in order to graduate. The disagreement here stems from the fact that the Student's IEP team in middle school waived a requirement to take a Washington State history class. The Student's IEP team discussed this and determined that it would not reinstate the middle school requirement, because it would not benefit the Student to take a middle school course at this point. The Student's IEP team decided not to waive the requirement to take senior civics, and thus, this requirement remains. OSPI finds no violation. While there is disagreement (discussed below) about when the Student will take this class, the team followed the appropriate procedures to discuss the Student's graduation requirements.

Transition Plan & Course of Study: Beginning no later than the first IEP to be in effect when a student eligible for special education turns 16, the student's IEP must include appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and independent living skills. The transition services should include a course of study needed to assist the student in reaching those goals.

The documentation in this complaint indicates that the District is generally supportive of the Parent's post-secondary goals for the Student and is willing to work with the Parent to support the Student in that direction (see e.g., September 2, 2018 email from school psychologist who stated that the school team would not push back in pursuing goals and objectives that will help the Student.) However, the documentation does indicate that there is a fundamental difference of opinion between the Parent and the District regarding the best course of action to implement the Student's transition plan and course of study, and about the appropriate balance between the Student's academic and functional needs.

The Parent stated that the Student's post-secondary goals are to work in office management, in a high school or large college. At the September 26, 2018 IEP meeting, the Parent proposed the following plan:

- 2018-2019 (current) school year: Student will remain in his current classes, including science and yearbook.
- 2019-2020 school year: "Hybrid Schedule" – Student will take four classes at the high school, including senior civics and then spend the remaining time at an off-site vocational placement.



The District proposed, and when a consensus could not be reached by the IEP team, stated it would implement the following in order to provide the Student with a FAPE:

- 2018-2019: Student will take senior civics in the spring of 2019.
- 2019-2020: Student will participate in the District's transition program.
- 2020-2021: Student will participate in the District's transition program.

The District members of the team stated that the District's proposed plan offers the Student a FAPE, that this plan will allow the Student to complete four years of high school with his peer group before moving into the transition program (which is located at a local community college), and that this plan is consistent with the recommendations in the IEEs.

The Parent stated that the District improperly based the decision solely on the Student's age. The Parent offered documentation (a public records request to the District), and the District verified, that there are 19 and 20-year-old students who continue to take classes in the high school setting, and there are students who have had a similar schedule to the "hybrid" schedule the Parent proposed. However, even if other students have had similar schedules, this only indicates that this can be done, and that the district individualizes and does not provide a one size fits all transition program. The transition plan of other students do not have any bearing on this Student's plan or speak to whether this type of schedule is appropriate in this Student's case, as his transition plans must be individualized to his needs. There is no evidence in this complaint that the IEP team's decision was based only on the age of the Student. On the contrary, the documentation in this complaint indicates that the team considered: the Student's age, moving with his peer group, encouraging a successful transition (challenges and benefits of the different scheduling options), the IEE recommendations, and the importance of a functional setting and real-life applications of learning.

Finally, the Parent brings up concerns that the District's 18-21 transition program is not appropriate for the Student because the District does not individualize the program. At the same time, the Parent indicates that the Student has already achieved everything that the District's transition program has to offer. The Parent offered a statement from another parent in the District who also alleges that her student's transition program was not individualized. This other parent's statements again have no bearing on this complaint because what little is known about this other student can in no way be generalized to this Student's experience in this complaint. The District provided many examples of how the transition programs of students can be individualized; however, ultimately this question is premature because the Student has not actually begun the transition program yet. OSPI encourages the District to continue listening to the Parent's concerns and suggestions as the Student moves into the transition program next year, and individualize the Student's program as appropriate.

Ultimately, if the IEP team cannot reach an agreement on the Student's program, the District is responsible for providing the Student a FAPE. While the Parent may disagree and may continue to disagree with the District's proposed educational program, the District in this situation extensively discussed the Parent's proposal, listened to her concerns, and extended the length of the IEP meeting in order to ensure that they fully discussed the Student's transition plan. The District offered the Student a FAPE and is implementing the Student's IEP, including his transition

plan and course of study. Further, the District followed all procedures and properly amended the Student's IEP. OSPI can find no compelling reason to question the IEP team's decision here, although OSPI does note that based on the Student's current schedule, it is unclear what period the Student will take senior civics in the spring. OSPI recommends that the District continue to use an IEP facilitator for IEP meetings (if all parties agree) and reminds the District that it still will need to determine when and how the Student takes the senior civics course given that currently, the team agreed not to change the Student's class schedule (see below issue 2).

**Issue 2: 2018-2019 Placement** – The Parent alleged that the District failed to properly determine the Student's placement for the 2018-2019 school year, specifically with regard to any potential changes to the Student's class schedule. School districts shall ensure that the provision of services to each student eligible for special education is provided in the least restrictive environment (LRE). This means, to the maximum extent appropriate, students should be in the general education environment and should only be in special classes when the nature or severity of the disability is such that education in the general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. A student's IEP team has the responsibility to determine LRE and should consider factors such as the educational benefits to the student of placement in the general education classroom; the nonacademic benefits of interaction with general education peers; the effect of the student's presence in the classroom; and the cost of inclusion. Educational placements should be determined annually, and each district must ensure that a continuum of alternative placements is available to meet the special education and related services needs of students.

Based on the documentation in this complaint, the Student's IEP team discussed his current placement and LRE and potential changes. These changes included adding a special education math class and removing the general education yearbook class. The documentation indicates that they discussed the required factors, including the benefits of an additional math class and the yearbook class, potential drawbacks of changing the Student's schedule, and the benefits of interacting with general education peers in the yearbook class. The Student's IEP team, including the Parent, were all in agreement that the Student's current schedule should remain unchanged, i.e., that the Student would remain in the yearbook class and receive specially designed instruction in vocational skills in that class. OSPI does not, as discussed above, it is unclear how the senior civics class will fit into the Student's current schedule.

OSPI finds that the Student's IEP team properly considered a continuum of placements and thoroughly discussed the implications of changing the Student's LRE. OSPI finds no violation. The District followed all the procedures to determine the Student's placement and LRE.

**Issue 3: IEE Provider Request** – The Parent alleged that the District failed to invite the independent educational evaluation provider to the IEP meeting. When a parent obtains an IEE, the results of the evaluation must be considered by the district in any decision made with respect to the provision of FAPE to the student. IEEs must be provided at public expense, which means that the district either pays the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents.

In November 2017, the District agreed to conduct an IEE at the Parent's request. The IEE was provided by two evaluators, and included a vocational assessment and an assessment provided by a clinical neuropsychologist (evaluator 2). The vocational assessment was completed and provided to the District at the end of June, and the report included recommendations regarding the Student's potential post-secondary employment. The vocational assessment noted that the Student did not express an interest in a specific job or industry, and gave general answers about his interest in working in an office, working with a sports team, and current work in the school library. The report noted that the Student could be productive in a position that involve frequent new tasks and social interaction (e.g., help/reception desk) and that physically stationary (e.g., sitting for a long period at a desk) and routine jobs would be challenging.

Throughout August 2018, the Parent began discussing with the District and evaluator 2 dates that the Student's IEP team could meet with evaluator 2 to review the IEE report. The Parent also stated that she met with the school psychologist and they agreed that evaluator 2 should attend the IEP meeting. In early September 2018, the Parent and director continued to email regarding evaluator 2's attendance at the IEP meeting. The director stated that the District was required to consider the results of the IEE and that if there were questions about the IEE results that require evaluator 2 to be present at the meeting, the District would invite her. The director stated that if the Parent, however, wanted to invite evaluator 2, the Parent was welcome to, but that the Parent would be responsible for the expense of evaluator 2's attendance.

According to the documentation in this complaint, the Parent was confused about the statements that she would be responsible for the cost of evaluator 2's attendance. The Parent believed, based on earlier communications, that the District already planned to have evaluator 2 attend an IEP meeting when her report was complete. The Parent indicated that this belief came from plans to have the IEE evaluators attend IEP meetings in January and May 2018 (the IEE evaluators did not attend these IEP meetings because the IEEs were not yet complete).

At the IEP meeting, the team reviewed the IEE reports and the District's documentation provides evidence that the team focused on recommendation that the Student's academic and vocational learning activities be grounded in real life experiences (i.e., a functional academic program) in order to prepare the Student for future vocational and community settings. There is no indication that the District has misinterpreted the results of the IEE. The IEE report recommends that the Student have academic and vocational learning activities grounded in real life experiences, practice writing for communication purposes (e.g., writing notes and letters), and work on math concepts in practical settings and this is exactly what the District's transition program provides.

While the District must consider the results of the IEE, the District is not required to have the IEE evaluator at the IEP meeting. Here, OSPI finds that the District properly considered the results of the IEE reports. OSPI does find that there was some confusion and miscommunication regarding the IEE evaluator's attendance at the meeting. The District believed the Parent already understood that having the evaluator attend the meeting would be at the Parent's expense. The Parent believed that the District had always intended for evaluator 2 to attend a meeting to discuss her report. The District did let the Parent know that she could invite evaluator 2 to the meeting, at her own expense. So while there was some confusion, because the IEE evaluator is not a required

member of the IEP team and because the District properly considered the results of the IEE, OSPI finds no violation.

**Issue 4: Parent Participation** – The Parent alleged that the District failed to allow for Parent participation in the IEP meeting. Parents of a student with a disability should be active participants in the IEP team in order to provide critical information regarding the strengths of the student, concerns regarding the educational program, and in discussions of the student’s need for special education, related services, and supplementary aids and services. The district must ensure that one or both of the parents are present at each IEP meeting and are afforded the opportunity to participate. This includes notifying the parents that other individuals who have knowledge or special expertise about the student may attend the IEP meeting. As discussed above, the Student’s IEP team met on September 26, 2018. Based on the documentation in this complaint, the Student’s IEP team thoroughly discussed all topics and considered the Parent’s proposed schedule and transition plan for the Student. The Parent and the Parent’s attorney participated actively in the IEP meeting.

Specifically, the Parent alleged that because the director was also taking notes in document (that was being projected on a screen and updated in real time as the meeting occurred), in addition to a District staff person, the Parent believes changes were made to the final version of the meeting notes. The Parent alleged this limited her parent participation. There is no rule or regulation that address how notes are taken during an IEP meeting or who takes notes. The fact that the director was taking notes in the same document that another staff person was taking notes in is not necessarily an indication that documents were improperly changed. The meeting notes, read together with all of the District’s other documentation, present a consistent account of the meeting. Further, it is unclear how this could have limited the Parent’s participation in the meeting.

While frustrating, disagreement with the IEP team or with the program offered by the District does not necessarily mean a parent’s participation was limited. Here, as discussed, the Parent disagrees with the IEP team’s decision. This does not mean that the Parent’s participation was limited. OSPI finds that the District followed all procedures, and worked diligently to ensure that the Parent was able to participate and share her concerns and ideas.

#### **CORRECTIVE ACTION**

**STUDENT SPECIFIC:**

None.

**DISTRICT SPECIFIC:**

None.

#### **RECOMMENDATION**

Because there was some confusion and potential miscommunication about the independent educational evaluation (IEE) provider attending the Student’s IEP meeting, OSPI recommends that the District review its policies and procedures around IEEs. The District should consider including

steps in the procedure that address clearly communicating with parents about when or why an IEE evaluator would attend an IEP meeting, and who is responsible for the costs.

Dated this \_\_\_\_ day of November, 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.)

## APPENDIX A: MEETING NOTES

Topic	Discussion	Decision
<p>Least restrictive environment – review and document the continuum of placements and what supplemental aids and services might be necessary for the student along with the benefits and potential harmful effects of each placement that is considered for the student.</p>	<p>Because of [the Student's] needs there is an interesting situation. Continue Math education – fraction, division, functional math. This math class is at the same time as the yearbook class. Would like to get both of those to continue? There are times when students are working on their own and work as a group. Can he work on his work during those times? His participation would be in a math group with students that he can grow towards. His current class is at a higher level of math than [IEE evaluator] requested. [School psychologist] has been observing [the Student] more in his yearbook class. [The Student] is becoming more engaged and it seems that yearbook is an appropriate placement for him. Only math class available of Math skills '2' because the benefit of all other course he is taking that are important to [the Student's] progress. Math skills '2' is a group of six. This gives him the opportunity for exposure to higher level math and gives him a small classroom experience.</p> <p>LRE Page: IEP team determined [the Student's] least restrictive environment of 40% by: considering supplementary aids and services, comparing the academic and nonacademic benefits provided in the general education class and the benefits provided in the special education class, and considering the potential beneficial or harmful effects which a placement (in the general education class) may have on the student with disabilities or the other students in the class. The team determined supplementary aids and services are not appropriate to meet the student's needs in the general education class because of the significant modifications needed in reading, writing and math. Student will be attending [school 2]. 40% of [the Student's] day is spent with general education peers in Annual, lunch, breaks, assemblies, and Science. [The Student] spends 60% of his day in a special education classroom to receive Specially Designed Instruction in the areas of written expression, daily living/adaptive reading and math. Vocational SDI is delivered in a Gen Ed setting (Annual)</p>	<p>Individualized instructions in Math skills '2'. [The Student's] schedule will not change. Approach yearbook as pre-vocational course. Layout sequence of expectations of Annual for [the Student].</p> <p>Change the wording that his vocational skills will be served in a General Education environment instead of Special Education environment. Increases to 40% into Gen Ed and 60% into SPED.</p>
<p>Secondary transition plan – review the course of study and with the Parent's input, and determine what graduation requirements, if any, should be waived</p>	<p>For course of study see above.</p> <p>Statement from [special education teacher]: Most self contained group of students is a group for 4 years and then moved to the transition program housed at [local] Community College. [The Student] is a student that can move in that direction.</p> <p>Scenario of transition program is a generalized plan. What is in [the Student's] best interest to be successful post 2021? Develop academic skills needed for a job. How does he move through the graduation requirements to get a high school diploma? Parents</p>	<p>No consensus reached by IEP team. District offered FAPE is student to take senior civics spring semester 2019 and to participate in the transitions program 2019-2021.</p>

	<p>don't want to waive graduation requirements. Current schedule meets criteria needed for academic and vocational skills.</p> <p>High School and Beyond Plan: 9 options – Determine which option is appropriate by student and parent. If [local] Community College and transition, then that'll happen at [school 2].</p> <p>No graduation requirement can be altered without an IEP team decision.</p> <p>Civics is open for discussion. 3 years at middle school. 4<sup>th</sup> year at a high school. 7<sup>th</sup> year of secondary education.</p> <p>2 options to fit Civics in: Spring 201[9] (strong opposition and possible schedule inability) or Fall 2019 (in conjunction with transitions or altered schedule at [school 2] with vocational training)</p> <p>Is there an issue taking Civics in the fall of 2019? [School psychologist] stated 'When [the Student] takes civics is up for discussion.'</p> <p>Director: '[local] community based transitions does engage in functional academic program. Divide between high school and college setting may be confusing.' Is it more appropriate to place [the Student] in Civics in spring 2018 or fall 2018?</p> <p>Parents want [the Student's] schedule to remain for the year and take Civics in the fall 2019. Parent expectation: Academic classes at high school with Civics in the fall (4 periods at [school2]), off-site vocational training (last 2 periods) and eventually get a clerical certificate at [another local] Community College post fall 2021.</p> <p>The level of need looking at documentation, that transitions program is recommended by [director]...why transitions program is recommended.</p> <p>[Assistant principal] – The word functional applied to life skills not academics. Parent feels he lost academic skills while at [school 1]. Making a correction of that course has been going on since February. It's not enough time to see the necessary gain from that stagnation. Parents stated [the Student] needs to be prepared for a clerical setting, reading, writing, and math skills need to be improved but more progress may happen on the job. [The Student] is making a big transition and give him until November to settle in.</p>	
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	<p>Need to be in agreement with the next 3 years.  For parent it is a no-starter to change schedule 2<sup>nd</sup> semester 2018-2019 school year.  Decide on something for today and make adjustment later?  Common interests are civics and on the job training.  Transition Program – academics in real life setting.  Parents Plan  2018-2019 – Schedule as is  2019-20120 – 1-4 periods      Academics (reading, writing, math)      Civics – 1<sup>st</sup> semester      5-6 periods of off site vocational  2020-2021 – Adult basic education      Transition Program plan      High School and Beyond plan      Taking computer software classes at [local] Community College</p> <p>If the IEP team can't reach consensus, then District needs to make an offer of FAPE.  IEE lays out decision of need but not a timeline.  If what is offered to him in the transition program is too low for [the Student]. Parent feels [the Student] needs to learn skills in an academic setting and apply in a vocational setting. Therefore, not a good fit. Other parents say that the transition program wasn't enough for their students and they had to tap into community college to gain the needed skills. Last year in transition program, student needed to go back and relearn those skills. Those parents wish they had done differently by doing academics at high school and utilize the transition as well.</p> <p>Washington State History was previously waived.</p>	
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