

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 20-51**

### **PROCEDURAL HISTORY**

On April 8, 2020, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the Kelso 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 April 9, 2020, 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 April 28, 2020, OSPI received the District's response to the complaint and forwarded it to the Parent on April 29, 2020.

On May 12, 2020, OSPI received the Parent's reply. OSPI forwarded that reply to the District on May 13, 2020.

On June 1, 2020, OSPI determined that additional information would be helpful to the investigation and contacted the District's director of special programs (director). OSPI received the requested information from the director on June 2, 2020. OSPI forwarded that information to the Parent the same day.

On June 3, 2020, the Parent provided OSPI additional information. OSPI forwarded that information to the District the same day.

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

### **ISSUE**

1. Did the District follow procedures to respond to the Parent's request for an individualized education program (IEP) meeting and to amend the IEP on the following dates: October 31, 2019, January 22, 2020, and February 27, 2020?

### **LEGAL STANDARDS**

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 individualized education program (IEP) team meeting or are afforded the opportunity to participate, including: (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place. The notification must: (a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and (b) Inform the parents about the provisions relating to the participation of other individuals on the IEP team who

have knowledge or special expertise about the student. If neither parent can attend an IEP team meeting, the school district must use other methods to ensure parent participation, including video or telephone conference calls. The school district must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting. The school district must give the parent a copy of the student's IEP at no cost to the parent. 34 CFR §300.322; WAC 392-172A-03100.

General Education Teacher Attendance at IEP Meetings: Not less than one of the student's general education teachers must participate as a member of the IEP team, if the student is, or may be, participating in the general education environment, to assist in the determination of appropriate annual educational goals, behavioral interventions, supplementary aids and services, program modifications, and/or supports for the student. 34 CFR §§300.321, 300.324; WACs 392-172A-03095(1)(b) and 392-172A-03110. Participation by a general education teacher is an important aspect of the IEP development process because of their knowledge of how a student with a disability might benefit from being placed in a general education classroom. Individuals with Disabilities Education Act (IDEA), 62 Fed. Reg. 55,124 (October 22, 1997) (Appendix C to 34 CFR Part 300). The general education teacher who serves on the IEP team should be one who is, or may be, responsible for implementing a portion of the IEP. However, the general education teacher may not, depending upon the child's needs and the purpose of the specific IEP team meeting, be required to participate in all decisions made as part of the meeting, be present throughout the entire meeting, or attend every meeting. IDEA, 64 Fed. Reg. 12,475, 12,477 (March 12, 1999) (34 CFR Part 300, Questions 24 & 26).

IEP Amendments: After the annual IEP team meeting for a school year, the parent of a student eligible for special education and the school district may agree not to convene an IEP team meeting for the purposes of making changes to the IEP, and instead may develop a written document to amend or modify the student's current IEP. If changes are made to the student's IEP the school district must ensure that the student's IEP team is informed of those changes and that other providers responsible for implementing the IEP are informed of any changes that affect their responsibility to the student. Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated. 34 CFR §300.324; WAC 392-172A-03110.

## **FINDINGS OF FACT**

### **2019-2020 School Year**

1. August 28, 2019 was the first day of the 2019-2020 school year for the District.
2. At the commencement of the 2019-2020 school year, the Student was eligible for special education services under the category of emotional behavioral disability, was in the sixth

grade, and attended a District middle school. The Student's May 2019 individualized education program (IEP) was in effect.<sup>1</sup>

3. On October 10, 2019, the Parent provided the principal a handwritten note, requesting to "schedule an IEP meeting...to discuss a behavioral plan and make amendments as needed." That same day, the Parent also emailed the Student's special education teacher and case manager (case manager), requesting an IEP meeting to discuss amending the Student's IEP.
4. On October 14, 2019, the case manager emailed the Parent to propose an IEP meeting date of October 31, 2019 at 2:30 pm. That afternoon, the Parent replied to the case manager's email to confirm she could attend at the proposed date and time. Following the Parent's reply, the case manager sent an outlook calendar invitation to some members of the Student's IEP team with the subject line, "[Student] – IEP/ [behavior] plan review." It included the location of the meeting, with the date and time, and indicated the WISE<sup>2</sup> team would attend. The email invitation was not sent to the Parent and no other formal or informal notice was provided to the Parent.
5. On October 31, 2019, members of the Student's IEP team convened.<sup>3</sup> The Parent, grandparent, WISE therapist, District's special programs director (director), and principal were present. According to a transcription of handwritten meeting notes provided with the District's response to this complaint, the Parent stated she was concerned about the Student's grades. She indicated she would like the IEP to state the Student's behavior was impacting the Student's academic progress.<sup>4</sup> According to notes taken during the IEP meeting, the IEP team also discussed the Student's skill building class, sending a behavior tracker home, what was to occur during time between classes and during lunch, accommodations, a plan for making up assignments during lunch and after school, holding monthly meetings to review the Student's progress, and concerns that the Student's behavior was due in part to seeking attention from peers.
6. Also, on October 31, 2019, the District issued prior written notice (PWN), stating the IEP team proposed to communicate directly with the Parent via email after a behavior tracker for

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<sup>1</sup> The Student's May 2019 IEP provided the Student with 30 minutes weekly of speech and language therapy, to be provided by a speech/language pathologist, and 120 minutes weekly of social/emotional behavior specially designed instruction by a paraprofessional. The Student's IEP stated he would spend 91.48% of his time in the general education setting.

<sup>2</sup> "WISE" stands for "Wraparound with Intensive Services."

<sup>3</sup> The Parent stated in her complaint that she was told the meeting was not an IEP meeting.

<sup>4</sup> The Student's May 2019 IEP already stated "[Student] does have behaviors that may impede his learning or the learning of others."

discipline was initiated, and to modify and/or shorten the Student's assignments.<sup>5</sup> It also documented the Parent and teacher's concerns about the Student's behaviors impacting his grades, and the IEP team's agreement that the Parent and case manager would meet monthly to review the Student's progress and discipline. The PWN stated the next meeting was scheduled for November 5, 2019, with all team members and WISE invited.

7. On December 13, 2019, the Student's IEP team convened<sup>6</sup> to review the functional behavioral assessment (FBA) conducted by the school psychologist.<sup>7</sup> The Parent, a school administrator, case manager, grandparent, general education teacher, WISE therapist, and ombudsman<sup>8</sup> were present.

The FBA recommended a behavioral intervention plan (BIP) be considered for the behavior to help the Student "recognize he is escalating and to respond by utilizing regulating techniques and expressing displeasure appropriately." The FBA additionally recommended the Student be provided a designated place to take a break, problem solving discussions, pre-teaching of coping skills, prompts and/or reminders to seek assistance, modeling of social scenarios and recognizing emotions, and consequences in line with the discipline procedures of the building. A draft positive behavior support plan (PBSP) was drafted by the case manager in response to the updated FBA.

During the meeting, the Parent requested 1:1 paraeducator support, a behavior therapist to assist with support at school, push-in support for speech, and occupational therapy. The Parent additionally requested the Student be able to take an elective, such as choir or art, instead of social skills class. The Parent additionally requested weekly progress notes regarding the Student's behavior.

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<sup>5</sup> In her reply to the District's response, the Parent stated that she never agreed to the Student's assignments being modified or shortened: "I absolutely told the school that I refuse to have assignments modified or shortened..." It is noted the District did not revise the Student's IEP to include the language from the PWN regarding the modification of assignments.

<sup>6</sup> In her complaint, the Parent did not raise any issues regarding the December 13, 2019 IEP meeting. Information about the meeting is provided to provide context to the timeline.

<sup>7</sup> The Student's FBA was developed to address a target behavior of "disruptive and distracting behaviors which consist of but not limited to: inappropriate comments, noises, talking/blurting, out of seat, and promot[ing] inappropriate play." It was noted that the Student currently had 12 disciplinary referrals, which included "4 disruptive conduct, 2 simple assault, 2 failure to cooperate, 1 skipping detention, 2 tardies, and 1 harassment intimidate bullying." The behaviors occurred a minimum of 3 times and up to 10 times daily per teacher reports. Contributing factors included inconsistency among adults, and effort and/or motivation. Prior interventions which had been unsuccessful included: "a check in check out system, alternative working space, preferential seating, and reward system."

<sup>8</sup> Ombudsman was present by phone.

8. That same day, December 13, 2019, the District issued a PWN. The PWN documented each of the Parent's requests, including: 1:1 paraeducator support, additional support from a behavior therapist during the school day, push-in support for speech, occupational therapy, and the change to the Student's schedule to remove the social skills class so the Student could take an elective. The PWN also documented the Parent's request for weekly progress reports. The PWN stated the "meeting was unsuccessful" and noted the Ombudsman discussed how "any decisions or requests for the IEP is an IEP team decision and team members must agree to any changes or amendments to the IEP/[behavior] support plan."<sup>9</sup> The PWN stated the Ombudsman recommended the next step should include a mediator. The PWN further documented the receipt by the Parent of the updated FBA and PBSP two days before the meeting, and that the IEP team considered each of the Parent's requests.
9. On December 19, 2019, the District retroactively sent notice to the Parent of the meeting held on December 13, 2019, to discuss the Student's FBA.
10. On January 6, 2020, the case manager forwarded an email from the Parent to the director, principal, and school psychologist, stating the Parent had contacted Sound Options Mediation Group.
11. On January 7, 2020, the director emailed members of the Student's IEP team, confirming preliminary details regarding the upcoming mediation.
12. On January 8, 2020, the director emailed the case manager that during the mediation, the IEP team would need to complete the IEP amendment, along with the PBSP. In a second email sent the same day, the director confirmed that the IEP amendment was a possible outcome of a mediation.
13. On January 16, 2020, Sound Options Mediation Group confirmed with the Parent and District the mediation date was set for January 22, 2020.
14. On January 22, 2020, the District and Parent participated in mediation from 9:00 am to 4:00 pm. The Parent, grandparent, case manager, principal, school psychologist, director, and mediator were present. The mediation resulted in a mediation agreement and an amended positive behavior support plan. The terms of the mediation agreement were as follows:
  - (1) The Behavior Progress Monitoring sheet shall be completed weekly & placed in the Friday homework folder.
  - (2) In partnership, school and family will work to create a school schedule designed to meet [Student's] needs within the master schedule.
  - (3) School will provide rolling partition assigned to case manager for the purpose of reducing contact between students that trigger each other.
  - (4) Case manager will contact history, math, social skills teachers to inform, parent of homework assignments.

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<sup>9</sup> This is the language stated in the PWN. OSPI notes that while IEP teams should try to reach a consensus and the IEP team must consider the requests and views of the Parent, it is not required to agree or adopt the Parent's requests and should make its decisions based on what is required to provide the Student with a free appropriate public education (FAPE).

15. On February 1, 2020, the Parent emailed the case manager and requested an IEP meeting. She wrote, "I am requesting an IEP amendment meeting an actual IEP amendment meeting not one you guy's claim is not a meeting [sic]." The Parent requested the school psychologist, director, speech therapist, counselor, and principal be present. She also stated she would have the ombudsman phone into the meeting.
16. On February 6, 2020, the case manager emailed the Parent and proposed two meeting dates and times.
17. On February 13, 2020, the Parent emailed the case manager that the two times proposed did not work for her and the ombudsman, and outlined multiple dates and times both she and the ombudsman could attend, including February 27, 2020 at 1:00 pm.
18. On February 14, 2020, the case manager replied to the Parent's email that she would plan on February 27, 2020 at 1:00 pm for a meeting.<sup>10</sup> That same day, the case manager sent an outlook email invitation to the director for an IEP amendment meeting for February 27, 2020, for the Student.
19. On February 27, 2020, the Student's IEP team met.<sup>11</sup> The Parent, grandparent, WISe therapist, general education teacher, speech language pathologist, director, and principal attended and participated. The ombudsman participated by phone. According to meeting notes, the Parent requested 1:1 support and "a different delivery method." The meeting notes also stated the team discussed a supported learning classroom.
20. Also, on February 27, 2020, the District issued PWN, documenting the Parent's request for a 1:1 instructional assistant (IA) during the school day, and a behavior therapist to provide behavior interventions. The PWN stated the IEP team rejected the Parent's request for a 1:1 because the team "didn't feel the IA would be beneficial for [Student] because he already has consistent IA support in all of his classes and behaviors still continue."<sup>12</sup> The PWN also documented the team's agreement for "Quest consultation and to follow up with Quest recommendations." The PWN documented the team's consideration of the Student's

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<sup>10</sup> It is noted that while the District's response includes documentation of an email response to the Parent confirming a meeting, no formal notice of an IEP meeting was sent or documented. It is recommended the District have a practice of documenting notice of IEP meetings.

<sup>11</sup> The Parent stated she was told by the principal that the meeting on February 27, 2020 was "not an IEP amendment meeting." OSPI notes that documentation shows the meeting was an IEP meeting and that it was documented by the District as an IEP meeting. It appears the principal may have been referring to the fact that not every IEP meeting results in an amendment to the IEP. There may have been miscommunication regarding this issue.

<sup>12</sup> The Parent stated in her reply that she did not believe the Student had consistent 1:1 support because she was told the Student had various levels of support during different meetings and that it was accordingly unclear when he had 1:1 support. The issue of 1:1 support was addressed by the District during subsequent IEP meetings.

discipline records, the Student's last evaluation, and his current academic performance. It additionally noted the administration proposed a behavior self-contained classroom, and that the Parent rejected this proposal because she did not want the Student at a different location. The PWN stated the IEP team would meet again, following consultation from Quest Academy.

21. On April 8, 2020, the Parent filed this complaint with OSPI.
22. On May 6, 2020, the Student's IEP team met via phone for the Student's annual review. The Parent, building principal, special education teacher, WISE team member, grandparents, speech language pathologist, special education teacher 2, general education teacher participated. The meeting was facilitated by a facilitator from the Sound Options Mediation Group.
23. Following the facilitated IEP meeting on May 6, 2020, the District issued PWN that it was proposing to continue providing special education services to the Student in the areas of social/emotional and communication, and that it was proposing to add 1:1 instructional support to the Student during the school day, as requested by the Parent. The PWN documented the Parent's additional requests for removing the Student's social skills class, a request for an outside behavior support therapist, outside communication services, a request for an independent evaluation, and daily progress notes on behavior. The District rejected the outside behavior support therapist because the District has a behavior therapist, which it agreed to provide to the Student and noted the case manager would follow up. It also rejected outside communication services and indicated it would continue using the District's provider to serve the Student as outlined in his IEP. It noted administration would follow up with the Parent regarding her request for an independent evaluation. The PWN noted the Parent's refusal to sign the IEP and stated it was the District's education offer, constructed by the full IEP team, with Parent input and full consideration.
24. On May 12, 2020, the Parent submitted her reply to the District's response. In her reply, the Parent stated that the Student's IEP had never been amended in response to the IEP meetings she attended. The Parent additionally expressed concerns that the agreements made during the IEP meetings, including the IEP meeting mediated by Sound Options, had not been implemented by the District. The Parent wrote that she believes the meetings were not "IEP amendment meetings" because the items agreed to at the meetings have not transpired.

## **CONCLUSIONS**

**Issue 1: October 31, 2019, January 22, 2020, and February 27, 2020 Individualized Education Program (IEP) meetings** – The Parent alleged the District failed to follow procedures to respond to her requests to meet and amend the Student's individualized education program (IEP) on October 21, 2019, January 22, 2020, and February 27, 2020.

After the annual IEP team meeting for a school year, for the purpose of discussing proposed changes to the IEP, the parent of a student eligible for special education may request an IEP meeting, or the parent and the school district may agree not to convene an IEP team meeting and

instead may develop a written document to amend or modify the student's current IEP. If the parent requests an in-person meeting, the District must work with the parents to schedule a meeting within a reasonable amount of time at a mutually agreeable time and place to ensure the parents are afforded an opportunity to participate, including: (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place. The notification must: (a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and (b) Inform the parents about the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student.

If an IEP meeting is requested, all required members of the IEP team must be present, including a general education teacher if the student is participating in general education. Because only certain information is required to be included in an IEP, not all IEP meetings will result in a change or amendment to the IEP and not all issues discussed at an IEP meeting always require a change to the IEP. However, if a change is made to the IEP, the school district must provide the parents with prior written notice and ensure the student's IEP team is informed of those changes and that other providers responsible for implementing the IEP are informed of any changes that affect their responsibility to the student. The school district must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.

#### October 31, 2019

On October 10, 2019, the Parent requested an IEP meeting, both in a handwritten letter and by email. The case manager responded to the Parent's request by email and proposed a meeting for October 31, 2019. The Parent accepted the proposed time and the case manager sent an outlook invitation to all the IEP team members, except for the Parent, containing information about the purpose of the meeting, who would be attending, and the date, time, and location of the meeting. The District did not follow up with similar notice to the Parent, either formally or informally. While the Parent was still able to attend and participate in the meeting, and thus the failure to provide notice did not result in a denial of a free appropriate public education (FAPE), the Parent stated in her complaint that she was later told that the meeting was not an IEP meeting and there appears to have been confusion between the District and Parent regarding the purpose of the meeting. This confusion could have been alleviated by the District following procedures regarding sending timely notice or an invitation prior to the meeting. OSPI accordingly finds the District to be in violation and the District will be required to complete training on meeting notices.

Additionally, a general education teacher did not attend the meeting and therefore, not all required members of the team were present. OSPI finds the District in violation and the District will also be required to complete training on properly constituted IEP teams.

Following the meeting, the District sent prior written notice (PWN), documenting its understanding of the agreements made during the meeting. In her response, the Parent noted that she disagreed with the part of the PWN which stated the team agreed to implement the accommodation of modifying/shortening assignments, but which did not note her disagreement.

It is noted that the District did not appear to revise the Student's IEP following the IEP meeting and accordingly, this accommodation was never included in the Student's IEP. It is unclear if the District did not revise the IEP because the Parent disagreed with the proposed amendment and the District therefore decided not to revise the IEP, and because none of the other items discussed the PWN required revision of the IEP, or if the District has been implementing the accommodation but did not revise the IEP in error. The issue of modified assignments/grading was not raised at later IEP meetings and was not addressed in later PWNs. If the PWN stated the IEP team determined the IEP should be amended, the agreed-upon amendment as stated in the PWN must be incorporated into a revised IEP within a reasonable amount of time to ensure the IEP is implemented and services and supports are clear to all providers. If the Parent disagrees with the PWN, she may request a new IEP meeting or pursue her other dispute resolution options available under the IDEA.

Here, because the IEP was not amended, it is unclear whether the accommodation was ever implemented. However, because it was included in the PWN, it is also unclear to teachers and service providers, especially those who were present at the October 2019 IEP meeting, if they should be implementing the accommodation or whether it has been determined the Student does not require it. OSPI accordingly finds the District to be in violation because under the circumstances, the Student's IEP is not clear regarding whether the accommodation should be implemented. The District will be required to hold an IEP meeting to discuss the issue of whether the Student requires his IEP to be amended to include the accommodation of modified/shortening assignments. Following the meeting, the District shall issue sufficient PWN, documenting the IEP team's decision, including its reason for the decision, and any disagreement by the Parent, if relevant.

#### January 22, 2020

The January 22, 2020 meeting was not an IEP meeting, but rather a mediation requested by the Parent and attended by some members of the IEP team. Agreements made at a mediation could result in an amendment to an IEP; however, mediation is not equivalent to an IEP meeting. While OSPI has the authority to enforce mediation agreements, enforcement of the January 2020 mediation agreement was not raised in the initial complaint and is accordingly outside the scope of this decision. If the Parent believes the District has not implemented the terms of the mediation agreement, the Parent may file a new complaint with OSPI on this issue.

#### February 27, 2020

On February 1, 2020, the Parent requested an IEP meeting. From February 6-14, 2020, the Parent and case manager exchanged emails to find a mutually agreeable meeting time. An IEP meeting was scheduled for February 27, 2020. The Parent attended and participated. All required members of the IEP team were present. Following the IEP meeting, the District sent PWN, documenting the Parent's requests, the IEP team's decision not to grant the Parent's requests at that time, and the IEP team's reasoning for denying the Parent's request. OSPI finds no violation.

## CORRECTIVE ACTIONS

By or before **August 21, 2020, August 28, 2020, September 11, 2020, and September 25, 2020**, the District will provide documentation to OSPI that it has completed the following corrective actions.

### STUDENT SPECIFIC:

#### IEP Meeting

By or before **September 4, 2020**, the Student's IEP team will meet. The meeting may be conducted virtually due to COVID-19.

At the meeting, the IEP team must address the following topics: The accommodation of modified assignments/grading.

By **September 11, 2020**, the District will provide OSPI with: i) a prior written notice, summarizing the group's discussion and decisions concerning the above matters, including any disagreement by the Parent, if relevant; ii) a copy of the Student's amended IEP, if relevant; iii) any relevant meeting invitations and prior written notices; iv) a list of people, including their roles, who attended the meeting; and, v) any other relevant documentation.

### DISTRICT SPECIFIC:

#### Training

The following District staff will receive training: special education administrators, the principal, the assistant principal, and special education certified staff, including educational staff associates (ESAs), at the school that the Student was enrolled in during the 2019-2020 school year. The training will cover the following topics:

1. Required members of a properly constituted IEP team meeting, including when a general education teacher must attend; and,
2. Components of a sufficient meeting notice.

The training will include examples.

The District is encouraged to consult its ESD staff in the creation of the training materials. By or before **August 21, 2020**, the District will notify OSPI of the name of the trainer and provide documentation that the District has provided the trainer with a copy of this decision for use in preparing the training materials.

By or before **August 28, 2020**, the District will submit a draft of the training materials for OSPI to review. OSPI will approve the materials or provide comments by September 4, 2020.

By **September 18, 2020**, the District will conduct the training regarding the topics raised in this complaint decision.

By **September 25, 2020**, the District will submit documentation that required staff participated in the training. This will include 1) a sign-in sheet from the training, and 2) a separate official human resources roster of all staff required to attend the training, so OSPI can verify that all required staff participated in the training. The District may also conduct the training online if school is closed due to COVID-19. If the training is conducted online, the attendees may send an e-mail statement to the District, confirming their attendance at the training, which may be submitted in lieu of a sign-in sheet.

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

### **RECOMMENDATIONS**

It appears that many of the Parent's concerns with the District resulted from her belief that the District did not implement the items discussed during the January 2020 mediation. As the mediation was not an IEP meeting and the complaint did not raise an allegation about the mediation agreement, the implementation of the mediation agreement is outside the scope of this complaint. However, OSPI notes the District must abide by the terms of a mediation agreement. Additionally, in her reply, the Parent also expressed frustration that she felt the District had not yet amended the IEP following a facilitated IEP meeting in May 2020, during which the IEP team recommended the Student's IEP be amended. That meeting occurred outside the timeline of this complaint—after the complaint was filed—and also is outside the scope of what was investigated in this complaint. However, while outside the scope of what was investigated in this complaint, OSPI strongly recommends the District make sure it is performing the actions it agreed to during the January 2020 mediation, and that the IEP is amended following the agreements made at the May 2020 facilitated IEP meeting and reflected in the most recent PWN.

Dated this \_\_\_\_ day of June, 2020

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.)