

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 21-112

PROCEDURAL HISTORY

On December 14, 2021, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from an attorney¹ (Complainant) representing the parent (Parent) of a student (Student) attending the Snoqualmie Valley School District (District). The Complainant alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, regarding the Student's education.

On December 14, 2021, 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 December 20, 2021, OSPI received additional information from the Complainant. OSPI forwarded the additional information to the District the same day.

On January 10, 2022, OSPI received the District's response to the complaint and forwarded it to the Complainant the same day. OSPI invited the Complainant to reply.

On January 12, 2022, OSPI requested that the District provide clarifying information, and on January 13, 2022, OSPI spoke with the District's associate director of student services who provided clarification.

On January 21, 2022, OSPI received the Complainant's reply. OSPI forwarded that reply to the District on January 24, 2022.

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

ISSUE

1. Did the District follow procedures to ensure meaningful Parent participation in November and December 2021, including considering the Parent's requests that he and the Student's speech language pathologist be able to observe the Student's educational program?

LEGAL STANDARDS

Parent Participation in Meetings: The parents of a student eligible for special education services must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of a free appropriate public education (FAPE) to the student. WAC 392-172A-05001. IEP teams must consider the parents' concerns and the information that parents provide regarding their child in developing and reviewing their child's individualized education program (IEP). 34 CFR §300.324; WAC 392-172A-03110(1)(b).

¹ The Complainant provided a release of information, signed by the Parent, giving OSPI permission to share the Student's records with the Complainant.

Parent participation 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).

Observations: A parent of a student eligible for special education services may request permission to observe their student's current educational placement, and to observe any educational placement proposed or under consideration either by a parent or a group that makes decisions on the educational placement of the parent's child, in accordance with applicable school district policy and state law. WAC 392-172A-05001. Washington State law provides that "Every school district board of directors shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity." (Emphasis in original.) RCW 28A.605.020.

"While the IDEA expects parents of children with disabilities to have an expanded role in the evaluation and educational placement of their children and be participants, along with school personnel, in developing, reviewing, and revising the IEPs for their children, neither the [IDEA] nor the regulations implementing the IDEA provide a general entitlement for parents of children with disabilities, or their professional representatives, to observe their children in any current classroom or proposed educational placement...However, we encourage school district personnel and parents to work together in ways that meet the needs of both the parents and the school, including providing opportunities for parents to observe their children's classroom and proposed placement options. In addition, there may be circumstances in which access may need to be provided. For example, if parents invoke their right to an independent educational evaluation of their child, and the evaluation requires observing the child in the educational placement, the evaluator may need to be provided access to the placement." *Letter to Mamas* (OSERS 2004).

FINDINGS OF FACT

1. At the start of the 2021–2022 school year, the Student attended a District elementary school and was eligible for special education services.
2. The District's first day of school was August 31, 2021.
3. The Student's May 13, 2021 individualized education program (IEP) was in effect. The IEP included goals in adaptive and social emotional/behavioral, with progress reporting trimester. The IEP included the following special education services, provided by a special education teacher in the special education setting:
 - Adaptive: 30 minutes weekly

- Social emotional/behavioral: 30 minutes weekly

The IEP also included the following supplementary aids and services:

- Communication Consult: 30 minutes monthly (provided by a speech language pathologist (SLP))
- Occupational Therapy: 30 minutes monthly (provided by an occupational therapist (OT))

The IEP noted the Student would spend 96% of her time in the general education setting.

4. According to the complaint, the Student also receives private speech services.
5. On October 8, 2021, the Student's IEP team met. The IEP team included the Parents, Parent's attorney (the Complainant), and private SLP. The IEP meeting notes indicated the private SLP shared information related to the Student's social emotional/behavioral goals. At the meeting, the team discussed, in part, the Parent's desire that the Student not be pulled from general education to receive specially designed instruction. The Parents expressed concern that the Student was having difficulty transitioning from general education for her pull-out specially designed instruction. Additionally, during the IEP meeting, the Complainant requested that the Student's private SLP observe the Student in her educational program. The team agreed to the request.

The prior written notice, dated October 8, 2021, noted in relevant part, that the IEP team agreed to have the private SLP conduct an observation of the Student. The prior written notice also indicated that a request for a functional behavioral assessment (FBA) was granted to address behaviors, including inattention, inflexibility, lack of durable attention, staying on task, difficulty with transitions, social skills challenges, and impulsivity.

6. On October 19, 2021, the Parent emailed the associate director of student services (associate director) and principal, asking if the private SLP could observe the Student on October 27, 2021, per his request during the IEP meeting.

The principal responded that October 27 would work, and that he needed to know the time frame the SLP would be in the building. The principal also noted the private SLP would need to follow COVID protocols.

7. On October 26, 2021, the Parent emailed the principal, stating the private SLP would arrive at school the following day at 10:30 am and would "observe student until she determined she got sufficient data. It might be the whole school day."
8. On October 27, 2021, the principal supervised the private SLP's observation of the Student. The District stated that the private SLP observed from 10:15 am to 2:15 pm and observed the Student at recess, language arts, math, and lunch. The District stated that these were general education times and confirmed that the SLP did not observe the Student while she was receiving specially designed instruction. In response to questions from OSPI, the District stated the private SLP did not communicate at that time that she needed more time to observe.

9. On November 16, 2021, the Parent emailed the District's associate director and principal and asked whether "parents [were] allowed to observe their kid at school now," acknowledging that visitor and COVID-19 protocols would need to be followed.

10. On November 19, 2021, the principal at the Student's school emailed the Parent and stated that parents were not allowed in the school building to observe their children at that time.

The Parent responded and requested the District's policy regarding observation. The associate director replied that visitors to the school were being limited based on the District's "requirements for visitors, volunteers, and contractors" due to COVID-19.

11. The District's requirements for visitors, volunteers, and contractors due to COVID-19² stated in relevant part that:

brief visitors to a school building, including family members or vendors delivering supplies...are not required to be vaccinated, however, they must follow all other safety requirements, which includes wearing masks...if family member(s) are attending [meetings] are unvaccinated, the meeting must be limited to less than 15 minutes...During the school day, we are limiting visitors...to only those necessary to run our programs. This is intended to help minimize the potential for community transmission in schools...Schools have discretion to determine who is allowed to be on campus during this time.

12. Also, on November 19, 2021, the Parent emailed the associate director back and stated that it was "essential for parents to observe their children in school" and any "such policy prevents us from participating in our kids' special education in meaningful ways." The Parent asked whether the visitor requirements applied to children receiving special education services.

The associate director responded that the policy applied to all children and asked the Parent about the reason he was requesting an observation.

The Parent replied, stating he wanted to observe the Student "in the general education, special education, and social setting, so I can meaningfully participate in my child's education." The Parent stated that the "IEP team made a number of claims about [the Student's] progress and integration in the various settings and I need to observe it for myself." The Parent stated he was available the week of November 30, 2021.

13. According to the District's response, it first interpreted the Parent's question about observations as being a general question. The District stated that once the Parent clarified he wished to observe the Student to meaningfully participate in the creation of the IEP, the District agreed to schedule the observation.

14. On November 21, 2021, the Parent emailed the Student's special education teacher/case manager (case manager) and requested the dates and times the Student received specially

² The Complainant's reply to the District's response argued that the District's COVID-19 guidelines were invalid because they "contravene board Policy 4200 and Procedure 4200P" and because they were not approved by the school board.

designed instruction so that he could arrange for the Student's private SLP to observe the Student during both specially designed instruction and general education time.

The case manager responded that she provided specially designed instruction on Tuesdays and Thursdays from 11:30 to 12. The case manager noted she provided instruction in a small group setting in the resource room.

15. On November 24, 2021, the Parent emailed the case manager that the private SLP would observe the Student on November 30, 2021.

The associate director responded that the private SLP had "completed an observation previously" and that at that time, the District would "not host her for further observation as she is not an essential visitor or part of [Student's] educational program."

The Parent responded that the SLP had not observed the Student while she was receiving specially designed instruction and stated that school observations of students were not a "one time activity."

16. According to the complaint, on November 26, 2021, the Parent emailed the associate director, stating that denying his request to allow the private SLP and himself to observe the Student was not supported by OSPI, CDC guidance, or the IDEA. The Parent stated that they were both fully vaccinated and would wear masks.

17. According to the complaint, on November 29, 2021, the associate director responded to the Parent's November 26, 2021 email and asked what areas of the Student's day he wanted to observe so that the school could create a schedule.

18. On November 30, 2021, the Parent emailed the associate director, stating that the District's denial and then reversal of the decision regarding his observation requests caused delay and prevented him from participating in the Student's special education planning. The Parent requested they reschedule the IEP meeting scheduled for December 9, 2021. The Parent stated the observations would need to occur on both Tuesdays and Thursdays during specially designed instruction and that he and the SLP would like to observe the Student in her general education classes, during specially designed instruction, and during specialists (music and coding).

The associate director responded that the requested observation times would be communicated to the Parent after the principal consulted with the Student's teachers. The associate director also asked why the private SLP wanted to observe given that the SLP had recently observed the Student and could collaborate with the Parent after his observations and attend the IEP meeting.

The Parent replied that the SLP had not completed an observation of the Student and indicated that they both wanted to observe the Student during specially designed instruction so that they could see how she was learning in different settings.

19. The District stated in its response that it initially denied this observation request because the private SLP had already observed the Student and because she is “not necessary to run Student’s educational program.” The District noted the Student receives communication as a supplementary aid and service from a District SLP, who is a member of the Student’s IEP team and participates in the creation of the IEP. The District stated that because the Parent further informed the District that he required the private SLP to observe in order for his meaningful participation in creating the Student’s IEP, the District subsequently granted the request to have the private SLP observe.
20. On December 2, 2021, the school principal emailed the Parent available times to observe, after confirming available observation times with the Student’s teacher per the District’s school board policy 4200P.³ The potential observation times included:
- Music – [teacher]**
Monday, December 6th from 9:45–10 am or
Monday, December 13th from 9:45–10 am
- STEM – [coding teacher]**
Friday, December 3rd from 9:20–9:35 am or
Friday, December 10th from 9:20–9:35 am
- [Specially Designed Instruction] – [Case manager]**
Tuesday, December 7th from 11:20–11:35 am or
Tuesday, December 14th from 11:20–11:35 am
- Classroom – [general education teacher]**
Thursday, December 9th from 10:45–11 am or
Thursday, December 16th from 10:45–11 am

The Parent responded, stating he wanted to observe the Student for the entire school day. The Parent stated, “please provide us a law from the state or IDEA which goes against this and supports your stand.” The Parent also stated the District had not address the request that the private SLP observe the Student.

The principal responded, citing RCW 28A.605.020, which stated that school district boards of directors would adopt policies that allow parents access to their child’s classroom, provided that the observation does not disrupt the classroom procedure or learning activity. The District noted it adopted policy 4200, which the principal stated included, in relevant part, that the time for an observation “will be arranged after the principal or designee has conferred with the teacher.”

³ Policy 4200 states, in relevant part, that “The board welcomes and encourages visits to school by parents/guardians...The superintendent or designee will establish guidelines governing school visits to insure orderly operation of the education process and the safety of students and staff.” The policy included provisions to prevent or limit any disruption to “any school program, activity, or meeting.” The procedures for policy 4200 included that “If the visitor wishes to observe a classroom, the time will be arranged after the principal or designee has conferred with the teacher.”

The associate director responded that the SLP could observe the Student on December 7, 2021 from 11:20 to 11:35 am or December 14, 2021 11:20 to 11:35 am, and if neither of those times worked, they could discuss an observation in January 2022.

21. Also, on December 2, 2021, the District called OSPI for guidance on the Parent's request. In an email between the District and OSPI, the District forwarded a copy of the observation times it proposed for the District and OSPI staff stated that it "look[ed] pretty standard/consistent with what I would expect to occur if a parent wanted to observe a classroom or potential placement option." The District stated OSPI staff advised it to follow established District policy regarding visitors, which the District noted does not require minimum or maximum minutes for visitor observations.
22. Later, on December 2 and 3, 2021, the Parent and principal continued to email regarding the length of the observation. The emails included:
 - The Parent asking what the authority was to limit observations to 15 minutes. The Parent stated that he considered limiting the observation to 15 minutes as a denial of his request.
 - The principal stating that a full day of observation would be too disruptive to students and teachers. The principal stated they had "conferred with the teachers you requested to observe, and they have provided multiple options to visit the classroom without being disruptive." The principal also stated that, "If, after the initial observation, you have further questions or concerns, we can discuss those at the IEP meeting and provide further clarification." The principal noted the Parent could no longer observe the Student that day (December 3, 2021) because the notice would be too late.
 - The Parent asked why a full day of observation would be disruptive and explained in detail the kinds of questions he was seeking to answer, including that he wanted to observe her during transitions, in all her classes, during lunch, and during recess. The Parent also stated that the private SLP needed to observe the Student during the 15-minute transition before specially designed instruction began, during specially designed instruction, and during the 15-minute transition after. Further, the Parent stated that he valued the IEP team's input but that it does "not fill the void which observations will." The Parent also stated he would likely need to observe the Student quarterly or every six months.
23. The Complainant, in his reply to the District's response, stated that the District made no effort to determine why the Parents requested a full day observation. The Complainant noted that the Parents "question the manner in which the District provides specially designed instruction" and, specifically, that the Parents "question whether the Student may need [specially designed instruction] during her social interactions in the general education setting, which would also include unstructured times." The Complainant noted further that the Parents "have reason to believe that the District staff have not been honest with Parents during IEP team meetings...[and therefore Parents] must verify independently through observation of Student during a typical school day."
24. On December 7, 2021, the principal emailed the Parent and stated that a full day observation would be disruptive to the "classroom's established routines and environment" and offered the same schedule for observations sent on December 2, 2021. The principal stated he would confer with teachers to schedule additional time periods after school resumed in January 2022.

The Parent responded that the school's offer was unacceptable and reiterated his request for a full day observation.

25. Also, on December 7, 2021, the associate director emailed the Parent, stating that:

We have conferred with the teachers to determine the times during their classroom schedule that would not be disruptive to have you observe. In making these recommendations for observation times, the school considers the planned activities of the day, the needs of all students and individual students, other events that may be occurring school-wide, and any other factors that would be disrupted by a change or deviation from established norms...As per our school board policy, the times provided by the teachers are good times for you to join the settings requested and we follow the same protocol for all families in the school district.

I have previously asked which of the [specially designed instruction] times suggested [private SLP] is available for - but I have not yet heard back regarding her decision or availability. If, after the initial observations, you feel as though you cannot sufficiently answer the questions you've posed below, [principal] has let you know that he will secure more dates/times - most likely after the winter break. This applies to [private SLP] as well if she is not available for these dates or if there are additional dates requested.

The Parent responded and reiterated that the proposed times were unreasonable, insufficient, and did not include transition time.

26. On December 8, 2021, the principal emailed the Parent and offered the same times previously suggested on the remaining dates in 2021, for the Parent and private SLP.

27. The District was on winter break from December 20, 2021 through January 2, 2022.

28. The District stated that the Parent has not engaged in scheduling an observation after winter break, despite multiple attempts on the District's part to do so. The District noted the Parent has rejected the observation opportunities "in pursuit of a full day observation." However, the District stated, a full day observation "would be highly disruptive to the learning environment as determined by the Principal and relevant teachers."

29. The Complainant in his reply to the District's response noted that the Parents dispute the District's claim that the District made attempts to schedule observations after winter break. The Complainant reiterated that the Parents felt 15 minutes was inadequate, noting "My clients have already rejected the District's continual offer of 15 minute observation intervals as it is an insufficient amount of time for Parents to observe their daughter's social interactions across various settings throughout the day. This renders the subsequent offers of 15 minute observations by the District meaningless."

The Complainant argued in the complaint and his reply to the District's response that the Parent being denied an observation and then limited to 15-minute time periods per subject for observation violated the Parent's right to "meaningfully participate in [Student's] special education plan" and that by preventing the Parent and private SLP from "fully participating in

[Student's] IEP process at school the [District] 'made it impossible to design an IEP that addressed [Student's] unique needs.'"

The Complainant also stated there was no authority that a District can rely on "COVID-19 to bar a parent or private provider from observing a student with an IEP." Further, in his reply to the District's response, the Complainant argued that the District violated its own policy in limiting the observation, because, as the Complainant stated:

Procedure 4200P does not permit the District to determine in advance that a visitor's presence could be disruptive, except under special circumstances such as during testing. If the visitor's presence becomes disruptive, then the principal...may withdraw approval. Meaning, it is only after the visitor's presence is disruptive that the District may terminate the visit...The District has not followed its own policy and procedures. There can be no doubt from the District's own policies and procedures that Parents were entitled to more than 15 minutes of observation time.

CONCLUSIONS

Issue: Parent's Requested Observation – The Complainant alleged the Parent was denied the ability to participate in the special education process when the District initially denied—and then limited to 15-minute observation periods—the Parent's request for him (the Parent) and the private speech language pathologist (SLP) to observe the Student at school.

Washington state special education regulations include that a parent of a student eligible for special education services may request to observe their student's current educational placement, in accordance with applicable school district policy and state law. While state law directs districts to establish visitor policies, special education regulations do not guarantee parents a specific "observation right." This is addressed in federal guidance, which acknowledges that neither the IDEA nor its implementing regulations provide "a general entitlement for parents of children with disabilities, or their professional representatives, to observe their children in any current classroom or proposed educational placement."

Initial SLP Observation: Here, the Parent and his attorney (the Complainant) requested at an October 8, 2021 individualized education program (IEP) meeting that the Student's private SLP observe the Student. Discussion at the meeting indicates the private SLP shared information related to the Student's social emotional/behavioral goals⁴ and the Parents shared they had concerns about the Student's transitions between the general and special education setting. The IEP team agreed that the private SLP could conduct an observation and the SLP observed the Student on October 27, 2021 during recess, language arts, math, and lunch time, which would have included some transitions. The District stated that the private SLP did not communicate at that time that she needed more time to observe the Student.

Second Observation Request: On November 16, 2021, the Parent began requesting that he be able to observe the Student and that the private SLP observe the Student again. Initially, the

⁴ The Student's IEP included goals in social emotional/behavior and adaptive and included a 30-minute monthly communication consultation as a supplementary aid and service.

District believed the Parent was asking generally and stated parents were not allowed in school buildings at that time due to COVID-19 health and safety protocols. The District also stated the private SLP had just observed the Student and therefore, did not need to observe again.

While a parent does not necessarily have a specific right to an observation, districts should consider a parent's request and districts are encouraged to work with parents "in ways that meet the needs of both the parents and the school, including providing opportunities for parents to observe their children's classroom and proposed placement options."⁵

Once the Parent clarified that he wanted to observe the Student to meaningfully participate in the Student's educational planning, and relatedly that the private SLP had not had an opportunity to observe the Student during her receipt of specially designed instruction, the District agreed the Parent and private SLP could observe. The District informed the Parent that the observation would be governed by the District's visitor policy, which stated, in relevant part, that the principal would confer with teachers to arrange the observation time and that the observation should be scheduled to prevent or minimize disruption to the educational environment.⁶

To that end, on December 2, 2021, the District offered several dates and times corresponding to the Parent's request to observe the Student during general education class time, specially designed instruction, and specialists. The District also offered times the private SLP could observe the Student during specially designed instruction. The District offered 15-minute, nonconsecutive observation times, in December 2021. The Parent objected, stating he wanted to observe the Student for the entire day, including during transitions. The District continued to offer 15-minute observation periods, stating that after conferring with teachers, the times offered were the times that would not be disruptive, and that more times in January 2022 could be considered, including that, "If, after the initial observation, you have further questions or concerns, we can discuss those at the IEP meeting and provide further clarification." To date, the Parent has declined the offered observation times, maintaining that 15 minutes is insufficient and tantamount to a denial of his request. The District noted that a full day observation "would be highly disruptive to the learning environment as determined by the Principal and relevant teachers."

⁵ The federal guidance does note there may be circumstances where an observation is needed; for example, if parents request an independent educational evaluation (IEE) and the evaluator needs to conduct an observation. Interestingly, the IEE context is the only example given and would apply to a private evaluator's observation and not necessarily a parent. Regardless, the Parent here has not requested an IEE, so the example is of limited guidance in this situation.

⁶ The Complainant argued both that the District's COVID-19 guidelines were invalid and that the District did not follow its own visitor policy. OSPI makes two notes; first, the District decision regarding the observation did not ultimately hinge on the District's COVID-19 guidelines. Second, OSPI has the authority to investigate potential violations of the IDEA and federal and state special education implementing regulations through the special education complaint process. OSPI does not investigate whether districts complied with their own policies (unless those policies contradict IDEA, which on its face the District's visitor policy does not violate special education regulations).

OSPI notes that the District's obligation—per the IDEA and state implementing regulations—is to consider the Parent's request and respond reasonably. While parent participation is highly important, the IDEA does not guarantee parents a specific "observation right." Federal guidance, while encouraging observations to ensure parent participation and collaboration, defers to state law for specific regulations, and in turn Washington state law delegates the authority to school boards to create visitor policies. Here, the District's visitor policy creates neither minimum nor maximum times for observation, but instead says that observations will be coordinated between the principal and teachers and should not disrupt the learning environment. Here, OSPI finds that once the District clarified the Parent's requests, the District responded reasonably and worked to schedule observations with the Parent. The District offered 15-minute observations times on multiple different dates, and while limited to 15-minute increments, it did not appear to be limiting the number of times the Parent could come observe, albeit on different days. OSPI defers to the District's determination that an all-day observation would be disruptive; and notes that although the Parent may have preferred an all-day observation, the Parent could obtain the requested information through observations as provided with the District's time and date options. And, while OSPI recommends the Parent and District continue to work together to schedule the observation(s), OSPI finds no violation of the IDEA.

Parent Participation Generally: Finally, the Parent, in emails, indicated that the delay in scheduling the observation limited his parental participation in the development of the Student's special education program; specifically, in one email, he stated an IEP meeting scheduled for December 9, 2021 needed to be rescheduled because he had not had an opportunity to observe. The Complainant also clarified in his reply to the District's response that the Parents "question the manner in which the District provides specially designed instruction" and, specifically, that the Parents "question whether the Student may need [specially designed instruction] during her social interactions in the general education setting, which would also include unstructured times." Thus, the Complainant argued the Parents must "verify independently through observation of Student during a typical school day."

The parents of a student eligible for special education services must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of a free appropriate public education (FAPE) to the student. 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 what services the agency will provide to the child and in what setting.

OSPI finds that the documentation and information provided in this complaint investigation do not indicate the Parent's participation has been substantially limited. He, the Student's mother, and their attorney actively participated in the October 8, 2021 IEP meeting. The Parent's private SLP has already conducted one recent observation and the Parents can invite the SLP to the next IEP meeting to provide input. While an IEP meeting scheduled in December 2021 needed to be

rescheduled, this was not the Student's annual IEP and there is no indication that the Parent's request to reschedule the IEP meeting impacted the provision of special education services to the Student. OSPI finds no violation with respect to general parent participation; but again, encourages the Parent to work with the District to schedule a time or times to observe the Student at school.

CORRECTIVE ACTION

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

None.

RECOMMENDATION

OSPI recommends that the District and Parent to continue to work together to schedule the observation(s). OSPI notes that the Parent did want to observe the Student during transition periods and encourages the District to offer some observation times that include times when the Student is transitioning. OSPI encourages the District and Parent to consider other creative solutions.

Dated this ____ day of January, 2022

Glenna Gallo, M.S., M.B.A.
Assistant Superintendent
Special Education
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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.)