

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 22-28

PROCEDURAL HISTORY

On March 9, 2022, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from the parent (Parent) of a student (Student) attending the Shoreline School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student's education.

On March 9, 2022, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District superintendent on the same day. OSPI asked the District to respond to the allegations made in the complaint.

On March 24 and 29, 2022, OSPI received the District's response to the complaint and forwarded it to the Parent on April 1, 2022. OSPI invited the Parent to reply.

On April 13, 2022, OSPI received the Parent's reply. OSPI forwarded that reply to the District the same day.

On April 19, 2022, OSPI's investigator conducted a phone interview of the District's special education director (director).

On April 19, 2022, OSPI determined that additional information would be helpful to the investigation and contacted the District. OSPI received the requested information from the District on April 20, 2022. OSPI forwarded that information to the Parent on April 25, 2022.

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

ISSUE

1. During the 2021–2022 school year, did the District follow proper individualized education program (IEP) development procedures—specifically—did the Student's IEP team properly determine the Student's needs resulting from the Student's disability did not require that the Student be provided with transportation assistance from the door of the private preschool the Student was part-time enrolled in to the pickup location of the public school bus?¹

LEGAL STANDARDS

IEP Implementation: At the beginning of each school year, each district must have in effect an individualized education program (IEP) for every student within its jurisdiction served through

¹ During the investigation, the Parent clarified her position: were the pickup location to be right "outside the house – in the driveway of the private preschool, [then] the private preschool teacher would be able to take Student out to the vehicle" – and no additional transportation monitor would be needed; but, if the pickup location was going to be a certain distance from the private preschool, then the Student would require a transportation monitor.

enrollment who is eligible to receive special education services. It must also ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. 34 CFR §300.323; WAC 392-172A-03105. "When a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a [student with a disability] and those required by the IEP." *Baker v. Van Duyn*, 502 F. 3d 811 (9th Cir. 2007).

Related Services – Defined: Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a student eligible for special education services to benefit from special education services. WAC 392-172A-01155(1).

Compensatory Education: A state educational agency is authorized to order compensatory education, as appropriate, through the special education community complaint process. 34 CFR §300.151(b)(1); WAC 392-172A-05030. The state educational agency, pursuant to its general supervisory authority, has broad flexibility to determine appropriate remedies to address the denial of appropriate services to an individual child or group of children. *Letter to Lipsitt*, 181 LRP 17281 (2018). Compensatory education is an equitable remedy that seeks to make up for education services a student should have received in the first place, and aims to place the student in the same position he or she would have been, but for the district's violations of the IDEA. *R.P. ex rel. C.P. v. Prescott Unified Sch. Dist.*, 631 F.3d 1117, 56 IDELR 31, (9th Cir. 2011); *See also, Letter to Lipsitt*, 181 LRP 17281 (2018) ("The purpose of a compensatory services award is to remedy the public agency's failure to provide a child with a disability with 'appropriate services' during the time that the child is (or was) entitled to a free appropriate public education and was denied appropriate services.")

There is no requirement to provide day-for-day compensation for time missed. *Parents of Student W. v. Puyallup Sch. Dist. No. 3*, 31 F.3d 1489, 21 IDELR 723 (9th Cir. 1994). "There is no statutory or regulatory formula for calculating compensatory remedies. However, generally services delivered on a one-to-one basis are usually delivered effectively in less time than if the services were provided in a classroom setting. It is common in Washington for such one-to-one services to be calculated at half of the total hours missed." *In re: Mabton School District*, 2018-SE-0036.

FINDINGS OF FACT

2021–2022 School Year

1. At the start of the 2021–2022 school year, the Student was eligible for special education services under the category of developmental delay, was in preschool, and was enrolled part-time in a District preschool program at a District elementary school. At that time, the Student's June 7, 2021 individualized education program (IEP) was in effect.

The June 2021 IEP provided the Student with specially designed instruction in the area of communication, daily living/adaptive, and gross motor. The Student's daily living/adaptive goals related to the ability to complete self-care tasks and the ability to improve motor

sequencing skills. The Student's gross motor skills goals related to the ability to "jump forward and down from heights" and the ability to "hop on one foot and gallop".

The June 2021 IEP provided the Student with the following specially designed instruction: 160 minutes a month of communication; 120 minutes a week of daily living/adaptive; and, 120 minutes a month of gross motor.

The June 2021 IEP read, in part:

Student's gross motor skills were initially evaluated on 9/4/2019 as part of a transition from birth to three services...It was recommended that Student's progress in gross motor skills be monitored in the future, particularly in the areas of jumping with two feet, ball skills, and riding a tricycle.

Student started attending a half-day preschool program at [District preschool] in January 2020 and was in school until the closure of all school buildings in March 2020 due to COVID-19. Student participated in a weekly gross motor group with the physical therapist as part of her school program. During the time she participated in gross motor group she learned to jump on a small trampoline, but was not yet jumping on the floor. She was just beginning to pedal a tricycle when she had straps to help keep her feet on the pedals.

Following the closure of school buildings due to COVID-19, Student was enrolled in a home daycare. Her mother had ongoing concerns regarding delayed motor milestones and Student began private physical therapy at [physical therapist] in December 2020. Her private therapist reported that she has been working on core strength, decreasing the tendency to W sit, jumping, balance, and stability on stairs. Student has made progress in strength and stability and has been working on a home program of activities. She is now able to jump with two feet off the ground, but is not yet jumping down from heights.

...

Other gross motor skills: During a game on Zoom, Student attempted to imitate a variety of animal moves. She was able to imitate bee wings and tried to gallop like a horse and walk like a crab. She was able to jump with two feet off the ground, but was not yet able to do a frog jump from a squat position. Student had a small inflated pony toy and was able to sit on it and move it forward while bouncing. When she was squatting to the ground, her hips tended to be positioned in internal rotation, with the knees together. Her mother reported that her tendency to W sit on the floor has decreased from almost always to 50% of the time. She has a balance bike at home is still figuring out how to move it forward.

Recommendations: Student's Gross Motor strengths include her recent progress in jumping with two feet and pedaling a tricycle. Her needs related to gross motor skills include continuing to gain strength and stability in order to balance and complete locomotor skills such as hopping on one foot, jumping down from heights, and galloping.

Under "Transportation," the service matrix portion of the Student's June 2021 IEP provided the Student with the service of "transportation"—no other details are provided. The June 2021 IEP stated the Student requires special transportation.

2. In clarifying information provided to OSPI during the investigation, the District stated the first day of the District preschool program was September 7, 2021.

3. The Student was enrolled in a half-day preschool program at a District elementary school. The Student attended the District preschool on Mondays, Tuesdays, Thursdays, and Fridays, from 12:45–3:45 pm. In the morning of those weekdays, the Student attended a private preschool.

According to the Parent:

[A]t the beginning of the school year I was informed that the bus will not stop outside of the house, but instead would stop on [an adjacent street]², citing a safety issue.

The caregiver is the sole caregiver at the [private preschool] and cannot walk Student out to [the adjacent street] to put her on or collect her from the bus. If the bus were to stop directly outside of the [the private preschool, the caregiver] would be able to put her on and take her off the bus.

...

The IEP team has already determined that transportation is required to assist Student so she can benefit from special education and transportation is included as a related service on her IEP. Currently she is not being given access to transportation as a related service because the bus stops on the [adjacent] road, not directly outside of the [private preschool].

...

We have gotten temporary help from two different family members of Student's [private preschool] – when they were in the home and available to help, but as of January 2022, they have not been available to help...Right now to get Student on and off the bus, my husband and I are having to leave our jobs, from [other cities] respectively to go to the [private preschool] to put her on and take her off the bus. On the occasion that neither of us are able to do this, Student misses her services.

[We requested either that the District bus pick the Student up right outside the private preschool, or that Student be provided with a transportation monitor to] walk Student safely to the bus [and] wait [with her] at the bus stop.

The refusal to our request stated that it was being refused because the request was not related to Student's disability. We disagree with this because the only reason Student is accessing services at the District elementary school is because she's on an IEP receiving services related to her disability, so everything about the services, including transportation, that she is receiving is related to her disability.

4. Prior to the start of the 2021–2022 school year, the Parent submitted a “Request for Specialized Transportation to/from School” form.

Under the “Health Information” section of this form, none of the following were selected as “yes”: emergency health care plan; seizures; allergies; and, medical staff transported with student.

The following section on the form is blank: “Student Communication and/or Behavioral Difficulties.”

² During this investigation, the District clarified the bus stop on the adjacent street was approximately 25 feet from the front door of the private preschool.

Under "Special Education Transportation Instructions," the following is selected: "Supervision required. Student must be dropped/picked up at residence. Parent/guardian will retrieve student from the bus."

5. On September 6, 2021, the Parent emailed the superintendent, articulating her transportation concerns and requests.

On September 8, 2021, the deputy superintendent responded, stating, in part:

[I] left a message just now asking [another deputy superintendent] if we've verified that the cul de sac does not have room for the bus to get in and turn around (often the case in cul de sacs but we need to verify that is the case for this cul de sac with the particular bus we are using) and if so what other options we may have.

We are extremely short on drivers so don't have many options to run a special pick up for one student with a smaller vehicle. [I]f transportation is included in [Student's] IEP we understand we have an obligation to provide service and are sorry it is taking longer than we'd like to figure out how to do that.

6. On September 13, 2021, the Parent emailed the transportation director, stating the Student would not be attending the District preschool as "my husband and I cannot take her and there is no one to get her safely on or off the bus."

7. In a September 15, 2021 email to the Parent, the transportation director noted they were still working on the Parent's transportation requests. It read, in part:

I am working on having a driver pick up [Student] in a van for her 1245 drop at school. I am running into a challenge of finding a driver for the van at the 345 take home time. Currently all staff are transporting students home at the 345 timeframe. Your student presents a unique challenge in the fact that drivers are not able to leave their vehicle while other students are on board. Our second challenge has been that all drivers at 345 need larger vehicles as they have previous routes that require a higher capacity than vans or smaller buses.

In a separate email the same day, the superintendent emailed an assistant superintendent, asking if it was "possible for a family member to walk or even drive the child to the area nearest the home where the bus can stop?" The assistant superintendent responded the next day, September 16, 2021, stating, in part, "The cul de sac is an issue...I would like to have [a] review [of] the IEP and make sure we are even required to provide transportation as a related service to this student."

8. According to the District, as a result of email communications exchanged between September 20 and 29, 2021:

The District agreed to provide transportation with a van that would make it possible to stop at the driveway of the Student's private preschool, a location inaccessible by school bus. [It was subsequently determined, though, that] the District does not have staff available to operate this new transportation route on a continual basis.

On September 29, 2021, one transportation supervisor emailed another transportation supervisor, noting, in part:

I called Parent regarding her Student informed her that...we would no longer be providing a van for Student's pickup [and I] told her that a bus would be available beginning tomorrow with a stop at [the adjacent street]. Parent was upset and asked why [and I] told her that we were short drivers and that other issues as well with the current situation (such as delayed routes)...Parent said that we had an obligation to pick up her daughter [I] replied with we do not have an obligation (or the ability in this case) to provide ongoing door to door service.

9. On October 7, 2021, a transportation director emailed the Parent, stating, "We are providing transportation at the corner of the property of the care provider."
10. On October 15, 2021, the Parent emailed the special education teacher, stating, in part, "We can't do the transport today so Student won't be attending."
11. The District was on break November 25–26, 2021.
12. In an email dated December 8, 2021, the Parent wrote the special education teacher and the Student's father, in part, "Previously the school sent a van to stop directly outside of her [private preschool] but this was discontinued after two weeks."
13. The Student's IEP team met on December 8, 2021. Two topics were discussed: whether the Student required certain recovery services for COVID-related disruptions to the Student's IEP services in the past; and what the Student's transportation needs were regarding the transition from the private preschool to the District preschool.

In its response, the District stated, "The IEP team determined that the request for transportation assistance was not associated with the student's disability, but with the student's age. It is typical for students of preschool and early elementary age to need parental supervision between their bus stop and their home."

The December 8, 2021 prior written notice read, in part:

Parent requested the IEP be amended to add a bus monitor/aide to support getting Student on the bus. The IEP team has already determined that transportation is required to provide Student access to her special education. Transportation is included as a related service on her IEP.

We are refusing to add a bus aide/monitor as she does not have a disability related reason for requiring an aide/monitor.

The December 2021 amended IEP kept the same daily living/adaptive and gross motor goals that were in the June 2021 IEP. The December 2021 amended IEP also kept the same transportation provisions as were in the June 2021 IEP.

The December 2021 amended IEP provided the Student with the following specially designed instruction: 240 minutes a month in gross motor; 160 minutes a month in communication; and, 120 minutes a week in daily living/adaptive.

The December 2021 amended IEP read, in part:

Daily Living/Adaptive

Personal needs goal: Student has demonstrated nice progress; she is able to indicate to teachers when she needs to use the bathroom, and also can stop what she is doing and take care of those needs. She can carry out all the steps of the routine independently (level 4 on rating scale) in the classroom setting. She occasionally needs reminders to wash hands. Overall, she is completing personal care tasks on average at a Level 3 (and often a level 4) on the rating scale used to track skill progress.

Multi-step directions: Student has made nice progress on this goal as well! She is currently able to complete 2-3 step directions between a Level 2 (needing partial physical assistance) and Level 3 (needing only verbal/gestural assistance). In terms of group participation and following, remembering (and understanding) group directions, she is following routine ones in pace with her peers. We are working on supporting her in following more novel directions that might move at different paces; for example, we will be trying providing visual supports during multi-step art activities to continue working on this goal.

...

Gross Motor

Progress on IEP goals since entering in-person school in September 2021:

Jumping: Jump forward 20 inches with two footed take off and landing and jump down from height of 12 inches. Student consistently jumps forward 6-8 inches. Often one foot leaves the ground ahead of the other. She has shown the ability to jump down from a height of 5 inches, but this is very inconsistent.

Locomotor: Hop on one foot 3 times and gallop forward 10 feet. Student is not yet able to hop on one foot. She tries to gallop, but typically has a sideways motion.

Student has made progress this fall, especially with jumping. This is a skill that is reinforced daily during outdoor time and circle time. Student does well with an adult to model the skill several times and slow her down in order to practice each step. Galloping and hopping on one foot are still very difficult for her.

14. The District was on break December 20–31, 2021.
15. On January 7, 2022, the Parent communicated with District staff utilizing Seesaw Correspondence. It read, in part, "We cannot provide transport for Student today because of work so Student will not be attending today."
16. On February 1, 2022, the Parent emailed the special education teacher, stating, in part, "[We] can't provide transport for Student today so she won't be able to attend."
17. The District was on break February 21–25, 2022.

18. On March 3, 2022, the Parent communicated with District staff utilizing Seesaw Correspondence. It read, in part, "Neither Student's dad nor I can get her off the bus today so she won't be attending."

19. On March 4, 2022, a transportation director emailed the Parent, stating, in part:
Staff have brought to my attention today that you are asking them to go to the door of the daycare for your student.

We have spoken on several occasions in regard to our bus and staff servicing the daycare via the cul-de-sac and via going to the door. We have let you know that we are not having our bus go into the cul-de-sac for safety reasons and that we would not be obligating our staff to go to the door for your student. These safety decisions are still valid and we will continue to service your students daycare at the intersection...at the corner of the property of the [private preschool].

20. On March 9, 2022, the Parent filed the instant special education community complaint (SECC 22-28) with OSPI.

21. On March 24 and 29, 2022, OSPI received the District's response. In its response, the District further elucidated its decision to deny the Parent's various transportation requests on or about December 8, 2021:

The District can often accommodate requests by parents, whether or not a student has a disability, to allow a student to utilize an existing bus stop that is proximate to a childcare location rather than a student's home, and this student is welcome to do so. However, it is not feasible to create a different bus stop for this student's [private preschool] location because the [private preschool's] driveway is not accessible by a school bus. The District does not have a smaller vehicle available for everyday use, and has not had staffing to create a daily additional bus route for a smaller vehicle even if one was available. Given the challenges of hiring transportation staff in the current environment, the District does not anticipate that it would be possible to provide a driver for a new route on a daily basis at this time. The District has reached out to a transportation contractor, who shared that this is not work their agency could take on because they do not allow the use of booster seats, which are required by law at this student's age and size.

Transportation between Student's home and school remains available to her in order to implement the transportation included in her IEP, and the family also has the alternative of accessing the existing bus stop at the corner of the property of the [private preschool] they have selected, if their child care facility can accommodate the supervision a student of this age would otherwise receive from home.

22. The District further stated in its response:

Between the start of the 2021–22 school year on September 13, 2021, and receipt of the community complaint on March 9, 2022, there were 81 school days in Student's preschool program.

...

During this time period, Student has been absent 21 days: 14 due to illness/COVID reasons (17% of total) and 7 excused by parents for travel or other reasons (9% of total).

[Of the latter category – the 9% of the total], Student was absent on September 13 and 30, 2021, January 7, 2022, and March 3, 2022 due to bus issues. The reason for the other three days of absences reflected on the attendance report [for the 9% category] is unknown.

The Student's attendance report for 2021–2022 shows the Student was absent for 21 days— all of which were excused. For at least one of those days—January 7, 2022—the reason listed was "transportation."

23. On April 13, 2021, OSPI received the Parent's reply. The Parent's reply read, in part:

What the [District] has not noted [in its response] is: Special Transportation is noted in her IEP. Transportation was aware of the pickup/drop off location when school commenced. The District successfully provided safe, and adequate, services for two weeks. The District has not attempted to utilize outside services for transportation. We the parents have attempted to secure other means, at personal expense. [Student's] attendance is impacted by transportation challenges – dependent on parental support / lunch time to place her on/off the bus.

24. On April 9, 2022, OSPI's investigator conducted an interview of the director. OSPI's investigator's notes from that interview are as follows:

The Student's District-provided preschool program is the only preschool program the District provides – no other District preschool classes exist at other District facilities.

There are three categories of students at the Student's District-provided preschool program: (Category 1) Head Start students³; (Category 2) tuition-based students; and, (Category 3) students whose IEP teams have made a specific determination that the District-provided preschool program is needed for that particular student.

Each of the classrooms at the District-provided preschool program have a mix of students from each of the three categories.

Concerning Category 2 (tuition-based students): some of these students have qualifying disabilities under the IDEA (and IEPs) and some do not – any preschool-aged student can apply for admission into the program.

Students in Category 1 (Head Start students) and general education students in Category 2 (tuition-based) do not receive transportation services – it is only if a student has an IEP that states transportation is required in order to access those services that transportation is provided.⁴

25. The District was on break April 25–29, 2022.

³ Head Start is a federally funded program that provides certain supports to families that qualify as having family income below a certain threshold.

⁴ OSPI further notes that the District's preschool program Family Handbook for 2021–2022 read, in part, "Transportation to and from school is not included with tuition-based preschool enrollment."

CONCLUSIONS

Issue 1: Transportation – The Parent alleged the Student required one of two transportation services, either: (i) a pickup right outside the Student’s private preschool; or (ii) a monitor to supervise the Student as the Student walked from the private preschool to the District bus stop on the adjacent street — in order for the Student to access the special transportation on her IEP.

A district must provide all services in a student’s IEP, consistent with the student’s needs as described in that IEP. When a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child’s IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a student with a disability and those required by the IEP.

The June 2021 IEP stated the Student required special transportation.

In apparent concordance with the June 2021 IEP, for a period of time in September 2021, the District provided the Student with a curbside pickup in a van—as the van was shorter and could turn into the cul de sac on which the private preschool was located. On September 8, 2021, the deputy superintendent confirmed with the Parent, “[I]f transportation is included in [Student’s] IEP we understand we have an obligation to provide service and are sorry it is taking longer than we’d like to figure out how to do that.”

In late September 2021, District staff determined it would no longer provide a transportation pickup at the door of the Student’s private preschool, but rather, the Student would be required to walk to a bus stop on an adjacent street. (It was not until December 8, 2021 that the Student’s IEP team weighed in on the specific issue of whether the Student required either a curbside pickup at the private preschool or a bus monitor for the walk to the adjacent street.)

The December 8, 2021 prior written notice read in part, “We are refusing to add a bus aide/monitor [or private preschool curbside pickup] as she does not have a disability related reason for requiring an aide/monitor.”

In contradiction of the assertion of the December 8, 2021 prior written notice, though, it appears logistical challenges were a principal reason District staff, beginning on or about late September 2021, determined the Student did not require either a curbside pickup and/or a monitor. *See*, in part, September 8, 2021 email from deputy superintendent (“We are extremely short on drivers so don’t have many options to run a special pick up for one student with a smaller vehicle”); *see also* September 29, 2021 email from transportation supervisor (“I called Parent regarding her Student informed her that...we would no longer be providing a van for Student’s pickup [and I] told her that a bus would be available beginning tomorrow with a stop at [the adjacent street]. Parent was upset and asked why [and I] told her that we were short drivers and that other issues as well with the current situation, such as delayed routes”). In making this conclusion, it is also significant: (1) that District staff made the determination neither a curbside pickup nor a monitor was needed prior to the IEP team meeting to discuss those two items; and (2) that the District did provide curbside pickup for a period of time at the start of the school year.

Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a student eligible for special education services **to benefit from** special education services. Here, it is clear the Student requires special transportation and that for the transportation to be accessible, the Student requires either a curbside private preschool pickup or a transportation monitor in order to benefit from the specially designed instruction in Student's IEP.

This was not provided and certain compensatory education is warranted.

Compensatory education is an equitable remedy that seeks to make up for education services a student should have received in the first place, and aims to place the student in the same position he or she would have been, but for the district's violations of the IDEA. There is no requirement to provide day-for-day compensation for time missed. There is no statutory or regulatory formula for calculating compensatory remedies. However, generally services delivered on a one-to-one basis are usually delivered effectively in less time than if the services were provided in a classroom setting. It is common in Washington for such one-to-one services to be calculated at half of the total hours missed.

Based on the documentation provided to OSPI during this investigation, the Student missed approximately five days of specially designed instruction specifically due the insufficient provision of specialized transportation. Therefore, as compensatory education, the Student will be provided with approximately three days of specially designed instruction under the June 2021 and December 2021 amended IEPs: a half hour of gross motor; a half hour of communication; and one hour of daily living/adaptive. Said compensatory education will take place in a 1:1 setting—meaning just the Student and the service provider.

Additionally, the District will be required to reimburse the Parent for each day the Parent transported the Student to and/or from the District preschool—from the start of the 2021–2022 school year through the date the instant decision is issued.

CORRECTIVE ACTIONS

By or before **May 11, 2022, May 13, 2022, and June 17, 2022**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

Compensatory Education

By or before **May 13, 2022**, the District and the Parent will develop a schedule for providing the following compensatory education to the Student: a half hour of gross motor; a half hour of communication; and one hour of daily living/adaptive.

The District will provide OSPI with documentation of the schedule for services by or before **May 13, 2022**.

The compensatory education will occur in a one-on-one setting and be provided by a certificated special education teacher. The instruction will occur outside of the District's school day and may occur on weekends or during District breaks.

If the District's provider is unable to attend a scheduled session, the session must be rescheduled. If the Student is absent, or otherwise does not attend a session without providing the District with at least 24 hours' notice of the absence, the District does not need to reschedule. *The services must be completed no later than June 17, 2022, including those needing to be rescheduled.*

No later than **June 17, 2022**, the District shall provide OSPI with documentation that all of the compensatory education has been completed. This documentation must include the dates, times, and length of each session, and state whether any of the sessions were rescheduled by the District or missed by the Student.

The District either must provide the transportation necessary for the Student to access these services, or reimburse the Parent for the cost of providing transportation for these services. If the District reimburses the Parent for transportation, the District must provide reimbursement for round trip mileage at the District's privately-owned vehicle rate. The District must provide OSPI with documentation of compliance with this requirement by **June 17, 2022**.

Compensation for Transportation Provided by Parent

Additionally, the District will be required to reimburse the Parent for each day the Parent transported the Student to and/or from the District preschool—from the start of the 2021–2022 school year through the date the instant decision is issued.

The District must provide reimbursement for mileage at the District's privately-owned vehicle rate. The District must provide OSPI with documentation of compliance with this requirement by **May 13, 2022**.

Development of Plan to Provide Student with Appropriate Special Transportation

By or before **May 6, 2022**, the Student's IEP team must determine how to provide transportation such that the Student is able to benefit from the Student's specially designed instruction. As detailed in this decision, this might be either (i) a pickup right outside the Student's private preschool, or (ii) a monitor to supervise the Student as the Student walks from the private preschool to the District bus stop on the adjacent street.

By or before **May 11, 2022**, the District will provide OSPI with a prior written notice that details the plan to provide the Student with transportation such that the Student is able to benefit from the specially designed instruction.

DISTRICT SPECIFIC:

None.

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

Dated this ____ day of April, 2022

Dr. Tania May
Assistant Superintendent of 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.)