

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 23-33

PROCEDURAL HISTORY

On March 10, 2023, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from the parent (Parent) of a student (Student) attending the [REDACTED] School District (District). The Parent alleged that the School violated the Individuals with Disabilities Education Act (IDEA), in its education of the Student.

On March 14, 2023, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District on the same date. OSPI asked the District to respond to the allegations made in the complaint.

On March 31, 2023, OSPI received the District's response to the complaint and forwarded it to the Parent on April 4, 2023. OSPI invited the Parent to reply.

On April 4, 2023, OSPI received the Parent's reply and forwarded it to the District on April 10, 2023.

On April 13, 2023, the OSPI complaint investigator conducted an interview with the District's state and federal programs officer.

On April 17, 2023, OSPI received additional information from the District and provided this information to the Parent on May 3, 2023.

On April 18, 2023, the OSPI complaint investigator conducted an interview with the Parent.

On April 26, 2023, the OSPI complaint investigator requested additional clarifying information from the District and the District provided clarification on April 27, 2023.

On May 5, 2023, an OSPI complaint investigator consulted with OSPI's school health services consultant.

OSPI considered all information provided by the Parent and the District as part of its investigation. It also considered the information received and observations made by the complaint investigator during the interviews.

SCOPE OF INVESTIGATION

This decision references events that occurred prior to the investigation period, which began on March 11, 2022. These references are included to add context to the issues under investigation and are not intended to identify additional issues or potential violations, which occurred prior to the investigation period.

ISSUES

1. Beginning March 11, 2022, did the District follow proper individualized education program (IEP) development procedures, specifically, did the District follow proper procedures for

responding to the Parent's request that the Student required IEP services in accordance with either a home instruction or home hospital framework?

2. Beginning March 11, 2022, did the District follow proper procedures for implementing the Student's IEP?

LEGAL STANDARDS

IEP Development: The Washington state legal requirements for an individualized education program (IEP) can be found in WAC 392-172A-01100; WAC 392-172A-03090 through WAC 392-172A-03115. When developing each child's individualized education program, the IEP team must consider the strengths of the child, the concerns of the parents for enhancing the education of their child, the results of the initial or most recent evaluation of the child, and the academic, developmental, and functional needs of the child. 34 CFR §300.324(a). WAC 392-172A-03110.

The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to make joint, informed decisions regarding: the student's needs and appropriate goals; the extent to which the student will be involved in the general curriculum and participate in the regular education environment and State and district-wide assessments; and the services needed to support that involvement and participation and to achieve agreed-upon goals. Parents are considered equal partners with school personnel in making these decisions, and the IEP team must consider the parents' concerns and the information that they provide regarding their child in developing, reviewing, and revising IEPs. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,472, 12,473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9).

A student's IEP must be reviewed and revised periodically, but not less than annually, to address: any lack of expected progress toward annual goals or in the general education curriculum; the results of any reevaluations; information about the student provided to, or by, the parents; the student's anticipated needs; or any other matters. 34 CFR §300.324(b); WAC 392-172A-03110(3). When the student's service providers or parents believe that the IEP is no longer appropriate, the team must meet to determine whether additional data and a reevaluation are needed. 34 CFR §300.303; WAC 392-172A-03015.

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

Parent Request for IEP Meeting: When a parent or district believes that a required component of a student's IEP should be changed and requests an IEP meeting, the district must conduct an IEP meeting if it believes that the change may be necessary to ensure the provision of FAPE. IDEA, 64 Fed. Reg. 12,475, 12,476 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 20). The District must schedule the meeting at a mutually agreeable time and place, and appropriately invite the parent to the meeting. 34 CFR §§300.322 and 300.328; WAC 392-172A-03100. If a parent requests an IEP meeting because the parent believes that a change is needed in the provision of FAPE to the student or the educational placement of the student, and the school district refuses to convene an IEP meeting because no change is necessary for the provision of FAPE, the district must provide written notice to the parents of the refusal, including an explanation of why the district has determined that conducting the meeting is not necessary to ensure the provision of FAPE to the student. IDEA (Appendix A to 34 CFR Part 300, Question 20).

Home/Hospital Instruction: Home or hospital instruction shall be provided to students eligible for special education and other students who are unable to attend school for an estimated period of four weeks or more because of disability or illness. As a condition to such services, the parent of a student shall request the services and provide a written statement to the school district from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not determined eligible for special education, but who qualifies pursuant to this subsection shall be deemed "disabled" only for the purpose of home/hospital instructional services and funding and may not otherwise qualify as a student eligible for special education for the purposes of generating state or federal special education funds. A school district shall not pay for the cost of the statement from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section. WAC 392-172A-02100.

Home/hospital instructional services funded in accordance with the provisions of this section shall not be used for the initial or ongoing delivery of services to students eligible for special education in a homebound placement pursuant to a student's IEP. Home/hospital instruction shall be limited to services necessary to provide temporary intervention as a result of a physical disability or illness. WAC 392-172A-02100.

A student eligible for special education who qualifies for home/hospital instruction must continue to receive educational services that provide a FAPE, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The IEP team determines the appropriate services. WAC 392-172A-02100. Home/hospital services include instruction and tutoring for general education classes. If a student usually attends both general education and special education classes, they may qualify to receive both special education services in a homebound placement and H/H services for their general education classes. *Home/Hospital Services Guidelines* (OSPI, 2022).

Prior Written Notice: Prior written notice ensures that the parent is aware of the decisions a district has made regarding evaluation and other matters affecting placement or implementation of the IEP. It documents that full consideration has been given to input provided regarding the student's

educational needs, and it clarifies that a decision has been made. The prior written notice should document any disagreement with the parent, and should clearly describe what the district proposes or refuses to initiate. It also includes a statement that the parent has procedural safeguards so that if they wish to do so, they can follow procedures to resolve the conflict. Prior written notice is not an invitation to a meeting. 34 CFR 300.503; WAC 392-172A-05010.

IEP Implementation: At the beginning of each school year, each district must have in effect an IEP for every student within its jurisdiction served through enrollment who is eligible to receive special education services. 34 CFR §300.323(a); WAC 392-172A-03105(1). A school district must develop a student's IEP in compliance with the procedural requirements of the IDEA and state regulations. 34 CFR §§300.320 through 300.328; WAC 392-172A-03090 through 392-172A-03115. It must also ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. Each school district must ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. 34 CFR §300.323; WAC 392-172A-03105.

"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).

FINDINGS OF FACT

1. The Student is eligible for special education services under the category of other health impairment (OHI) and the Student's February 2022 IEP was in effect from February 17, 2022 to February 16, 2023.
2. The February 2022 IEP included four behavior goals in problem-solving, self-regulation, attendance, and social connections. The Student was to receive the following specially designed instruction 800 minutes per week, or 160 minutes 5 times/week, encompassing all behavior goals. The Student spent 100% of his time in the special education setting. The Student's 2022 IEP indicated "regular transportation", though the record states that the District and Parent discussed in August 2022 having the paraeducator meet the Student at home to walk to school. This was discontinued at some point during the fall 2022, due to an injury the paraeducator had experienced. The District offered special transportation and the Parent declined this option.
3. Progress reports on the Student's IEP goals were provided to the Parent by the special education teacher in March, April, May, June, September, October, and November 2022, and April 2023. Notably, the Student's goal to improve attendance from four days/week to five days/week (160 minutes each day) was rated by the special education teacher to have "Insufficient Progress" seven of the eight reporting periods, with an additional notation on November 17, 2023, which stated that "attendance [was] not consistent."

For two of the IEP goals, the Student made sufficient progress (problem-solving and self-regulation), and in addition to the attendance goal, the social connections goal also noted that the Student made insufficient progress towards this goal, beginning in September of 2022.

2022–2023 School Year

4. The District's 2022–2023 school year began on September 7, 2022.
5. On October 3, 2022, the Parent emailed the federal programs director (director), indicating that the Student refused going to school due to anxiety and suggested that perhaps the paraeducator could stay at their home when that happened. The paraeducator sometimes assisted the Student by walking together to school.
6. On October 19, 2022, the Parent sent a follow-up email to the director regarding the request for the Student to work with the paraeducator at home, as the Student was having sleep issues and persistent vomiting difficulties. The Parent wrote that the Student was to see a specialist on October 31, 2022, and requested revisiting the IEP, to have the Student's 1:1 paraeducator stay at the house for more of the Student's instruction.
7. On October 20, 2022, the director responded to the Parent, thanking the Parent for her patience, and asked when the Parent could meet the following week to discuss the issues.
8. On October 25, 2022, the Parent email the District, stating that the Student would be staying home all week and asked if the 1:1 paraeducator could come to the house for instruction. The Parent reported that the Student was still dealing with persistent vomiting and would stay home until a specialist's appointment.
9. The director scheduled a Zoom meeting with the Parent and special education teacher for October 28, 2022, to discuss the Parent's request and concerns related to the Student's increased vomiting.

No documentation exists regarding the outcome of the Zoom meeting and this meeting does not appear to have been an IEP meeting.

10. The Student's attendance records for the time period after the Zoom meeting indicate that the Student had eight absences in November 2022 and fourteen absences in December of 2022. All absences were excused by the District, and the Parent noted the absences were "Medical."
11. On January 5, 2023, the special education teacher emailed the Parent to schedule a meeting to discuss the Student's upcoming IEP and goals, how best to support him coming to school, and to introduce the new District's director.
12. On January 6, 2023, the Parent responded, indicating that the Student did not want to come to school and the Parent wrote that, "...we need to get medical school at home."

13. On January 13, 2023, the Parent met with the director and special education teacher to discuss the Student's schooling plan. The director followed up with an email, that same day, to the Parent about the meeting and confirming the Parent's request for "Home/Hospital" services.
14. On January 17, 2023, the director emailed the Parent the Home/Hospital form to be completed and signed by the Student's medical provider.
15. On January 18, 2023, the Parent emailed the director and indicated there was a "watermark" on the Home/Hospital form that she received, so the Parent asked if the Home/Hospital form was the correct document to use.
16. The director emailed the correct Home/Hospital form to the Parent on January 19, 2023.
17. On January 25, 2023, the Parent emailed the completed Home/Hospital form to the director and the special education teacher. The Student's medical provider signed the form and checked the "Other" box under the diagnosis section and wrote in "Autism and Bipolar Disorder." The medical provider certified that the Student was not able to attend school for 18 weeks on the form.
18. The director confirmed the receipt of the signed Home/Hospital form with the Parent on January 27, 2023, and offered to meet with the Parent regarding the services on February 16, 2023, which was the date of the already scheduled annual IEP meeting, or on a different date.
19. On January 30, 2023, the Parent responded to the director's email, opting to discuss Home/Hospital services at the February 16, 2023 IEP meeting and the Parent also requested additional professionals be invited to that IEP meeting as well.
20. On January 30, 2023, the director responded to the Parent, confirming that the discussion would take place during the upcoming IEP meeting and that the additional professionals the Parent requested would be invited to attend the meeting. The director went on to share that, "...it doesn't appear that the documentation based on the medical conditions (Autism & Bipolar) [that] you provided meets the 'temporary disability/illness' qualifications for H/H instruction." The director also wrote, "...I am wondering what other options we could provide...for the Student to be successful in school...if you and the doctor have the ability to show us that this disability/illness is going to be short-term, then we can move forward with H/H instruction for the 18 weeks as planned."
21. On January 31, 2023, the Parent emailed the superintendent with concerns regarding the difficulty accessing Home/Hospital services for the Student. In this message, the Parent also shared that the Student was undergoing "medication titration that is not at full capacity until March."
22. Between February 8 and 16, 2023, the District discussed Home/Hospital qualifications and services with OSPI staff and shared that the Parent recently indicated that the Student was undergoing medication titration and mental health issues in an email to the superintendent.

23. On February 13, 2023, the special education teacher emailed the Parent a draft copy of the IEP in preparation for the meeting on February 16, 2023.
24. On February 16, 2023, the Student's IEP meeting was held, and attendees, including the additional professionals the Parent invited, attended. The IEP team determined the District would provide Home/Hospital services to the Student for one hour per week. In addition, the IEP team agreed to initiate a functional behavioral assessment (FBA) that would provide information about how best to serve the Student in the home. The District began the process of finding a qualified teacher to serve the Student in the home environment.
25. On March 1, 2023, the Parent provided the signed consent for reevaluation.
26. On March 9, 2023, the director sent the Parent the FBA consent forms and the Parent returned the signed form the same day. The FBA process was initiated with an in-home observation on March 28, 2023.
27. The Student's final IEP progress report, dated March 14, 2023, indicated that the Student had not been in school for several months.
28. On March 22, 2023, a certified teacher was identified to serve the Student in the home, and the first home instructional visit occurred on March 30, 2023.
29. The District's documentation indicates the Student missed 74.5 days of school during the 2022–2023 school year as of March 2023. All absences were excused due to medical needs.

CONCLUSIONS

Issue One: Request for Home/Hospital Services – The Parent alleged the District did not follow proper individualized education program (IEP) development procedures for responding to the Parent's request that the Student receive special education services in accordance with either a home instruction or home hospital framework.

A student's IEP must be reviewed and revised periodically, but not less than annually, to address: any lack of expected progress toward annual goals or in the general education curriculum; the results of any reevaluations; information about the student provided to, or by, the parents; the student's anticipated needs; or any other matters. When the student's service providers or parent(s) believe that the IEP is no longer appropriate, the team must meet to determine whether additional data and a reevaluation are needed.

Here, the Student was eligible for special education services under the other health impairment category and the Student's 2022 IEP was in place at the start of the 2022–2023 school year. The record shows that the Parent alerted the District to medical issues affecting the Student's attendance at school on October 3, 2022, and requested that the Student's 1:1 paraeducator work with the Student at home. The Parent sent a follow-up email to the director on October 19, 2022, after not receiving any response from the District.

A meeting with the Parent was held on October 28, 2022, to discuss the issues and concerns about the Student's new health condition, although no documentation exists as to any outcome from that meeting. This meeting also does not appear to have been an IEP meeting, despite the Parent's request to "revisit" the Student's IEP. Attendance records corroborate the Student's difficulty in attending school during fall and winter of 2022, with eight days of absence in November and fourteen days of absence in December 2022. In addition, the record shows that the progress report information shared regularly by the teacher with the Parent highlighted attendance issues, a goal specifically about attendance, and that insufficient progress was made by the Student from March through November 2022. At the annual IEP meeting held on February 16, 2023, the IEP team determined to provide Home/Hospital services for the Student for one hour per week, and also initiated an FBA and a reevaluation to better understand the Student's current needs.

While the Student's IEP team ultimately considered the Student's needs relative to medical and attendance issues in February 2023, OSPI notes several areas of concern prior to this, including not addressing the Student's lack of progress on IEPs goals, attendance issues, as well as not responding timely to Parent requests.

Fall 2022: October 28 Meeting

Following the October 28, 2022 meeting with the Parent to discuss the medical concerns the Student was experiencing and the request to have the 1:1 paraeducator provide services in the home, there does not exist any documentation as to the outcome of the meeting or whether the District determined to initiate services in the home or denied the Parent request.

Each school district shall ensure that a continuum of alternative placements is available to meet the special education and related services needs of students. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student who is eligible for special education, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings. Prior written notice ensures that the parent is aware of the decisions a district has made regarding evaluation and other matters affecting placement or implementation of the IEP. It documents that full consideration has been given to input provided regarding the student's educational needs, and it clarifies that a decision has been made.

Here, it does not appear there was consideration in October 2022 about the Student's potential needs, whether the Student's placement needed to be reconsidered, or what other decisions were made, in part because there is no prior written notice documenting this meeting or the response to the Parent's requests. OSPI finds the District did not appropriately respond to the Parent's concerns about the Student's attendance and medical needs.

February 2023: IEP Meeting & Home Hospital Decision

Later, the Parent completed the Home/hospital form and submitted it to the District with a medical provider's signature, and further clarified the temporary medical issue the Student was

experiencing (medicine titration) in January of 2023. The IEP team approved the Home/Hospital request on February 16, 2023, and hired a certified teacher who began services on March 30, 2023.

Home or hospital instruction can be provided to students eligible for special education who are unable to attend school for an estimated period of four weeks or more because of a disability or illness. As a condition to such services, the parent of a student shall request the services and provide a written statement to the school district from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student eligible for special education who qualifies for home/hospital instruction must continue to receive educational services that provide a FAPE, so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. However, home/hospital instructional services shall not be used for the ongoing delivery of services to students eligible for special education in a homebound placement pursuant to a student's IEP. Home/hospital instruction shall be limited to services necessary to provide temporary intervention.

Thus, while the IEP team ultimately determined the Student would receive some instruction through home/hospital, which may be appropriate for the temporary impact of the medicine titration, the Student's IEP team did not consider the Student's apparent longer-term challenges with attendance, consider how special education services would be provided while the Student was at home¹, and consider what the appropriate special education placement for the Student was, such as a homebound placement. The Student's IEP team has not appropriately considered his special education needs or how special education services will be provided while he is home.

As such, OSPI finds a violation with respect to following proper state and federal procedures for responding to the Parent's request that the Student's required IEP services be provided in accordance with either a home instruction or home hospital framework. The District did not consider a continuum of alternative placement options to meet the special education and related service needs of the Student. And, as noted above, the District failed to either convene the IEP team or issue a prior written notice promptly after the Parent's request to revisit the IEP and provide instruction in their home in fall and early winter of 2022. OSPI finds a violation and the District will be required to hold an IEP meeting to address the Student's needs and placement. The District will also be required to conduct training related to addressing requests for special education services at home, placement decisions, and homebound placements.

Issue Two: IEP Implementation – The Parent alleged that the District did not implement the Student's IEP during the 2022–2023 school year.

A school district must ensure that it provides 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

¹ OSPI notes that for students eligible for special education services, the IEP team determines when, how, and where the special education services will be provided while the student is temporarily unable to attend school. Special education services provided at a student's home or hospital is considered a homebound placement, not H/H services. See, *Home/Hospital Services Guidelines* (OSPI, 2022).

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 record shows that an IEP meeting was held on February 17, 2022, and goals were developed for the Student focusing on problem-solving, self-regulation, attendance, and social connections. The IEP provided the Student with 800 minutes per week of specially designed instruction in behavior. The Parent participated in the IEP meeting and the IEP was implemented when the Student attended school.

The special education teacher provided regular progress reports to the Parent throughout the school year and noted that insufficient progress was occurring with the attendance goal beginning in March of 2022. The final IEP progress report was dated March 14, 2023, and indicated that the Student had not been in school for several months. As such, it is unclear if the lack of progress was related to a lack of attendance, or to a failure to provide IEP services or instruction during the 2022–2023 school year, or both. For two of the IEP goals, the Student made sufficient progress (problem-solving and self-regulation), and in addition to the attendance goal, the social connections goal also noted that the Student made insufficient progress, beginning in September of 2022. However, while there is documentation that the IEP was implemented when the Student attended school, as discussed above, the District did not appropriately and timely address the Parent's concerns or the Student's attendance concerns. Thus, while the lack of progress may be related to a lack of attendance, the lack of attendance indicates an unmet, potentially disability related need.

The annual IEP was not revised until spring of 2023. After the amendments to the IEP, the IEP team determined the Student would be provided one hour of instruction per week through home/hospital. As discussed above, home/hospital services are not intended to provide special education services—instead, special education services could be provided through a homebound placement. Thus, while the Student may have received some services, the Student's IEP was not being fully implemented. Overall, OSPI finds that the Student's IEP was not materially implemented during the 2022–2023 school year and finds a violation. As such, the District will be required to provide the Student compensatory education.

Between the start of school and March 2023, the Student missed 74.5 days of school due to his medical needs and would have been provided approximately 198 hours of specially designed instruction (based on his February 2022 IEP) during this time. Given that the Student's IEP was implemented while he was at school and the fact that the Student made progress on half of his goals, OSPI finds it an equitable remedy to provide the Student with a quarter of the missed instruction as compensatory education or 49 hours.

CORRECTIVE ACTIONS

By or before **June 7, 2023, August 1, 2023, September 7, 2023, October 2, 2023, and December 22, 2023**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

IEP Meeting

By or before **June 1, 2023**, the Student's IEP team will meet to discuss the Student's special education needs and placement following the completion of the FBA and reevaluation. The IEP team should consider the Student's medical needs and concerns around attendance, and discuss how special education services will be provided.

By or before **June 7, 2023**, the District will provide OSPI with the following documentation: a) any relevant meeting invitations, b) a prior written notice, summarizing the IEP team's discussion and decisions; c) the IEP; and d) any other relevant documentation.

Compensatory Education

By or before **June 1, 2023**, the District and Parent will develop a schedule for 49 hours of compensatory education.

Unless otherwise agreed to by the District and Parent, services will be provided by a certified special education teacher. Services may be provided in a 1:1 setting or a group setting, if appropriate. Services will be provided outside the District's school day and can be schedule on weekends, over District breaks, or before or after school. The compensatory services can be provided through a District or other summer program, if that program will provide specially designed instruction in the Student's areas of service. The District will provide OSPI with documentation of the schedule for services by or before **June 7, 2023**.

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 or provider with at least 24 hours' notice of the absence, the session does not need to be rescheduled. The services must be completed no later than **December 15, 2023**.

The District must provide OSPI with an update on the amount of compensatory services provided to the Student by providing documentation on **August 1, 2023** and **October 2, 2023** of the compensatory services provided to the Student at that point. This documentation must include the dates, times, and length of each session, and state whether any of the sessions were rescheduled or missed by the Student. By or before **December 22, 2023**, the District must provide OSPI with documentation that it has completed compensatory services for 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 **December 22, 2023**.

DISTRICT SPECIFIC:

Training

The District, in cooperation and collaboration with a non-District employee (e.g., the ESD or other trainer), will develop and conduct a training on the below topics. The District will provide the trainer with a copy of this decision, SECC 23-33.

The following District staff will receive training: District special education administrators, and the following at the Student's school: principal, assistant principal, and special education certified staff (teachers). The training will cover the following topics:

- Addressing requests for services in a student's home;
- Continuum of special education placements and placement decisions; and,
- Homebound placements.

The training will include examples.

By or before **June 7, 2023**, 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 1, 2023**, the District will submit a draft of the training materials for OSPI to review. OSPI will approve the materials or provide comments by August 7, 2023.

By **August 31, 2023**, the District will conduct the training regarding the topics raised in this complaint decision.

By **September 7, 2023**, 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 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 8th day of May, 2023

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.)