

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 17- 28

PROCEDURAL HISTORY

On April 24, 2017, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the Sultan School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student's education.

On April 24, 2017, 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 May 16, 2017, OSPI received the District's response to the complaint and forwarded it to the Parent on May 17, 2017. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information. The Parent did not reply.

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

OVERVIEW

During the 2015-2016 school year, the Student attended seventh grade in a life skills classroom at a District middle school and was eligible for special education services under the category of autism. Several of the Student's annual goals involved an augmentative assistive communication (AAC) device. At the end of the 2015-2016 school year, progress reporting indicated that the Student was making adequate progress on several of his communication goals, and making minimal progress on another communication goal. Additionally, the progress reporting indicated that the Student had emerging skill for two of his occupational therapy goals, and had made significant progress on his third occupational therapy goals.

During the 2016-2017 school year, the Student attended eighth grade in the same life skills class at a District middle school. In October and November 2016, progress reporting indicated that although the Student had not started one goal, and struggled with another, he had mastered four goals, made significant progress in three others, and some progress in his remaining annual goals. In January and February 2017, progress reporting indicated that the Student still had not started one goal, and continued to struggle with another, but had mastered or surpassed several other annual goals. In March 2017, the District completed the Student's triannual reevaluation. However, the Parent did not think the District's evaluation was sufficiently comprehensive to develop the Student's individualized education program (IEP), and requested an independent educational evaluation (IEE). The District agreed to the Parent's IEE request, which is currently underway. The Student's IEP team, including the Parent, developed a new IEP for the Student, and the District issued prior written notice, stating that the Student's IEP would continue until the Student's IEE was completed. In April 2017, progress reporting indicated that the Student had not started some goals, in part because of spring break,

and the Student's illness. However, the progress reporting also indicated the Student had emerging skill on several of his goals and had mastered a goal continued from the previous year. The Parent alleged that the District did not follow procedures for developing/revising or implementing the Student's IEP and did not follow procedures related to assistive technology. The District denied the allegations.

ISSUES

1. Did the District follow procedures for developing/revising the Student's individualized education program (IEP)?
2. Did the District follow procedures for implementing the Student's IEP?
3. Did the District follow procedures related to the Student's assistive technology?

LEGAL STANDARDS

IEP Development: The IEP meeting serves as a communication vehicle between parents and school personnel, and enables the IEP team to make informed decisions regarding the: student's needs and appropriate goals; extent to which the student will be involved in the general education curriculum and participate in the general education environment, and state and district-wide assessments; and services needed to support that involvement and participation, and to achieve the agreed-upon IEP goals. The parent is an integral part of the IEP development process. The IEP team must consider the parents' concerns and the information they provide regarding their student in developing, reviewing, and revising IEPs. 64 Fed. Reg. 48 12473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9). 34 CFR §§300.321, 300.322, 300.324 and 300.328; WACs 392-172A-03095, 392-172A-03100, and 392-172A-03110.

IEP Development Includes Consideration of Special Factors: In developing, reviewing and revising each student's individualized education program (IEP), the IEP team must consider several special factors. These factors include considering the student's communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's mode of language and communication; and, whether the student needs assistive technology devices and services. 34 CFR §300.324; WAC 392-172A-03110.

IEP Revision: 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).

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 who is eligible to receive special education services. A school district must 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.

Assistive Technology Device: The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, and/or improve the functional capabilities of a student eligible for special education. The term does not include a medical device that is surgically implanted, or the replacement of such device. 34 CFR §300.5; WAC 392-172A-01025.

FINDINGS OF FACT

Background Information

1. During the 2015-2016 school year, the Student attended seventh grade in a life skills classroom at a District middle school and was eligible for special education services under the category of autism.
2. The District completed the Student’s evaluation in effect for the 2015-2016 school year on January 14, 2014. The evaluation report stated the Student was considered non-verbal, requiring visual supports, memory aids, modeling, and repetition. The report also stated that within his predictable learning environment, the Student displayed satisfactory non-verbal intelligence, including good listening skills, observation skills, cognizance of others, and sensitivity to others. The report further stated the Student followed a picture schedule, was mainly independent, responded well to positive reinforcement, and was soothed by movement or specific tactile objects. The report included input from the Parent, which stated the Student found specific sounds alarming, such as the vacuum cleaner, but other sounds soothing, such as humming or the piano, and tactile stimulation could comfort the Student, such as holding a soft or satin scarf or squeezing stress balls. The evaluation report recommended the Student receive specially designed instruction for reading, writing, mathematics, communication, motor, adaptive functioning, and social/behavioral intervention instruction.¹
3. On February 24, 2016, the Student’s IEP team, including the Parent, developed an individualized education program (IEP) for the Student. The Student’s IEP provided the following annual goals:
 - Reading: When presented a sight word, the Student will receptively identify the word, improving from 15 words to 30 words.

¹ The District’s documentation included an independent educational evaluation (IEE) report for the Student’s augmentative and alternative communication (AAC) needs, which the District received on January 2, 2014. SECC 14-24 included the issue of whether the District timely considered the recommendations from that IEE, and concluded that although there was delay, the District ultimately considered the IEE results, and implemented the IEE’s recommendations for the Student’s AAC needs.

- Writing: When given a model to follow and using a key board, the Student will improve from being able to type only his first name to being able to type his first name, last name, and address.
- Writing: Using different modalities (paper/pencil, technology) to write, the Student will improve from being able to write only his first name to being able to write his first and last name.
- Mathematics: The Student will improve from being able to demonstrate one to one correspondence for numbers 1-5 to being able to demonstrate one to one correspondence for the numbers 1-15.
- Mathematics: When dictated a basic US coin (penny, nickel, dime, quarter), the Student will improve from not being able to identify the coin, to being able to identify it receptively and expressively, by pointing or using his augmentative and alternative communication (AAC) device.
- Mathematics: When dictated a basic US coin (penny, nickel, dime, quarter), the Student will improve from not being able to identify the value of the coin, to being able to give its value by pointing or using his AAC device.
- Mathematics: The Student will solve a single digit addition problem (0-5), improving from 0% accuracy to 70% accuracy.
- Social: Using his AAC device, the Student will initiate social interaction with a peer, improving from not initiating to initiating.
- Adaptive: The Student will improve from being able to complete 2 tasks on his schedule with 100% accuracy to being able to complete 4 tasks on his schedule with 90% accuracy.
- Adaptive: The Student will be able to identify functional nouns receptively and expressively, improving from identifying 30 nouns to 60 nouns.
- Occupational Therapy: Given basic shapes drawn with thickened lines, the Student will be able to cut out the shape, improving from 25% accuracy to 90% accuracy, over 5 opportunities.
- Occupational Therapy: Given an activity requiring a paper-pencil response, the Student will be able to mark his response by circling, drawing a line, and/or making an X, improving from 50% to 90%.
- Occupational Therapy: The Student will write within block letter paths, improving pencil control and penmanship from 4/26 letters to 20/26 letters.
- Speech Therapy: Given minimal prompts, the Student will use his AAC device to form functional phrases during structured language activities, improving from 1/5 trials to 4/5 trials, over 3 consecutive sessions.
- Speech Therapy: Given minimal prompts, the Student will use his AAC device to label pictures/objects, improving from 40% accuracy to 70% accuracy, over 3 consecutive sessions.
- Speech Therapy: Given prompts, the Student will imitate speech sounds/words, improving from 40% accuracy to 70% accuracy, over 3 consecutive sessions.
- Speech Therapy: Given moderate prompts, the Student will navigate between pages on his AAC device, improving from 0/5 trials to 3/5 trials, over 3 consecutive sessions.

The Student's IEP also provided the following specially designed instruction, all in the special education setting:

- Reading – 233 minutes per week
- Writing – 233 minutes per week
- Mathematics – 233 minutes per week

- Social skills – 233 minutes per week
- Adaptive skills – 233 minutes per week
- Speech – 60 minutes per week
- Occupational therapy – 60 minutes per week

Additionally, the Student's IEP provided the following supplementary aids and services:

- AAC device – daily, all settings
- One-to-one para educator – daily, all settings
- Board certified behavior analyst (BCBA) to provide program/behavior support – once a month

Furthermore, the Student's IEP provided the following program modifications or supports for school personnel:

- AAC device training
- Right response training

Timeline for Investigation Begins on April 25, 2016

4. On June 10, 2016, the occupational therapist recorded the following progress reporting for the Student's annual goals:
 - Occupational Therapy: The Student had made significant progress on his goal to improve his cutting of shapes from 25% accuracy to 90% accuracy, over 5 opportunities. The comments stated the Student demonstrated 90% accuracy.
 - Occupational Therapy: The Student had emerging skill on his goal to improve his ability to use a pencil to mark a paper, either by circling, drawing a line, and/or making an X, from 50% to 90%. The comments stated the Student demonstrated improved accuracy with marking choices or items that do not belong in a series. The comments noted the Student's accuracy was greater than 70% with marking an X.
 - Occupational Therapy: The Student had emerging skill on his goal to improve his ability to write letters from 4/26 letters to 20/26 letters. The comments noted the Student was able to trace vertical, horizontal, circle, and oblique lines to create block-printing words. The comments also stated the Student had participated in fill in the blank activities with writing letters of his name, was able to trace the first letter of his name, and was able to complete the last three letters of his name in cursive with 50% legibility and accuracy.
5. Also on June 10, 2016, the speech language pathologist recorded the following progress reporting for the Student's annual goals:
 - Speech Therapy: The Student had minimal progress on his goal to use his AAC device to form functional phrases during structured language activities, improving from 1/5 trials to 4/5 trials, over 3 consecutive sessions.
 - Speech Therapy: The Student was progressing toward his goal to use his AAC device to label pictures/objects, improving from 40% accuracy to 70% accuracy, over 3 consecutive sessions.
 - Speech Therapy: The Student was progressing toward his goal to imitate speech sounds/words, improving from 40% accuracy to 70% accuracy, over 3 consecutive sessions.

- Speech Therapy: The Student was progressing toward his goal to navigate between pages on his AAC device, improving from 0/5 trials to 3/5 trials, over 3 consecutive sessions.

The comments were generalized for all four speech goals, and stated, the Student made great progress in speech sessions, and was able to navigate pages on his ACC device with minimal to no prompting. The comments also stated that during activities to implement functional phrases, the Student had difficulty separating the phrases, “my turn” and “your turn,” and would push them both at the same time. The comments further stated the Student had begun to the phrases “I’m ahead” or “I won” independently when playing games, and had made much improvement labeling body parts and feelings. Additionally, the comments stated that the Student had been working on using “my __ hurts” or “I feel __” and required minimal to moderate support, but was making great progress.

6. June 16, 2016 was the last day of the 2015-2016 school year.
7. September 7, 2016 was the first day of the 2016-2017 school year, and the Student began attending eighth grade in the same life skills classroom at a District middle school.
8. On October 10, 2016, the speech language pathologist recorded the following progress reporting for the Student’s “objectives”:²
 - Request a break: The Student was progressing toward the objective of requesting a break.
 - Use a 2 sequence combination: The Student was progressing toward the objective of choosing a preferred option using a 2 sequence combination on his AAC device.
 - Label vocabulary: The Student was progressing toward the objective to label vocabulary with his AAC device.
 - Navigate between device pages: The Student was making minimal progressing toward the objective to navigate between 2 pages on his AAC device.

The comments were generalized for all objectives, and stated, the Student required maximum cues to complete goals with his AAC device, and would sometimes do the opposite of the therapist’s request, and then smile.

9. On October 20, 2016, the occupational therapist recorded the following progress reporting for the Student’s annual goals:
 - Occupational Therapy: The Student had made significant progress on his goal to improve his cutting of shapes from 25% accuracy to 90% accuracy, over 5 opportunities. The comments stated the Student demonstrated 90% accuracy.
 - Occupational Therapy: The Student had emerging skill on his goal to improve his ability to use a pencil to mark a paper, either by circling, drawing a line, and/or making an X, from 50% to 90%. The comments stated the Student demonstrated improved

² The documentation does not explain the relationship between the Student’s “objectives” and the goals listed in previous documentation, but presumably, the objectives are short-term benchmarks for the Student’s annual goals.

accuracy with marking choices or items that did not belong in a series. The comments also noted that for marking an X, the Student was more than 70% accurate.

- Occupational Therapy: The Student had emerging skill on his goal to improve his ability to write letters from 4/26 letters to 20/26 letters. The comments noted the Student was able to trace vertical, horizontal, circle, and oblique lines to create block-printing words. The comments also stated the Student had participated in fill in the blank activities with writing letters of his name, was able to trace the first letter of his name, and was able to complete the last three letters of his name in cursive with 50% legibility and accuracy.

10. On November 7, 2016, the District recorded the following progress reporting for the Student's annual goals:

- Reading: Regarding his goal to improve identification of sight words from 15 to 30 words, the Student had made significant progress, and could identify 25 sight words.
- Writing: Regarding his goal to type his first name, last name, and address, the Student had mastered typing his first and last name, but not typing his address. The comments stated the Student typed his first name without a model 80% of the time and typed his last name 90% of the time.
- Writing: Regarding his goal to write his first and last name using different modalities (paper/pencil, technology), the Student had made progress.
- Mathematics: Regarding his goal to demonstrate one to one correspondence for the numbers 1-15, the Student continued to demonstrate one to one correspondence for numbers 1-5, but had not made progress on numbers 6-15.
- Mathematics: Regarding his goal to identify a basic US coin, the Student had made "good progress," and could do so with 60% accuracy.
- Mathematics: Regarding his goal to identify the value of basic US coins, the Student had not started to work.
- Mathematics: Regarding his goal to solve a single digit addition problem, the Student needed to master his mathematics goal for one to one correspondence before addressing single digit addition problems.
- Social: Regarding his goal to initiate social interaction with a peer using his AAC device, the Student had mastered the goal. The comments stated the Student could say "Hi" to peers and staff, using his AAC device, with 80% accuracy.
- Adaptive: Regarding his goal to improve task completion from 2 tasks to 4 tasks, the Student had mastered the goal.
- Adaptive: Regarding his goal to identify functional nouns receptively and expressively, improving from identifying 30 nouns to 60 nouns, the Student had mastered the goal. The comments stated the Student could identify 59/60 nouns on his AAC device.

11. December 19, 2016 was the first day of the District's winter break, and school resumed on January 3, 2017.

12. On January 27, 2017, the occupational therapist recorded the following progress reporting for the Student's annual goals:

- Occupational Therapy: The Student had made significant progress on his goal to improve his cutting of shapes from 25% accuracy to 90% accuracy, over 5 opportunities.
- Occupational Therapy: The Student had emerging skill on his goal to improve his ability to use a pencil to mark a paper, either by circling, drawing a line, and/or making an X, from 50% to 90%.

- Occupational Therapy: The Student had emerging skill on his goal to improve his ability to write letters from 4/26 letters to 20/26 letters.

The comments stated the therapist would report updated progress in March 2017, as part of the Student's triannual reevaluation report.

13. On February 28, 2017, the District recorded the following progress reporting for the Student's annual goals:

- Reading: Regarding his goal to improve identification of sight words from 15 words to 30 words, the Student could identify 31 sight words.
- Writing: Regarding his goal to type his first name, last name, and address, the Student had mastered his names, and was working on his address and telephone number.
- Writing: Regarding his goal to write his first and last name using different modalities (paper/pencil, technology), the Student could "use tech" to write his name, but struggled with the paper/pencil modality.
- Mathematics: Regarding his goal to demonstrate one to one correspondence for the numbers 1-15, the Student continued to demonstrate one to one correspondence only for numbers 1-5, and had not made progress on his goal.
- Mathematics: Regarding his goal to identify a basic US coin, the Student could identify basic coins with 80% accuracy.
- Mathematics: Regarding his goal to identify the value of basic US coins using his AAC device, the Student could identify a penny and a nickel with a model, but without a model, he was only 10% accurate, and appeared to be guessing.
- Mathematics: Regarding his goal to solve a single digit addition problem, instruction on the goal had not started because the Student had not yet mastered his goal for one to one correspondence.
- Social: Regarding his goal to initiate social interaction with a peer, using his AAC device, the Student continued using his AAC device and could identify at least 80% of students and staff.
- Adaptive: Regarding his goal to improve task completion from 2 to 4 tasks, the Student was able to complete an average of 6 tasks and stay focused.
- Adaptive: Regarding his goal to identify functional nouns, improving from 30 nouns to 60 nouns, the student could identify 65 nouns with his AAC device.

14. On March 8, 2017, the District completed a reevaluation of the Student, which included a file review and observations of the Student. The evaluation report noted that the Student had shown marginal growth in his ability to communicate and engage in independent work, and the Student's IEP should prioritize those two areas. The evaluation report further stated that in the past three years, the Student had moved to a point where he may be on the threshold of significant growth, but his emerging learning skills needed to be successfully developed and generalized. The evaluation report recommended the Student receive specially designed instruction for academics, adaptive skills, communication, and social/emotional skills, and receive related services for occupational therapy. Additionally, the evaluation report recommended the Student receive the supplementary aids and services of paraeducator support, assistive technology, and augmented communication. The school psychologist and the Parent signed the evaluation report on March 9, 2017. However, the Parent included a dissenting opinion, noting she disagreed with the evaluation because it was limited to a records review, and although it qualified the

Student as eligible for services, it did not provide enough information to develop a new IEP.

15. On March 15, 2017, the Student's IEP team, including the Parent, developed the Student's annual IEP. The team considerations stated the Student received 1 to 1 support throughout the day, was observant, and used his AAC device to say "Hi." The team considerations also stated the Student had been vocalizing, "Yes," and "No," and "More Please," and that the Parent had requested an independent educational evaluation (IEE).

The present levels of performance for social/emotional stated the Student was 50% when using his AAC device to identify a peer and ask a question. The present levels of performance for adaptive stated that using his AAC device, the Student could request a snack 80% of the time, and identify his address 20% of the time, but could not yet identify his telephone number. The present levels for mathematics stated the Student could identify the numbers 1-30 with 100% accuracy, and understood 1 to 1 correspondence with numbers up to 5 with 80% accuracy, but struggled with correspondence for numbers 5-10. The present levels for mathematics also stated the Student could identify the basic US coins with 80% accuracy, but could not count the coins. The present levels for reading stated that using his AAC device, the Student could identify all upper and lowercase letters, match words to pictures, read 30 sight words, and identify 60 nouns. The present levels for writing stated the Student struggled with handwriting, but could trace his first and last name with 100% accuracy. The present levels for communication stated the Student was non-verbal except for a handful of words, used his AAC device to communicate, but was inconsistent with his AAC device, and it was difficult to determine his skill level. The present levels further stated the Student was capable of navigating between 3 screens with prompting, but required aided hand over hand and/or maximum prompting to accomplish tasks using his AAC device.

The Student's IEP provided the following annual goals:

- Speech Language Therapy: When given a prompt, the Student will point to, verbalize, or find the correct picture/phrase on his AAC device, improving his functional communication skills from 20% accuracy to 50 % accuracy.
- Speech Language Therapy: The Student will use his AAC to combine two or more word phrases or sentences to communicate his wants/needs, improving from 20% accuracy to 50% accuracy.
- Reading: When given sight word cards, the Student will receptively identify the word, improving from 30 words to 50 words.
- Writing: When given a model to follow and using a key board, the Student will improve his ability to type his address and telephone number from 20% accuracy to 80% accuracy.
- Writing: Using different modalities (paper/pencil, technology) to write his first and last name, the Student will improve his handwriting from 50% to 100%.
- Mathematics: The Student will improve from being able to demonstrate one to one correspondence for numbers 5-15 with 20% accuracy to 80% accuracy.

- Mathematics: When given a basic US coin (penny, nickel, dime, quarter), the Student will improve from not being able to identify its value, to being able to give its value (1 cent, 5 cents, 25 cents etc.)
- Mathematics: The Student will solve a single digit addition problem (0-5), improving from 0% accuracy to 70% accuracy.
- Social: Using his AAC device, the Student will initiate social interaction with a peer, saying "Hi" and asking a question, improving from 50% to 80% of the time.
- Adaptive: The Student will improve his ability to memorize and dial his telephone number, improving from not being able to dial his telephone number to doing so with 80% accuracy.
- Occupational Therapy: The Student will participate in meaningful physical movement and regulation activities, improving from 10 minutes to 20 minutes of focus/attention during tabletop tasks.
- Occupational Therapy: Given basic shapes drawn with thickened lines, the Student will be able to cut out the shape, improving from 25% accuracy to 90% accuracy, over 5 opportunities.³
- Occupational Therapy: Given an activity requiring a paper-pencil response, the Student will be able to mark his response by circling, drawing a connecting line, and/or making an X, improving accuracy and independence from 50% to 90%.
- Occupational Therapy: The Student will write within block letter paths, improving pencil control and penmanship from 4/26 letters to 20/26 letters.

The Student's IEP included several daily accommodations, including:

- Use of a ball chair
- Breaks as needed
- Primary para support
- Re-read directions/questions
- Sensory: Access to soft cloth materials
- Heavy work/deep pressure
- Shortened assignments
- Small group instruction
- Task box system
- AAC device per week

The Student's IEP also provided the following specially designed instruction, all in the special education setting:

- Reading – 250 minutes per week
- Writing – 250 minutes per week
- Mathematics – 250 minutes per week
- Social skills – 250 minutes per week
- Adaptive skills – 250 minutes per week

Additionally, the Student's IEP provided the following related services:

- Occupational therapy – 180 minutes per week
- Speech language – 120 minutes per week

³ These three occupational therapy goals were continued from the Student's previous IEP.

Furthermore, the Student's IEP provided the following program modifications or supports for school personnel:

- Right response training

16. On March 30, 2017, the District issued prior written notice, stating the District would continue the Student's previous IEP, until the Student's IEE was completed.⁴

17. The District's spring break was from April 3, 2017 to April 7, 2017, and school resumed on April 10, 2017.

18. On April 14, 2017, the District issued the following progress reporting for the Student's annual goals:

- Speech Language Therapy: Regarding his goal to respond to a prompt by pointing, verbalizing, or finding the correct picture/phrase on his AAC device, the Student had not received instruction for the goal because of his illness and spring break.
- Speech Language Therapy: Regarding his goal to use his AAC to combine two or more phrases to communicate wants/needs, the Student had not received instruction for the goal because of his illness and spring break.
- Reading: Regarding his goal to improve his identification of sight words on word cards from 30 words to 50 words, the Student had emerging skill, and could identify 35 sight words with his AAC device.
- Writing: Regarding his goal to type his address and telephone number from 20% accuracy to 80% accuracy, the Student had emerging skill, and could type his first, last, and the first 2 digits of his address, without a model.
- Writing: Regarding his goal to write his first and last name using different modalities (paper/pencil, technology), the progress reporting had no information.
- Mathematics: Regarding his goal to demonstrate one to one correspondence for the numbers 5-15, the Student had made insufficient progress to achieve the goal within the duration of the IEP. The comments stated, the Student could find the numbers 5-10 on his AAC device, but had not yet identified the one to one correspondence.
- Mathematics: Regarding his goal to identify the value of basic US coins, the Student had emerging skill. The comments stated the Student could hand a staff member 1 cent and 1 quarter, but was struggling with nickels and dimes.
- Mathematics: Regarding his goal to solve a single digit addition problem, the Student had not yet received instruction.
- Social: Regarding his goal to initiate social interaction with a peer, using his AAC device, the Student had emerging skill. The comments stated the Student had been able to say "Hi" to classmates as well as staff and could initiate 60% of the time.
- Adaptive: Regarding his goal to improve his ability to memorize and dial his telephone number, the Student had not yet received instruction.
- Occupational Therapy: Regarding his goal to participate in meaningful physical movement and regulation activities, the progress reporting did not include this goal on the list of goals for reporting.
- Occupational Therapy: Regarding his goal to cut shapes, improving from 25% accuracy to 90% accuracy, over 5 opportunities, the Student had mastered the goal.

⁴ According to the District, the District agreed to the Parent's request for an IEE in the area of communications, and those arrangements are underway.

- Occupational Therapy: Regarding his goal to mark his response by circling, drawing a connecting line, and/or making an X, improving from 50% to 90%, the Student had made sufficient progress. The comments stated the Student was able to mark or match pictures that go together with 75% accuracy.
- Occupational Therapy: Regarding his goal to write within block letter paths, improving from 4/26 letters to 20/26 letters, the Student had emerging skill. The comments stated the Student demonstrated great progress and could use his right pointer finger with an electronic pencil on a screen to trace 26/26 letters with 75% accuracy.

19. On April 24, 2017, the Parent filed this complaint.

CONCLUSIONS

1. Developing/Revising IEP: The documentation substantiates that the District followed procedures for developing/revising the Student's IEP. The District has considered the Parent's input and followed procedures for fully developing an IEP that included appropriate goals, needed services and supports, and special factors, such as the Student's assistive technology needs.
2. IEP Implementation: The documentation also substantiates that the District followed procedures for implementing the Student's IEP. The Parent alleged that the Student lacked sensory support and did not make progress in any of his goal areas. However, the progress reporting indicated that although the Student struggled with some of his annual goals, he mastered and surpassed many of his goals.
3. Assistive Technology: Additionally, the documentation substantiates that the District followed procedures associated with the Student's assistive technology. In its response to this complaint, the District affirmed that all instructional staff working with the Student knew how to use the Student's AAC device and its programs. Further, the District stated that in preparation for the Student's transition to high school in the 2017-2018 school year, the District has asked the Student's IEE provider to schedule training on the AAC device to staff and students at the high school.

CORRECTIVE ACTION

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

None.

RECOMMENDATION

OSPI recommends the District review its procedures for progress reporting, and ensure that special education staff members provide complete and timely progress reporting, including data points, for all annual goals on students' IEPs.

Dated this ____ day of June, 2017

Douglas H. Gill, Ed. D.
Assistant Superintendent
Special Education
PO BOX 47200
Olympia, WA 98504-7200

**THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS
COMPLAINT**

IDEA provides mechanisms for resolution of disputes affecting the rights of special education students. This decision may not be appealed. However, parents (or adult students) and school districts may raise any matter addressed in this decision that pertains to the identification, evaluation, placement, or provision of FAPE to a student in a due process hearing. Decisions issued in due process hearings may be appealed. Statutes of limitations apply to due process hearings. Parties should consult legal counsel for more information about filing a due process hearing. Parents (or adult students) and districts may also use the mediation process to resolve disputes. The state regulations addressing mediation and due process hearings are found at WAC 392-172A-05060 through 05075 (mediation) and WAC 392-172A-05080 through 05125 (due process hearings.)