

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 22-02

PROCEDURAL HISTORY

On January 8, 2022, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from an attorney¹ (Complainant) representing the parent (Parent) of a student (Student) attending the Shoreline School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, regarding the Student's education.

On January 10, 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 January 27, 2022, OSPI received the District's response to the complaint and forwarded it to the Complainant on January 28, 2022. OSPI invited the Complainant to reply.

On February 2, 2022, OSPI requested that the District provide additional information, and the District provided the requested information the same day. OSPI forwarded the information to the Complainant on February 3, 2022.

On February 8 and 10, 2022, OSPI received the Complainant's reply. OSPI forwarded that reply to the District on February 11, 2022.

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

ISSUE

1. Did the District follow procedures to ensure meaningful Parent participation per WAC 392-172A-05001(2)(e), in considering the Parent's request that the Student's private psychologist be able to observe the Student's educational program on January 10, 2022?

LEGAL STANDARDS

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

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

Parent participation is an active role in which the parents: provide critical information regarding the strengths of their child, and express their concerns for enhancing their child's educational program; participate in discussions about their child's need for special education, related services, and supplementary aids and services; and join with other participants in deciding how the child will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the child and in what setting. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 5).

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

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

FINDINGS OF FACT

Background: Spring and Sumer 2021

1. The Student is eligible for special education services under the category of specific learning disability.
2. In the spring of 2021, the Parents requested an independent educational evaluation (IEE), and the District granted the request for an IEE to address cognitive and math.
3. In July 2021, the Student was evaluated as part of the IEE by a private neuropsychologist (private evaluator). The IEE report included the evaluator's diagnosis of a specific learning disability in math and generalized anxiety. The private evaluator found the Student scored in

the “very low range” compared to same age peers in math reasoning, and that compared with previous testing, the Student’s math skills have “regressed significantly.” The evaluator noted that the Student’s deficits in math could not be attributed solely to the COVID-19 pandemic.

The IEE report included a discussion of how the Student’s learning profile might affect him in the classroom and made recommendations, including specific math teaching materials, the provision of a math tutor outside of school hours, specific accommodations and strategies, and recommendations related to executive functioning. The private evaluator found the two math goals on the Student’s IEP inadequate and recommended that the Student receive specially designed instruction in math fluency, calculation, and problem solving at a minimum frequency of 60 minutes per day, five days per week using a structured math program.

2021–2022 School Year

4. At the start of the 2021–2022 school year, the Student continued to be eligible for special education services and attended a District high school. The Student’s May 2021 IEP was in effect.

The May 2021 IEP indicated the Student’s disability impacted his math skills and that the Parents were concerned that “current accommodations and services...have been ineffective in closing the gap towards [Student’s] math deficits.” The IEP included two annual goals in math calculation, several accommodations, and specially designed instruction in math.

5. On September 1, 2021, the District’s 2021–2022 school year began.
6. In fall 2021, the District received the private evaluator’s IEE report. The District noted in its response that the IEE included two additional areas of possible special education services for the Student: executive functioning and social-emotional.
7. On September 23, 2021, the Student’s IEP team met to review the IEE report. At the meeting, the IEP team determined it would be appropriate to initiate a reevaluation to address the results of the IEE and gather additional data in math, social skills, and organization.
8. In October 2021, the District’s school psychologist reevaluated the Student. Based on the reevaluation report, the reevaluation consisted of a review of educational records, a review of state/District assessments, a standardized assessment of math, a “classroom performance assessment (psychologist-devised survey), a study/organizational skills assessment, a social/emotional assessment, a Student interview, and review of an informal writing sample. As part of the reevaluation, the school psychologist observed the Student in the classroom and lunchroom.
9. On November 16, 2021, the Student’s IEP team met to review the reevaluation. The reevaluation report documented that the Student continued to be eligible for special education under the category specific learning disability and recommended the Student

receive specially designed instruction in math ("math, not just computation but problem-solving, math anxiety, and math organizational skills") and written expression.

The District's reevaluation report indicated that concerns regarding the Student's abilities in executive functioning and social-emotional were specific to math: "An outside evaluation, identified two areas of possible additional service, anxiety and executive functioning. Both appear to be specific to math and as such additional sub-goal areas under the Math goal will be recommended to the IEP."

10. On December 15, 2021, the Student's IEP team met. The IEP team updated the Student's annual goals so that the IEP included goals in the areas of math (problem solving skills and organization) and written expression. The IEP included the following specially designed instruction:
- Math: 230 minutes per week (provided by special education staff in the general education setting)
 - Written Expression: 30 minutes, twice per week (provided by special education staff in the special education setting)
 - Math: 30 minutes, twice per week (provided by special education staff in the special education setting)

The IEP also adopted additional accommodations and indicated the Student would spend 93.1% of his time in the general education setting.

11. At the December 15, 2021 IEP meeting, the Parent and the attorney (Complainant) requested that the private evaluator observe the Student at school, during his math class on January 10, 2022. The complaint noted that the "District thanked them for their notification and indicated that they should be able to accommodate the request," and asked the Complainant to send the request to the District's legal counsel.

The District's response stated that IEP team members from the District asked the Complainant to submit a written request to the school with details of what they were requesting. The District stated the Complainant indicated he would also email the District's legal counsel.

12. On December 16, 2021, the Complainant emailed the District's legal counsel and requested the private evaluator be allowed to observe the Student in his math class on January 10, 2022, as they had discussed at the IEP meeting.² The Complainant noted that neither the District nor its legal counsel responded.

13. The District was on winter break from December 20 through 31, 2021.

² According to the District's response, "Following a thorough search of [District legal counsel's] email, it appears that neither email [from the Complainant] was received. The December 16 email submitted with the Complaint requested that [District legal counsel] confirm receipt of the email; when no such confirmation was sent because the email had not in fact been received, it appears that Complainant nevertheless assumed that it had."

14. On January 4, 2022, the Complainant resent the email from December 16, 2021 to the District's legal counsel. The Complainant asked what protocols the evaluator would need to follow prior to and during the observation.
15. Also, on January 4, 2022, the Parent emailed the District's director of secondary student services (director), stating she was following up on her previous request to confirm that the private evaluator would be able to observe the Student on January 10, 2022.
16. On January 5, 2022, the Complainant called and left a voicemail for the District's legal counsel.
17. Also, on January 5, 2022, the Parent emailed the Student's IEP team regarding the requested observation. In the email, the Parent noted the Complainant had made several attempts to contact the District and that the Parent had emailed and left a voicemail for the director and had received no response.
18. Later, on January 5, 2022, the assistant principal at the Student's school responded to the Parent and stated, "Unfortunately, we are not open to visitors. I know that we were hoping that was going to change in January, but with the increase of COVID cases in the area, that district policy has not been adjusted." The assistant principal stated they were not able to host an in-person observation and stated, "let me know if you would like me to explore a way for [private evaluator] doing [sic] an observation via zoom."

The Parent responded and asked for a copy of the policy regarding in-person observations. The assistant principal replied, referring the Parent to the frequently asked questions portion on the District's "Return to School" webpage:

Are parents/guardians, visitors or volunteers allowed in schools?

No, only staff and students are allowed in the schools for the beginning of the school year.

We hope that this restriction will change as time progresses. We will share when parent/guardians, visitors and volunteers are able to come into our schools.

19. The District stated in its response that its visitor policy was based on the District's "COVID-19 Safety Guide," which stated, in relevant part: "[T]here will be no visitors or volunteers allowed on school grounds or inside our facilities. Public health guidance will be monitored during the year and this restriction may be modified during the year." The District stated its safety protocols were based on guidance from the Washington State Department of Health, Department of Labor & Industries, county and city public health departments, OSPI, and the Governor.

The District further stated it hoped to modify the visitor policy at the beginning of 2022, but could not due to a "significant spike in COVID-19 cases in the District community beginning in mid-December of 2021."³

³ The District included in its response the county "COVID-19 Summary Dashboard," dated January 20, 2022, which stated that the level of community transmission of COVID-19 was "high," and cases had been increasing since December 2021.

20. In his reply to the District's response, the Complainant argued that it was improper for the District to rely in its COVID-19 guidance because the Center for Disease Control (CDC) guidance "presupposes that visitors are permitted on campus," citing CDC guidance which included references to visitors following masking mandates and layer prevention strategies.
21. On January 6, 2022, the Parent emailed the assistant principal, stating that she disagreed with the District's position. The Parent stated that "under IDEA, when a school district conducts an evaluation and their professionals observe a student in the classroom setting, the school district must also allow a parent's outside evaluator to observe the student in the classroom setting." The Parent stated that the District "must allow [private evaluator] to observe [the Student] in his math class this coming Monday." Finally, the Parent stated she would be filing a complaint if the District did not reconsider its position.
22. On January 7, 2022, the director also emailed the Parent and reiterated the District's position that the private evaluator would not be allowed to observe the Student in person that Monday. The director stated that the District would accommodate the observation as soon as health and safety protocols allow and stated, "please let [assistant principal] know if you would like us to proceed with a zoom observation in the interim."
23. Also, on January 7, 2022, the District's legal counsel emailed the Complainant, stating she had received his voicemail. The District's counsel stated that it was her understanding the Parent had been communicating with the District about the requested observation.
24. On January 8, 2022, OSPI received and opened this complaint investigation. In the complaint, the Complainant argued that the District denied the Parent's request to have the private evaluator observe the Student, which denied the Parents' right to meaningful participation.

The Complainant stated that the District's denial of the Parent's request to have the private evaluator observe "significantly impeded [Parents'] opportunity to meaningfully participate in the decision-making progress regarding their child's education" and by "preventing [private evaluator] from fully participating in [Student's] IEP process at school, the [District] 'made it impossible to design an IEP that addressed [Student's] unique needs...thereby denying...[a free appropriate public education]." The Complainant noted that they anticipate the private evaluator would continue to participate in the Student's IEP meetings for the foreseeable future and that the "[Parents] cannot meaningfully participate in meetings concerning their son's special education if their neuropsychologist is not able to observe [the Student]."

The Complainant went on to note that the District psychologist was allowed to observe the Student as part of the reevaluation and that the "IDEA makes clear that if a district permits its own evaluators to observe students in the classroom, it must give independent evaluators the same opportunity."⁴

⁴ The District argued in its response that any investigation of IEE regulations is beyond the scope of the issues alleged in the complaint and opened by OSPI in the investigation. However, the District also stated that reliance on the IEE regulations is not the proper analytical framework, stating the "Parents did not

25. On January 10, 2022, according to the Student's attendance record, the Student did not attend school due to illness.
26. On January 17, 2022, the District received a letter, indicating the Parents intended to unilaterally place the Student at a nonpublic agency (NPA) to receive one-on-one, in-person instruction in math. The letter indicated the Parents intended to keep the Student dual-enrolled in the District for other coursework and specially designed instruction.
27. The District stated in its response that if the Student does continue to receive math instruction through the District, the District is open and ready to accommodate a virtual observation by the private evaluator. The District stated it was "also committed to accommodating in-person observation as soon as COVID-19 transmission rates decrease to a level where allowing visitors on campus will not unacceptably increase the risk of a transmission event that would threaten the District's ability to continue in-person instruction."

The District clarified that following the Student's absence on January 10, 2022, the Parents have not renewed their request for the private evaluator to observe the Student nor had the observation been scheduled on a different date.

28. In the Complainant's reply to the District's response, the Complainant maintained that the issue was "not a logistical issue in which the parents could not agree on a date and/or time," but rather it was a "wholesale denial" by the District to allow the private evaluator to observe the Student after the "District had allowed their school psychologist to observe the Student throughout various times in his school day and specifically during his math class." The Complainant pointed out that the District's policy (2161P) allows in-class observations during special education reevaluations. The Complainant stated it would not have mattered if the Parent made another observation request because the District "policy [is] to not allow an outside observation under any circumstances."⁵ The Complainant further stated:

Given that this issue is capable of repetition, my Client is requesting that OSPI reach a determination on the District's policy...As a matter of law, the District's policy violates IDEA...The District's policy materially impacts parents ability to make informed decisions about their children's special education. If this stands, then the [District] will effectively have

request that [private evaluator] observe the Student in person for IEE purposes" as no IEE was in progress on January 10, 2022. The District stated, "The Parents did not request in-person observation for [private evaluator's] IEE or otherwise indicate that observation was necessary for the IEE" and the "IEE process was completed months before the Parents' request."

⁵ The Complainant noted he currently has "a different client with a child that qualifies for special education and related services that made a similar request for observation by a different outside evaluator and that client's request was also denied on the basis of Covid." The Complainant stated, "My other client was told that no outside visitors are allowed on campus due to Covid. My other client's request was denied by [District] in the past day or so." The Complainant included emails, dated February 4-7, 2022, regarding this other request, wherein the District stated they were not allowing visitors at that time per COVID guidelines and could not "schedule to allow visitors at this time...I look forward to that changing, hopefully sooner rather than later."

effectively created a system where they are unchecked. They can put whatever they want in their observation reports because there is no way to challenge their reports. Our ALJ's and Courts make decisions about how much weight to give to a private evaluator's professional opinions based on whether the same provider has observed a student in their academic setting.^[6] This is a question of whether families in [the District] with students that qualify for special education will or will not be able to enforce their rights under IDEA and hold [District] accountable for violations under IDEA.

The Complainant stated that the District and Parent currently have a dispute regarding the Student's placement for math. The Complainant noted that, "If school districts are free to have a policy of no visitors, including evaluators conducting IEEs for special education, then there are far fewer external incentives for school districts to meet their obligations under IDEA."

The Complainant requested that OSPI require the District to change its visitor policy to come into compliance with the IDEA.⁷

CONCLUSIONS

Issue: Observation – The Complainant alleged the Parents were denied the ability to participate in the special education process when the District denied the Parents' request to have the Student's private evaluator observe him during his math class.

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

⁶ The Complainant included several examples of Washington due process decisions wherein the importance of student observations was discussed and impacted the decision. The examples illustrate that when private or outside providers do not speak to school district staff or observe students in a school setting, their testimony in due process is often given more limited weight compared to the testimony of district staff who work with a student in the school setting or observe the student in those settings.

⁷ Here, the Complainant cited: "Letter to Anonymous, 72 IDELR 251 (OSEP 2018) (limits that a school district places on the amount of time that an independent evaluator may observe a child in the school setting must not conflict with the district's own criteria)" and "Letter to Wessels, 16 IDELR 735 (OSEP 1990)" which also addresses IEEs. OSPI notes that the District also cited "Letter to Anonymous" to stand for the idea that "The IDEA and its implementing regulations 'do not provide a general entitlement for third parties, including attorneys and educational advocates, to observe children in their current classrooms or proposed educational placements.'"

with parents “in ways that meet the needs of both the parents and the school, including providing opportunities for parents to observe their children’s classroom and proposed placement options.”

Observation Request: Here, at a December 15, 2021 individualized education program (IEP) meeting, the Parents requested that the Student’s private evaluator (who previously conducted an independent educational evaluation (IEE)) be allowed to observe the Student at school, during his math class on January 10, 2022. The request was reiterated by the Parents in emails and phone calls to the District in the days leading up to January 10, 2022.

The District ultimately responded that in accordance with its COVID-19 policy, the District was not open to visitors and therefore they could not do an in-person observation at that time. However, the District instead offered to explore a way for the private evaluator to observe the Student during his math class via Zoom and then later schedule an in-person observation when it was safe to do so. The Parents did not respond to the District’s offer of a Zoom observation; instead, the Parents indicated their disagreement with the District’s position and continued to request that the private evaluator observe the Student during math.

As there is no specific right to an observation—and there is no *in-person observation* right—in the IDEA or state special education regulations, OSPI finds that the District here responded reasonably given the circumstances. Again, the state regulation requires the District to respond to a parent’s observation request in accordance with state law and District policy. Here, the District offered a Zoom observation (with the possibility for a second in-person observation later) given the District’s COVID-19 visitor policy, state health and safety guidelines, and in consideration of the spike in COVID-19 cases in December 2021 and January 2022. OSPI finds no violation.

IEE and District Policy: The Parent and Complainant argued that because the District psychologist was allowed to observe the Student in person as part of the reevaluation and that the “IDEA makes clear that if a district permits its own evaluators to observe students in the classroom, it must give independent evaluators the same opportunity.” OSPI notes that IEE regulations are not being investigated in this complaint, but will address the topic to explain why the IEE framing is not the applicable analytical framework as emphasized by the District.

Federal guidance does note there may be circumstances where an observation is needed; for example, if parents request an IEE and the evaluator needs to conduct an observation. Here, the Parents requested an IEE in spring of 2021 and the District granted the request. The IEE was conducted in July 2021, the Student’s IEP team reviewed the IEE report in September 2021, and the IEP team determined it would initiate a reevaluation to address the results of the IEE and gather additional data. In October, the District reevaluated the Student—including conducting an observation of the Student—and in November and December 2021, the IEP team met to review the reevaluation and update the Student’s IEP.

While a district should permit an outside evaluator to observe a student as part of an IEE⁸, there is no requirement that once an IEE has been conducted, a private evaluator must conduct an observation every time a district observes a student in the future. In this case, there was no IEE being conducted in January 2022, as the IEE had been completed months before. If the private evaluator had wished to conduct an observation of the Student, this could have been requested and coordinated as part of the spring 2021 IEE request and subsequent IEE. Thus, regulations related to IEEs and IEE criteria do not control in this situation.

Additionally, the Complainant asks OSPI to find a violation based on the District's policy, arguing that the District's own policy allows for in-class observations during special education reevaluations and that the District's policy is to not allow an outside observation under any circumstances. While OSPI does not investigate violations of district policies per se, OSPI can review a district policy with respect to whether the policy violates the IDEA. OSPI finds nothing contrary to the IDEA in the District's policy for two reasons. First, the District's policy addressing reevaluations is not relevant here as both the IEE and reevaluation were complete prior to the requested observation and thus the observation request was not connected to a reevaluation or an IEE. Second, in this situation, the District offered a Zoom observation which indicates the District does allow observations while also being responsive to the current health and safety restrictions in light of the COVID-19 pandemic.

Parent Participation Generally & Importance of Observations: The Complainant argued that by not allowing the private evaluator to observe the Student, the District "significantly impeded [Parents'] opportunity to meaningfully participate in the decision-making progress regarding their child's education" and by "preventing [private evaluator] from fully participating in [Student's] IEP process at school, the [District] 'made it impossible to design an IEP that addressed [Student's] unique needs...thereby denying...[a free appropriate public education].'"

The parents of a student eligible for special education services must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of a free appropriate public education (FAPE) to the student. This is an active role in which the parents: provide critical information regarding the strengths of their child, and express their concerns for enhancing their child's educational program; participate in discussions about their child's need for special education, related services, and supplementary aids and services; and join with other participants in deciding how the child will be involved and progress in the general curriculum, and what services the agency will provide to the child and in what setting.

Here, it is not entirely clear how the Parents' opportunity to participate was limited. As discussed above, the Parents requested an IEE which was conducted and reviewed by the Student's IEP team in fall 2021, including the Parents. The IEP team determined a reevaluation was appropriate and conducted the reevaluation. The Student's IEP team met in November and December 2021 to

⁸ See Letter to Anonymous, 72 IDELR 251 (OSEP 2018) (limits that a school district places on the amount of time that an independent evaluator may observe a child in the school setting must not conflict with the district's own criteria).

review the reevaluation and update the Student's IEP. The Parents and their attorney attended and participated in multiple meetings throughout the fall/winter semester of the 2021–2022 school year. Given that the Parents subsequently unilaterally placed the Student at a nonpublic agency (NPA) to receive one-on-one, in-person instruction in math, it appears the Parents disagreed with the quantity of math instruction in the IEP, the method of instruction (i.e., one-to-one instruction versus in a class with other students), or the fact that the Student was not making the amount of progress desired.

The Complainant argued that by not allowing the evaluator to observe in person, the District limited the Parents' ability to challenge the District's reports and make informed decisions about their Student's special education, creating a system where a District is unchecked. However, here it is clear the Parents did disagree with the IEP and expressed their disagreement by enrolling the Student in an NPA and filing a due process. Further, disagreeing with an IEP does not necessarily mean a parent was prevented from participating.

While it is entirely possible that the private evaluator's observation would have provided additional or new information, given the previous IEE and participation in multiple meetings, OSPI finds that the documentation and information provided in this complaint investigation do not indicate the Parent's participation has been substantially limited. Ultimately, the District agreed to an observation, just not in person due to temporary health and safety protocols in place. Overall, OSPI finds no violation with respect to parent participation.

CORRECTIVE ACTION

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

None.

RECOMMENDATIONS

Given the decrease in COVID-19 cases and the Governor's ending of the mandatory masking requirement in March 2022, OSPI recommends the District continue to engage with the family to determine if the Parents would still like to schedule an observation, which may potentially be able to be conducted in person at this time.

OSPI also notes the Complainant raised concerns about another client. Given that OSPI does not find a violation in this complaint as the District offered a Zoom observation, the information about the other student—for whom the District appears to have declined the request for an in-person observation—does not necessarily indicate a systemic violation. OSPI recommends the District revisit this other student in light of changing COVID-19 conditions and generally explore whether alternative observations methods would work.

Finally, the Complainant highlights the importance of observations, especially in the context of special education due process and court cases. The Complainant notes that ALJs and courts often make decisions about how much weight to give a private evaluator’s professional opinion based on whether the private evaluator has observed a student at school. The Complainant frames the instant complaint as a “question of whether families in [the District] with students that qualify for special education will or will not be able to enforce their rights under IDEA and hold [District] accountable for violations under IDEA.” OSPI agrees that observations are important and borrowing from the federal guidance encourages district personnel and parents to work together in ways that meet the needs of both the parents and the school, including providing opportunities for parents to observe their children’s classroom and proposed placement options. At the same time, this overarching policy consideration is not the equivalent of a violation of the IDEA; however, OSPI recommends the District review the concerns in this area and consider these factors when addressing observation requests from parents and private providers.

Dated this ___ day of March, 2022

Glenna Gallo, M.S., M.B.A.
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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.)