

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 17-37**

### **PROCEDURAL HISTORY**

On May 17, 2017, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from an attorney (Complainant) representing a student (Student) and his parent (Parent). The Student attends the Highline School District (District). The Complainant 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 May 18, 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 June 9, 2017, OSPI received the District's response to the complaint and forwarded it to the Parent on June 12, 2017. OSPI invited the Complainant to reply with any information she had that was inconsistent with the District's information.

On June 16, 2017, OSPI requested additional documents from the District. The District provided the documents on June 19, 2017, and OSPI forwarded the documents to the Complainant on the same day.

On June 23, 2017, OSPI received the Complainant's reply and forwarded that reply to the District on the same day.

On June 23, 2017, OSPI requested additional documents from the District. The District provided the documents on June 28, 2017, and OSPI forwarded the documents to the Complainant on June 29, 2017.

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

### **OVERVIEW**

In December 2016, the Student moved to the United States, and became a resident of the District. On March 3, 2017, the Parent, who does not speak English, enrolled the Student in the neighborhood District middle school, but the Student did not begin attending school at that time. Also in March, the District reassigned the Student to another District middle school, other than the neighborhood school, and agreed to provide the Student transportation to the new middle school. The District then held a multidisciplinary team meeting to discuss evaluating the Student for special education, and also discussed issues with the Student accessing the school bus because he used a wheelchair, lived in a second story apartment, and could not reach the bus loading zone on days when the Parent was at work. The District then agreed to evaluate the Student for special education eligibility, and to provide transportation for the Student only on the days the Parent could get the Student to the bus stop. After the meeting, the District provided the Parent with prior written notice and a consent to evaluate form in English, but did not provide the

documents in the Parent's native language, or further contact the Parent through an interpreter to discuss the documentation. In May 2017, the Complainant contacted the District on behalf of the Parent, expressing concerns about the fact that the Student had yet to attend school, or be evaluated. The Complainant alleged that the District failed to provide the Parent information in his native language, and failed to follow procedures for obtaining the Parent's informed consent. The District admitted it failed to provide the Parent information in his native language, but stated it did provide an interpreter for meetings with the Parent, and after receiving the citizen complaint and letter from the Complainant, provided the translated documents to the Parent. The District admitted in part, and denied in part, that it failed to follow procedures for obtaining the Parent's informed consent.

## **ISSUES**

1. Did the District follow procedures for providing the parents required documents in their native language?
2. Did the District follow procedures for obtaining the Parent's informed consent for the Student's initial evaluation?

## **LEGAL STANDARDS**

Interpreter and Translation Services: School districts should take whatever action is necessary to ensure that the special education student's parents understand the proceedings of an IEP meeting. This may require arranging for an interpreter for parents who are deaf or whose native language is not English. 34 CFR §300.324; WAC 392-172A-03100. In addition to providing an interpreter, a school district is also required to provide prior written notice when it proposes or refuses to initiate or change the identification, evaluation, placement, or provision of FAPE to the student in the parents' native language, unless it is clearly not feasible to do so. 34 CFR §300.503; WAC 392-172A-05010.

Consent for Initial Evaluation: A district is required to obtain informed parental consent before conducting an initial evaluation of a student suspected of needing special education services. 34 CFR §300.300(a); WAC 392-172A-03000(1). Consent means that the parent: has been fully informed of all information relevant to the activity for which consent is sought in his or her native language, or other mode of communication; understands and agrees in writing to the activity for which consent is sought, and the consent describes the activity and lists any records which will be released and to whom; and understands that the granting of consent is voluntary and may be revoked at any time. 34 CFR §300.9; WAC 392-172A-01040(1). The school district must make reasonable efforts to obtain parental consent and keep a record of its attempts. 34 CFR §300.300(a)(1)(iii); WAC 392-172A-03000(1)(c).

## **FINDINGS OF FACT**

1. In December 2016, the Student moved from Somalia to the United States, and became a resident of the District.

2. On March 1, 2017, the Student's primary health care provider drafted a letter for the Parent to share when enrolling the Student in the District, that stated:

[Student] established care with me on March 1, 2017. [Student] is a 13-year-old Somali male who recently arrived in the United States from Ethiopia in December 2016. He has been noted to have profound and progressive muscle weakness since age 6. He has both upper and lower extremity muscle weakness. He is wheelchair bound and has truncal weakness. Cognitively, he has no gross impairments. He requires a Somali interpreter for communication. He is currently undergoing comprehensive evaluation with pediatrics at [a local] Children's Hospital. Application for disability is pending. I presume he will require therapies in school in the future after his initial evaluations. Please feel free to contact me with any questions or concerns.

3. On March 3, 2017, the Parent, who speaks Somali, enrolled the Student in his neighborhood District middle school (middle school 1). The Parent brought the letter from the Student's doctor that explained the Student's disabilities and stated that the Student only speaks Somali. However, the Student did not begin attending school at this time.
4. On March 6, 2017, the Parent met with the school nurse at middle school 1 and an interpreter provided by the District, and answered questions about the Student, his medical condition, and his abilities.
5. On March 10, 2017, the school psychologist who worked at middle school 1, emailed the District assistant director of special education regarding the Student's enrollment, and his potential need for physical support due to his medical condition. In response, the assistant director told the school psychologist to contact the school nurse and physical therapist assigned to middle school 1.
6. On March 14, 2017, the school psychologist emailed the assistant director of special education to recommend a "multidisciplinary team meeting" at middle school 1 to include the Parent, school nurse, school psychologist, and occupational and physical therapists. The school psychologist also recommended that the assistant director of special education attend the meeting, and that an interpreter for the Parent and the Student also be invited.
7. Also on March 14, 2017, a school nurse from middle school 1 exchanged emails with the school psychologist and director of health services, wherein school nurse 1 stated she had met with the Parent and an interpreter on March 6, 2017. School nurse 1 also stated that the Student had only been in the United States for a few months and that neither the Student, nor the Parent, spoke English. School nurse 1 further stated she had obtained contact information for a friend of the Parent's, so that person could interpret between the District and the Parent, and also provide transportation for the Student, in an emergency.
8. Also on March 14, 2017, the school psychologist emailed the assistant director of special education and asked whom she should invite to the multidisciplinary meeting. The school psychologist stated, "I'm happy to help, but I feel being so new, I could miss something important on this one." The assistant director replied that the physical

therapist and occupational therapist would likely drive the special education process, but may need support from the school psychologist.

9. On March 16, 2017, the District sent the Parent a prior written notice, in English, that stated a meeting to discuss the Student's educational needs was scheduled for March 24, 2017, at 10 a.m. at middle school 1. The District also sent the Parent a referral for special education services form, in English, that stated the areas of concern included: health development, adaptive behavior and motor skills. The referral form also stated, "[Student] recently moved from Somali to the US. He reportedly has significant medical needs. He reportedly was doing well in school in terms of academic achievement in the 5<sup>th</sup> grade. At that time, he was bullied and the Parent chose to remove him from the hostile environment. He has not attended school since that time. Parent may have been in the [US] separated from [the Student]." The referral form noted that both the Parent's and the Student's native language is Somali, and that an interpreter would be required at the meeting. Neither the prior written notice nor the referral form for special education were translated into Somali.
10. On March 24, 2017, the District held a multidisciplinary team meeting at middle school 1, which included the Parent, a Somali interpreter, the school psychologist, school nurse 1, school nurse 2, a speech language pathologist, special education teacher, physical therapist, occupational therapist, administrative intern, assistant director of special education, the District transportation dispatch manager, and a District social worker. Based on the meeting notes:
  - District staff told the Parent that the Student's neighborhood school would not be able to provide services for the Student because of the lack of "accessibility."
    - The assistant director stated the portable buildings at middle school 1 did not have a ramp for the Student's wheelchair and middle school 1's English Language Learners (ELL) program was full.
    - Due to this, the assistant director stated the Student would have to attend another District middle school (middle school 2) with better accessibility, "ramps and electric doors," and space available in its ELL program.
    - The Parent asked if the Student would be allowed to attend middle school 1 the following year and the assistant director of special education agreed that he would keep a spot open for him.
  - The group discussed that the District had been unable to obtain the Student's records from Somalia, and school nurse 1 summarized the medical documentation the District currently had on file.
  - The Parent stated he would need assistance transporting the Student to middle school 2, and the District stated it would provide transportation.
    - The Parent asked if the District personnel could assist the Student in getting down the exterior stairs from the Parent's second story apartment on the days the Parent was at work.
    - The District stated the Parent would need to have the Student at the bus stop in front of the apartment complex to meet District transportation.
    - The Parent reported he could be home to get the Student to the bus stop Wednesday-Friday.
    - The Parent and the District agreed that the Student would only attend school on the days the Parent could get him to the front of the apartment complex to meet transportation.

- The team agreed transportation would begin providing services on April 12, 2017.

The Parent did not receive a prior written notice addressing transportation for the Student after this meeting.

11. On March 25, 2017, the principal at middle school 2 notified staff about the Student's enrollment and needs, and requested to schedule a multidisciplinary team meeting, with staff and the Parent, at middle school 2.
12. On March 27, 2017, the principal at middle school 2 notified staff that the Student would be attending middle school 2 after the District's spring break. She stated the Student was a new English language learner (ELL) student from Somalia and that he was not in special education, but would need an evaluation soon to make sure the school had the right support system in place.
13. On March 28, 2017, the assistant director of special education emailed the principal, stating that the Parent would attend the March 30, 2017 meeting at middle school 2, and that the assistant director had requested an interpreter also attend.
14. On March 29, 2017, a District administrator confirmed with the assistant director of special education via email that an interpreter had been booked for the March 30, 2017 meeting.
15. On March 30, 2017, the District held a multidisciplinary team meeting at middle school 2, including the Parent, the interpreter, the District assistant director of special education, the principal, a special education teacher, an ELL teacher, the school psychologist, school counselor, and a paraeducator. During this meeting, information from the prior multidisciplinary meeting at middle school 1 was shared with the staff at middle school 2.
16. On March 31, 2017, the school counselor from middle school 2 spoke with the Parent's social worker, and addressed the Student's inability to get to the bus stop to be transported to school. The school counselor asked if the social worker could assist the family in finding a ground floor apartment. The Parent was not a part of this conversation.
17. Also on March 31, 2017, the Student's special education case manager (case manager) emailed the principal at middle school 2 and the assistant director of special education, and stated that the occupational therapist from middle school 1 had recommended evaluating the Student for special education in the areas of occupational therapy (OT) and physical therapy (PT).
18. The District was on break April 3-7, 2017.
19. On April 11, 2017, the District transportation dispatch manager emailed the assistant director of special education and attached the planned bus route for the Student, scheduled to begin on April 12, 2017. According to the District's response to this

complaint, the assistant director then telephoned the Parent, using the interpretation line, to confirm transportation pick-up and drop-off times for the Student on April 12, 2017.

20. On April 12, 2017, the Student did not attend school. The District transportation department then contacted the Parent and the Parent reported confusion on where the Student would be picked up. The Parent reported that the pick-up/drop-off location was too far from his apartment for him to get the Student, in his wheelchair, to meet transportation.
21. On April 14, 2017, the Student's case manager sent the consent for initial evaluation form for the Student to the Parent by mail. The case manager also left a voicemail with the Parent's social worker, asking that the social worker interpret the meaning of the consent form to the Parent, as the form was in English. The consent form stated that the District decided to evaluate the Student to determine if he is eligible for special education services in the areas of fine and gross motor. The form further stated that the District was also considering establishing a section 504 plan for the Student.
22. On April 19, 2017, the Student's case manager emailed the principal, school counselor, assistant director of special education, and occupational therapist, and stated that she had called the Parent's social worker and left a message with her explaining that transportation was an issue for the Student. The case manager stated that if the Student attended school on Friday, she would give him the consent for evaluation to take home to be signed, but stated she also mailed a copy of the consent form to the Parent on Monday.
23. On April 20, 2017, the Student's case manager emailed the principal, school counselor, assistant director of special education, and occupational therapist and stated she had contacted the Parent's social worker to ask if the Student could get a power wheelchair. The social worker reported one was not available. The Parent was not a party to this phone call.
24. On Friday, April 21, 2017, the Student still had not yet attended school, and the case manager was not able to give him the consent form to take home for the Parent.
25. On May 2, 2017, the Complainant sent a letter to the District that stated she was the attorney for the Parent, who asked her to communicate with the school regarding the Student's urgent educational needs that were not currently being met. The letter further stated:
  - The Parent had notified the District that the Student needed an accommodation for transportation down the stairs on Mondays and Tuesdays, and that the District had told the Parent it would look for a volunteer, but apparently were unable to find one because the Student has not attended school.
  - In mid-April, the Parent had asked the District if the Student could be picked up at the back of their apartment complex because it was extremely difficult to get the Student's wheelchair to the front of the building where the bus currently picked him up and

dropped him off. The District told the Parent that they would look into alternative transportation options for the Student, but stopped providing all transportation after the first and only attempt to pick up the Student on April 12, 2017, the first day of scheduled bus transport.

The Complainant requested immediate action from the District to help the Student get to school, and stated the District was violating its duty to provide the Student with FAPE and an education free from discrimination. The Complainant also requested all of the Student's educational records from December 1, 2016 to the present.

26. Also on May 2, 2017, the occupational therapist and the Student's case manager exchanged emails, which included the principal and assistant director of special education. The case manager stated she left a voicemail with the Parent's social worker, and asked her to get the Parent's verbal consent to complete a motor evaluation at the family's home. The case manager also stated she would request an interpreter through the District's inclusive education department, and bring a copy of the consent for the initial evaluation form for the Parent to sign during the home visit. The case manager also stated that during the home visit, she could look at how the Parent's apartment building was laid out and where the bus pick up point was, and hopefully come up with a transportation solution to get the Student to his bus. The assistant director responded to the case manager:

This sounds like a great idea. Thank you for your creative thinking here. From my visit to the apartment complex, it looks like there are two flights of stairs that need to be negotiated, about 250 yards of pavement with a mild downhill grade, and several speed bumps. The bus picks up right outside the entrance to the complex.

27. Also on May 2, 2017, the District chief policy and strategy officer (CPSO) emailed the principal, assistant principal, office manager at middle school 2, and the District director of language and learning, and stated that the District had received a records request from the Complainant. The principal responded, including everyone in the original email, as well as the assistant director of special education, and stated that middle school 1 could not accommodate the Student, so he was assigned to attend middle school 2. However, the Student was unable to get to school due to an issue with his wheelchair and the bus. The assistant director of special education stated he had been trying to get the Student a cab instead, but faced challenges because the Student was not yet eligible to receive special education. The principal further stated that the Student's case manager was attempting to conduct an evaluation in the Student's home and assess the transportation challenges, but she had not yet heard back from the Parent.

28. On May 3, 2017, the Student's case manager left a voicemail with the Parent's social worker, and asked if the social worker could interpret the District's request to obtain the Parent's consent, including conducting assessments in the family's home.

29. On May 5, 2017, the District CPSO drafted a response to the Complainant's May 2 letter, that stated (in relevant part):

- Middle school 2 was ready to educate the Student, but he had yet to attend.

- The Parent had yet to sign the consent to evaluate the Student, and that without the Parent's consent, the District could not evaluate the Student for special education.

The CPSO wrote to the Complainant, "If you can assist in getting the family's consent to evaluate [Student] we would appreciate it." The CPSO also stated:

In your letter you ask that the District transport [Student] from his second floor apartment to school, rather than having him picked up at the front of the apartment complex. Unfortunately, the District is unable to accommodate that request. The District's obligation to provide transportation, if such an obligation exists, does not extend to the interior of a student's home. It is the family's obligation to get the Student to the bus stop. You also ask that the bus go to the back of the apartment complex. For liability reasons our busses cannot go into private parking lots. These lots are not built to accommodate busses. There are a number of students who live in the same apartment complex, and while we understand that it might be more convenient for the family to have [Student] picked up in the back, we are unable to accommodate that request.

30. On May 8, 2017, the case manager emailed the principal, assistant director of special education, occupational therapist, school counselor, and school psychologist and stated that the Parent's social worker confirmed that the Parent consented to have the District staff complete the Student's gross and fine motor assessments on May 17, 2017, at 9:00 a.m. at the Parent's home.
31. On May 9, 2017, after the Complainant explained the consent for initial evaluation form to the Parent, the Parent turned in the signed consent for the Student's initial evaluation.
32. On May 17, 2017, the Complainant filed this complaint.
33. Also on May 17, 2017, the occupational therapist and physical therapist from middle school 2 went to the Parent's home to complete the Student's gross and fine motor assessments as part of the Student's initial evaluation.
34. Also on May 17, 2017, the District assistant director of special education emailed the Student's case manager and asked her to have all of the notices that had been sent to the Parent translated into Somali, including the referral, consent form, and procedural safeguards, and then sent out to the Parent.
35. On May 18, 2017, the Student's case manager sent a District created form to the Student's private physician that stated: "In order to provide appropriate special education services to this child, we need medical documentation from you of the existence of a handicapping condition and the ways in which that condition may affect the child's education." The Student's physician completed the form and checked the boxes on the form that stated the Student was orthopedically and otherwise health impaired. The physician further stated the Student was diagnosed with Duchenne's muscular dystrophy, that he would probably need an IEP, and that the condition was permanent and expected to progress. The physician returned the form to the District on the following day.



36. Also on May 18, 2017, the Complainant again emailed the CPSO and stated the Student had yet to attend school due to the transportation issue. The Complainant asked that the District send a cab to the back of the Student's apartment complex so that the Student could attend school Wednesday – Friday, when his father could carry him down the stairs to meet transportation.
37. On May 22, 2017, the CPSO emailed the Complainant and agreed to send a cab for the remainder of the year. The Complainant responded the same day, and stated the Parent would have the Student ready to attend school on Wednesday, May 24, 2017. The Complainant also provided the Parent's phone number so the District could reach him directly, and stated he would require Somali interpretation.
38. On May 23, 2017, the CPSO emailed the District director of transportation and the chief operations officer, and reminded them that the Parent would require Somali interpretation. The CPSO asked if someone from the District transportation department would contact the Parent to let him know transportation with the cab had been arranged for Wednesday. The transportation director responded, including everyone from the prior email, and stated that a District bus driver, who speaks Somali, would share the information with the Parent.
39. On May 24, 2017, the District sent a wheelchair accessible cab to pick up the Student, and the Student attended his first day of school.
40. On May 25, 2017, the Student's case manager emailed the principal, school counselor, assistant director of special education, and school nurse and stated she left a voicemail with the Parent's social worker, asking her to interpret and relay a message to the Parent that the evaluation results meeting could be scheduled for June 8, 2017, if that date worked for the Parent.
41. On May 26, 2017, the Student's case manager emailed the principal, assistant director of special education, and the occupational therapist and stated that the "first batch" of translated documents included the initial referral, consent for the motor evaluation, prior written notice from March 16, 2017, and a copy of the procedural safeguards had been translated into Somali and sent to the Parent. She further stated that as soon as the evaluation meeting was confirmed, she would also get the meeting invitation and notice of results translated.
42. On May 30, 2017, the Student's case manager sent an email to the assistant director of special education, the principal, the occupational therapist, school counselor, school nurse, and the ELL teacher and stated that she had left a second voicemail for the Parent's social worker in an attempt to have the social worker translate and relay to the Parent that she wanted to schedule the evaluation results meeting for June 8, 2017. The social worker did not respond. The case manager further stated that she had also contacted an individual from a local community center who spoke Somali and allegedly knew the Parent. The case manager emailed the individual twice, asking if she could call the Parent on behalf of the District to schedule the meeting.

The case manager also submitted a request for an interpreter to the District office on May 30, 2017.

43. As of June 1, 2017, the Student's attendance summary showed the Student had attended five school days since his enrollment in the District on March 3, 2017.
44. On June 2, 2017, the District sent the Parent a meeting notification summary, translated into Somali, for the Student's evaluation review meeting scheduled on June 8, 2017.
45. On June 8, 2017, the District sent the Parent a prior written notice, in Somali, that stated the Student had been determined ineligible for special education because he did not qualify for special education in any area. The Student was referred for a 504 plan with accommodations related to his mobility issues.

## **CONCLUSIONS**

**Issue 1 – Interpreter and Translation Services:** The Complainant alleged that the District violated procedures by failing to provide the referral for special education, consent for evaluation, and a copy of the procedural safeguards notices in Somali when it knew the Parent did not speak English. Prior written notice and procedural safeguards must be provided in a parent's native language, unless it is clearly not feasible to do so. Additionally, a district must take whatever action is necessary to ensure that a parent understands the proceedings at an IEP meeting and other meetings, including arranging for an interpreter in a parent's native language.

Here, the Parent enrolled the Student in the District on March 3, 2017, stating on the enrollment form that the Parent and the Student spoke only Somali. Additionally, the District had notice that the Parent required translation services and an interpreter because the District had provided an interpreter when the Parent met with the school nurse on March 6, 2017. Although the District also provided an interpreter for the Parent at the multidisciplinary team meetings on March 24 and 30, 2017, it did not send the Parent any documentation translated into the Parent's native language until May 26, 2017. Due to the District's failure to provide the written notices in the Parent's native language, the Parent did not understand what the District had decided as a result of the meetings, and did not know that the District was waiting for him to sign the consent for the initial evaluation to determine the Student's eligibility for special education services. The District violated special education regulations and delayed the evaluation process by failing to provide required notices and correspondences in the Parent's native language.

It should be noted that the District has procedures established for obtaining an interpreter, and has a staff member designated to handle interpreter requests. However, multiple staff members did not follow the District's procedures and instead, reached out to the Parent's alleged friend, social worker, and a Somalian employee in the transportation department to communicate with the Parent. The Family Educational Rights and Privacy Act of 1974 (FERPA) protects parents' privacy interests in their children's education records. The District potentially violated FERPA when District employees left detailed

messages regarding the Student's information with people other than the Parent in an attempt to have messages translated, and then relayed to the Parent. OSPI finds that multiple staff members were aware that the Parent required translation services, but failed to follow District procedures for securing an interpreter.

**Issue 2 – Parent Consent for Evaluation:** The Complainant alleged that the District violated procedures when it failed to obtain the Parent's informed consent for the Student's initial evaluation. Once the District decided to evaluate the Student, the District was required to fully inform the Parent of all information relevant to the activity for which consent was sought, in his native language. Additionally, the District was required to make reasonable efforts to obtain the Parent's consent, and keep a record of its attempts. Here, the District sent the Parent a prior written notice on March 16, 2017, that stated a meeting was scheduled for March 24 to discuss the Student's educational needs and the possibility of evaluating the Student in health, motor (fine and gross), and adaptive skills. However, the notice was not translated into the Parent's native language. On April 14, 2017, the District sent the Parent a consent to evaluate form, but also failed to translate the form. The District failed to fully inform the Parent of its request for consent to evaluate the Student when it did not translate the consent form into the Parent's native language. While the Student's special education case manager left voicemail messages with the Parent's social worker on two occasions, regarding obtaining parental consent for the evaluation, the District failed to provide any documentation that it attempted to contact the Parent directly, using an interpreter, to obtain consent. On May 26, 2017, after the District received this citizen complaint and a May 2 letter from the Complainant, the District sent the Parent the initial referral, consent for the motor evaluation, prior written notice from March 16, 2017, and procedural safeguards translated into Somali. However, instead of calling the Parent directly through use of an interpreter, the case manager called the Parent's social worker, who is not a District employee, two more times and asked her to translate the District's meeting notifications. The documentation in this complaint shows that the District failed to ensure that the Parent understood the evaluation activities for which consent was sought, when it took over two months to arrange for documents to be translated in the Parent's native language, and failed to make reasonable efforts to obtain the Parent's consent.

### **CORRECTIVE ACTIONS**

By or before **July 21, 2017**, **August 4, 2017**, and **September 22, 2017**, the District will provide documentation to OSPI that it has completed the following corrective actions.

#### **STUDENT SPECIFIC:**

If it has not already done so, the District will provide the Parent with all of the prior written notices regarding the Student, in the Parent's native language, by **July 21, 2017**. The District will provide OSPI documentation that these have been provided to the Parent, by **July 21, 2017**.

#### **DISTRICT SPECIFIC:**

The District will review and revise its internal practices and procedures for translation and interpreter services to ensure they align with the requirements of the IDEA and state

regulations. The procedures will specify what documents are required to be provided in a parent's native language, and the steps to take to obtain an interpreter and translator. The procedures will also indicate whom to contact if staff have questions about the procedures. By **August 4, 2017**, the District will submit a draft of the procedures to OSPI for review. OSPI will approve the procedures or provide comments by August 18, 2017, as well as additional dates for review, if needed. By **September 15, 2017**, District special education administration will review the procedures (in person) with all District building principals and assistant principals, and certificated special education staff, including educational staff associates (ESAs). By **September 22, 2017**, the District will submit documentation that staff reviewed the procedures. This will include a sign-in sheet of staff that reviewed the procedures and a roster all required staff, so OSPI can verify staff participation.

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.

### **RECOMMENDATION**

It is recommended that the District also review FERPA procedures with staff members.

Dated this \_\_\_\_ day of June, 2017

Douglas H. Gill, Ed. D.  
Assistant Superintendent  
Special Education  
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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.)