

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 17-85**

### **PROCEDURAL HISTORY**

On November 20, 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 Sumner 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 November 20, 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 December 12, 2017, OSPI received the District's response to the complaint and forwarded it to the Parent on December 13, 2017. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information.

On December 15, 2017, OSPI received the Parent's reply. OSPI forwarded that reply to the District on December 19, 2017.

Also on December 15, 2017, OSPI requested additional information from the District and the District provided the requested information on the same day. OSPI forwarded the additional information to the Parent on December 20, 2017.

On December 26, 2017, OSPI requested additional information from the District and the District provided the requested information on January 2 and January 3, 2018. OSPI forwarded the additional information to the Parent on January 3, 2018.

On January 10, 2018, OSPI received additional information from the Parent and forwarded the additional information to the District on the same day.

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

### **OVERVIEW**

During the 2016-2017 school year, the Student was enrolled in the District and was eligible to receive special education services under the category of developmental delay. The Student's individualized education program (IEP) in place during the 2016-2017 school year was developed in April 2016 and noted that the Student struggled with managing separations without distress. In April 2017, the Student's IEP was updated and stated that the Student had met her previous goal to independently join the established classroom routine and that the Student did not have any behavior that impeded her learning or the learning of others. In June 2017, the Student had two incidents in which she had difficulty separating from the Parent and joining her class after being dropped off by the Parent at school. On the first occasion, the District isolated the Student

for exhibiting unsafe behaviors. On the second occasion, the District filled out an “Isolation and Restraint Student Overview” (overview), although from the documentation provided, it is unclear whether an isolation occurred. On both occasions, District staff notified the building administrator and the principal or counselor followed up with the staff involved in the incident, prepared a written report to the District, and informed the Parent of the isolation within twenty-four (24) hours. In one incident, the principal followed up with the Parent to review the behavior and appropriateness of the response. And in both incidents, while the District did send written notification to the Parent within five business days of the incident, the written notification was missing elements required under WAC 392-172A-02110. Additionally, the District reported a third potential instance of isolation and restraint that occurred in June 2017 that the Parent did not include in her complaint; and, because the District stated it did not use isolation or restraint, the District did not complete isolation and restraint paperwork. During the 2017-2018 school year, the Student’s IEP team developed and implemented interventions to help the Student transition to class at the beginning of the school day.

The Parent alleged that the District failed to use isolation and/or restraint consistent with the requirements of WAC 392-172A-02110. Specifically, the Parent alleged that the District did not properly follow up with the Parent, Student, and staff, and that the District failed to list recommendations for changing the nature or amount of resources available to the Student and staff in order to avoid similar incidents. The District denied all allegations.

### **ISSUE**

1. Did the District use isolation and/or restraint consistent with the requirements of WAC 392-172A-02110 during the 2016-2017 school year?

### **LEGAL STANDARDS**

Isolation: Isolation as defined in RCW 28A.600.485 means: Restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student’s voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavioral intervention plan. WAC 392-172A-01107.

Isolation Conditions: Isolation shall be used only when a student’s behavior poses an imminent likelihood of serious harm. The use of isolation as defined by RCW 28A.600.485 is subject to each of the following conditions: a) the isolation must be discontinued as soon as the likelihood of serious harm has dissipated; b) the isolation enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purpose of human occupancy; c) the isolation enclosure shall permit continuous visual monitoring of the student from outside the enclosure; d) an adult responsible for supervising the student shall remain in visual or auditory range of the student at all times; e) either the student shall be capable of releasing himself or herself from the enclosure, or the student shall continuously remain within view of an adult responsible for supervising the student; and, f) any staff member or other adults using isolation must be trained and certified by a qualified provider in the use of isolation, or otherwise available in the case of

an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency. School districts must follow the documentation and reporting requirements for any use of isolation consistent with RCW 28A.600.485. WAC 392-172A-02110.

Restraint: Restraint as defined in RCW 28A.600.485 means: Physical intervention or force used to control a student, including the use of a restraint device to restrict a student's freedom of movement. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to participate in activities safely. WAC 392-172A-01162.

Restraint Conditions: Restraint shall be used only when a student's behavior poses an imminent likelihood of serious harm. The use of restraint as defined by RCW 28A.600.485 is subject to each of the following conditions: a) the restraint must be discontinued as soon as the likelihood of serious harm has dissipated; b) the restraint shall not interfere with the student's breathing; and c) any staff member or other adults using a restraint must be trained and certified by a qualified provider in the use of such restraints, or otherwise available in the case of an emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency. School districts must follow the documentation and reporting requirements for any use of restraint consistent with RCW 28A.600.485. WAC 392-172A-02110.

Imminent: Imminent as defined in RCW [70.96B.010](#) means: the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote. WAC 392-172A-01092.

Likelihood of Serious Harm: Likelihood of serious harm as defined in RCW 70.96B.010 means: 1) a substantial risk that: a) physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide, or inflict physical harm on oneself; b) physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or c) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or 2) the person has threatened the physical safety of another and has a history of one or more violent acts. WAC 392-172A-01109.

Follow-up and Reporting Requirements: Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include: reviewing the incident with the student and the parent/guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents. Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office. The written report must include, at minimum, the following information: the date and time of the incident; the name and job title of the individual who administered the

restraint or isolation; a description of the activity that led to the restraint or isolation; the type of restraint or isolation used on the student, including the duration; whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided and any recommendations for changing the nature or amount of resources available to the student and staff members to avoid similar incidents. The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language. RCW 28A.600.485.

## **FINDINGS OF FACT**

### **2016-2017 School Year**

1. During the 2016-2017 school year, the Student attended kindergarten at a District elementary school and was eligible to receive special education services under the category developmental delay.
2. The District's 2016-2017 school year began on September 7, 2016.
3. The Student's individualized education program (IEP) in place at the beginning of the 2016-2017 school year was developed on April 19, 2016. The Student's IEP stated that the Student's disability adversely impacted her social/emotional skills. The IEP stated that the Student "inconsistently demonstrates the following skill: manages separations without distress and engages with trusted adults," but that she was making progress when given a "few extra minutes to 'settle in'" and that she benefited from reminders prior to transitions. The IEP provided for one goal in the area of social/emotional related to managing separations. The IEP stated that the Student's "behavior does not impede her learning or that of others at this time."
4. On April 17, 2017, the Student's IEP team, including the Parent, met to develop the Student's annual IEP. The Student's April 2017 IEP stated that behavior was not a consideration because the Student "does not have any behaviors that impede her learning or the learning of others." Further, the IEP stated that the Student "has made a successful transition to the elementary setting. At school her behavior looks much like that of her typically-developing peers." The IEP went on to state that "at the beginning of the year, [the Student] quickly met her goal of independently joining in the established classroom routine within three minutes of arrival." The new IEP provided for one goal in the area of social/emotional related to problem solving.
5. On June 5, 2017, the Student was marked tardy and the comment on the Student's attendance record stated that the Student "did not want to get out of the car."

6. Also on June 5, 2017, the Student was isolated by the school counselor. According to documentation provided by the District, the Student did not want to come into the school building and the Parent had to carry the Student into the office from the parking lot. The District's "Isolation and Restraint Student Overview"<sup>1</sup> (overview) stated that after the Parent carried the Student into the counselor's office, the Student started kicking the door and the counselor was concerned that the Student would run after the Parent into the parking lot. The overview stated that at 9:27 a.m. and 9:38 a.m., the counselor isolated the Student in her office when she "blocked the door for 8 minutes. [The Student] de-escalated and then escalated again. Counselor blocked the door for 4 minutes." The overview stated that no one was injured during the isolation. The overview included a section entitled any "recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents," and the only comment written in the section stated "N/A".
7. According to the District's "Isolation and Restraint Checklist"<sup>2</sup> (checklist), on June 5, 2017, the staff involved in the isolation of the Student reviewed the incident at 11:00 a.m. The checklist stated that the counselor called and informed the Parent that the incident occurred and that later in the day, the principal contacted the Parent and "reviewed the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation." According to the Parent, she received a phone call from the counselor at around 10:26 a.m. that an isolation report would be sent home and then a phone call from the principal at around 1:11 p.m. that simply informed her that an incident occurred. The Parent does not recall any discussion related to addressing the Student's behavior or the appropriateness of the response. The June 5, 2017 checklist also stated that the counselor sent the June 5 overview to the District office that same day. Finally, the checklist stated that the District sent written notification of the isolation incident to the Parent on June 5, 2017.
8. In her complaint, the Parent confirmed that she received a document in the mail titled "Isolation and Restraint Notification to Family" (notification to family) a few days after the June 5, 2017 incident, although she did not remember the exact date she received the notification to family. The notification to family included the date, time, and duration of the incident; the behavior or activity that led to the isolation; and, the type of isolation. However, the written notification did not include the name and title of the staff who administered the isolation; whether the Student or staff was injured during the isolation; or any recommendations for changing the nature or amount of resources available to the Student and staff to avoid similar incidents.
9. On June 8, 2017, the Student again had trouble transitioning to class after being dropped off at school by the Parent. The District's overview stated that the Student was trying to open

---

<sup>1</sup> According to the District's documentation provided in this complaint, the overview is prepared by the person that administered the isolation and is the official written report that is submitted to the District office.

<sup>2</sup> According to the District's documentation provided in this complaint, the checklist is an internal document used by staff to ensure that all staff involved in an isolation or restraint incident follow the proper procedures.

the door<sup>3</sup> and that the Student's "[Parent] and staff were worried that she would try to run after [the Parent] and into the parking lot." The principal and counselor blocked the door, keeping the Student in the school office for twenty-five minutes, from 8:55 a.m. to 9:20 a.m., and then again for seven minutes from 10:03 a.m. to 10:10 a.m.<sup>4</sup> The overview stated that no one was injured during the isolation. The overview included a section entitled any "recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents," and the only comment written in the section stated "N/A".

10. According to a narrative provided by the District about the June 8, 2017 incident, the counselor was concerned that the Student would follow the Parent out of the office so the counselor and principal blocked the door. The narrative stated that "strategies used included validating feelings, distraction, offering quiet office, allowing movement, offering choices, planned ignoring and redirection. [The Student] eventually went to [the] counselor's office. The dean came in and offered a walk, and [the Student] returned to class." The narrative does not state that the Student was isolated or alone in the office at any point.
11. Also on June 8, 2017, District staff completed an "Isolation and Restraint Checklist". The checklist indicated that the counselor notified the Parent of the incident within twenty-four hours; however, the box on the checklist for "reviewed the incident with the student and parent or guardian to address the behavior that precipitated the restraint or isolation" was not checked. According to the Parent, she received a phone call from the counselor on June 8, notifying her that an incident occurred, but she did not have a discussion with either the counselor or the principal in which they reviewed the incident, behavior, and appropriateness of the response. The checklist stated that the staff involved reviewed the incident at 3:05 p.m. that afternoon. The checklist also indicated that staff immediately informed the building administrator about the incident and that the counselor sent the overview to the District office the same day. Finally, the checklist stated that the District sent a copy of the isolation notification to the Parent on June 8, 2017.
12. In her complaint, the Parent confirmed that she received an "Isolation and Restraint Notification to Family" in the mail a few days after the June 8, 2017 incident. The notification to the family included the date, time, and duration of the incident; the behavior or activity that led to the isolation; and, the type of isolation. However, the notification did not include the name and title of the staff administering the isolation; whether the Student or staff was injured during the isolation; or recommendations for changing the nature or amount of resources available to the Student or staff to avoid similar incidents.

---

<sup>3</sup> The District's documentation does not indicate whether the Student was trying to open an internal office door or a door that led out into the parking lot.

<sup>4</sup> It is unclear based on the District's documentation what occurred in the 43 minutes between 9:20 a.m. and 10:03 a.m., and whether the Student continued to be isolated or remained in the office with the counselor.

13. According to the District's response in this complaint, on June 14, 2017, there was a third incident in which the Parent initially believed that the District used isolation and restraint. The District stated that staff did not use isolation or restraint, and thus no District paperwork was completed. The Parent did not include an allegation regarding the June 14, 2017 incident in this complaint.
14. On June 15, 2017, the Parent emailed the principal regarding what happened on June 14, 2017. The Parent stated that the Student was crying when she got off the bus and the Student's sister escorted the Student to the office for assistance. According to the Parent, once at the office, the counselor put her hands on the Student and attempted to pry her away from her sister. The Student then escalated and the counselor held the door to the main office shut, isolating the Student in an effort to keep her from eloping. The Parent ended her email by stating that the principal is required to inform a parent of an incident within twenty-four hours and that the Parent had yet to be informed. In response, the principal stated that she was unaware of the incident, but that she would follow up with her staff. The principal stated that she would respond to the Parent the following day because the counselor was out of the building that day.
15. On June 16, 2017, the principal emailed the Parent and stated that she had followed up with the counselor and another staff member who was present. The principal's emailed stated that the "staff members have a different recollection of [the Student's] entry that day and reported that [the Student] was not restrained or isolated" and that according to the counselor, the Student's sister pried the Student's fingers off her arm so that the sister could go to class. The principal went on to state that she discussed the incident with the District executive director of special services (executive director) who confirmed that the sister's removal of the Student's hands from her arm would not be considered a restraint under WAC 392-172A-01163. Documentation from the building secretary, dated June 16, 2017, confirmed the counselor's version of events and stated that she "never witnessed any isolation or hands on between any staff member and [the Student]."

#### **2017-2018 School Year**

16. The District's 2017-2018 school year began on September 6, 2017. At that time, the Student continued to attend the same elementary school and her April 2017 IEP continued to be in place.
17. On September 13, 2017, the Parent called the executive director regarding the Student. During the phone call, the Parent brought up concerns that the Student was not transitioning to class, that the Student would elope, and that the Student would be isolated again for trying to run into the street when the Parent dropped her off at school.
18. According to documentation provided by the District, the Student's IEP team, including the Parent, met at the end of September to discuss interventions to "support the Student in getting to school and entering the classroom without tears when separating from mom." The team developed a "school entry safety plan," which provided a flow chart for the three levels

of intervention that would be used if the Student refused to join her class at the start of the school day and safety procedures for implementing those interventions. The District's documentation showed that the Student has not had an issue transitioning into school since the end of September and has not been isolated during the 2017-2018 school year.

19. According to documentation provided by the Parent, an independent evaluator will be conducting an independent educational evaluation of the Student and an autism specialist will evaluate the Student in the area of social communication.

## CONCLUSIONS

### **Issue 1: Isolation and/or Restraint –**

**Conditions for the Use of Isolation and Restraint:** The Parent alleged that the District failed to use isolation consistent with the requirements of WAC 392-172A-02110 on June 5 and June 8, 2017, when the Student was isolated. Isolation, as defined in WAC 392-172A-01107 and RCW 28A.600.485, means restricting the student alone within a room or any other form of enclosure, from which the student may not leave. A district may only use isolation when a student's behavior poses an imminent likelihood of serious harm. Imminent means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote. Likelihood of serious harm, as defined in WAC 392-172A-01109, means that there is a substantial risk that the person will inflict physical harm upon him or herself, another person, or the property of others. Once the likelihood of serious harm has dissipated, any use of isolation must be discontinued.

June 5, 2017 Incident: The documentation provided in this complaint showed that on June 5, 2017, the counselor was concerned that the Student would try to leave the office and run into the parking lot after the Parent, who had just dropped the Student off at school. On June 5, 2017, the Student was isolated for eight minutes in the counselor's office, deescalated, escalated again, was isolated for four minutes, deescalated, and then went to class. The documentation provided by the District showed that the Student was kicking at the counselor's door after being carried in to the counselor's office by the Parent. The Student did not, for example, try to open the door or run out of the office towards the parking lot or busy street. Thus, at the time isolation began, there is no indication in the District's documentation that the Student was in imminent likelihood of serious harm. The District staff failed to use isolation consistent with the requirements in WAC 392-172A-02110.

June 8, 2017 Incident: While the District completed an isolation overview for the June 8 incident, there is no indication in the documentation that the Student was ever actually alone; and thus, the documentation in this complaint does not substantiate that isolation was necessary or even occurred on June 8, 2017.<sup>5</sup>

---

<sup>5</sup> While the June 8, 2017 incident was not an isolation, because the District treated it as an isolation and engaged in the follow-up and reporting procedures, these procedures and the written reports will be discussed below.



June 14, 2017 Incident: The District also provided documentation that the Parent believed the Student was restrained and isolated on June 14, 2017. The counselor and other staff present provided a different version of events than the Parent and stated that no isolation or restraint had occurred; thus, the District did not complete any paperwork regarding the Student's reluctance to go to class on June 14, 2017. The documentation provided in this complaint substantiates that no restraint or isolation occurred on June 14, 2017.

**Follow-up Procedures:** The Parent also alleged that the District failed to follow up with the Parent, Student, and staff after each incident. Following the release of a student from isolation, a school must implement follow-up procedures. These procedures must include reviewing the incident with the student and the parent to address the behavior that precipitated the isolation and the appropriateness of the response. The school must also review the incident with the staff member who administered the isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.

After both the June 5 and June 8, 2017 incidents, the District's documentation shows that it reviewed the isolation incidents with the staff involved. The District's documentation indicated that it reviewed the June 5, 2017 isolation with the Parent, but did not review the June 8, 2017 incident with the Parent. The Parent does not remember having a discussion with the District regarding the Student's behavior that led to the isolation or the appropriateness of the response after either the June 5 or the June 8, 2017 incidents. There is no documentation to suggest that the incidents were reviewed with the Student. Based on the documentation provided in this complaint, the District did not substantiate that it followed the proper follow-up procedures with regard to reviewing the incident with the Student and Parent after at least one isolation incident. No Student specific corrective actions are required because the District has since met with the Parent and developed a "school entry safety plan" for the Student. The District is required to develop written guidance regarding the procedures for reviewing isolation and restraint.

**Reporting Procedures:** Finally, the Parent alleged that the District's written reporting was missing required elements, specifically any recommendations for changing the nature or amount of resources available to the Student and staff in order to avoid similar incidents. Any school employee who uses isolation or restraint on a student must inform the building administrator as soon as possible, and submit a written report of the incident to the district office within two business days. The written report must include, at minimum, the following information:

- The date and time of the incident;
- The name and job title of the individual who administered the restraint or isolation;
- A description of the activity that led to the restraint or isolation;
- The type of restraint or isolation used on the student, including the duration;
- Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and,
- Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

After both the June 5 and June 8, 2017 incidents, the counselor prepared and submitted the "Isolation and Restraint Student Overview" (overview) to the District within two business days.

While the overview form included sections for all the required elements, it is unclear whether the District considered changing the nature or amount of resources available to the Student and staff members in order to avoid similar incidents was appropriate.

Additionally, RCW 28A.600.485 requires that a school principal make a reasonable effort to verbally inform the student's parents within twenty-four hours of the incident and must send written notification, written notification being the same as the written report, as soon as practical but postmarked no later than five business days after the isolation occurred. The District's documentation shows that the counselor informed the Parent that the Student had been isolated within twenty-four hours of the incident, and that the principal prepared and submitted the "Isolation and Restraint Notification to Family" (notification to family) to the Parent within five business days of each incident. However, the notification to family lacked the name and title of the staff administering the isolation; whether the student or staff was injured during the isolation; and any recommendations for changing the nature or amount of resources available to the Student and staff to avoid similar incidents. The District failed to provide the Parent with written notification that met the requirements of RCW 28A.600.485.

### **CORRECTIVE ACTIONS**

By or before **February 23, 2018, March 30, 2018, and April 13, 2018**, the District will provide documentation to OSPI that it has completed the following corrective actions.

#### **STUDENT SPECIFIC:**

None.

#### **DISTRICT SPECIFIC:**

1. By **February 16, 2018**, the District will update its "Isolation and Restraint Notification to Family" to ensure that it aligns with the requirements of RCW 28A.600.485. OSPI recommends that the District use a single isolation and restraint written report form that is sent to both the District office and the family. By **February 23, 2018**, the District will provide OSPI with a copy of the updated form. OSPI will approve the updated form or provide comments by March 9, 2018, and provide additional dates for review if needed.
2. By **February 16, 2018**, the District will develop written guidance to be provided to all District special education administrators, principals, and assistant principals, which will address the requirements under WAC 392-172A-02110 for the use of restraint and isolation. The guidance should address, but is not limited to the following: the definition of imminent and likelihood of serious harm, and the procedures for reviewing a restraint and/or isolation incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response. By **February 23, 2018**, the District will provide OSPI with a copy of the draft guidance. OSPI will approve the written guidance or provide comments by March 9, 2018, and provide additional dates for review if needed.

3. By **March 23, 2018**, the District will ensure that all District special education administrators, principals, and assistant principals receive and review the updated isolation and restraint notification to family form and the written guidance on restraint and isolation. By **March 30, 2018**, the District will provide OSPI with documentation showing that it provided all District special education administrators, principals, and assistant principals with the form and written guidance. This documentation will include a roster of all staff members who were required to receive the written guidance, so OSPI can cross-reference the list with the actual recipients.
4. By **April 6, 2018**, all District principals will review the updated form and written guidance with all building certificated special education staff, including educational staff associates (ESA). ESAs include school psychologists, physical therapists, occupational therapists, speech language pathologists, school counselors, school nurses, and other service providers. By **April 13, 2018**, the District will provide OSPI with documentation that principals have reviewed the checklist with all required staff. The documentation will include a roster of all principals.

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**

The District's documentation in this complaint also included an "Isolation and Restraint Written Report to District Office." According to the District, this document is an internal document that is used because some staff prefer to handwrite the incident information out before preparing the "Isolation and Restraint Student Overview", which is the official written report to the District. The "Isolation and Restraint Written Report to District Office" does not meet the reporting requirements in WAC 392-172A-02110 and RCW 28A.600.584, as it lacks a section for any recommendations for changing the nature or amount of resources available to the student and staff to avoid similar incidents. OSPI recommends that if the District continues to use the form, that it be updated to meet the reporting requirements in WAC 392-172A-02110 and RCW 28A.600.584.

Dated this \_\_\_\_ day of January, 2018



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