

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 19-18

PROCEDURAL HISTORY

On March 7, 2019, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the Parent (Parent) of a student (Student) attending the Seattle 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 March 8, 2019, 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 March 12, 2019, OSPI received a withdrawal notice from the Parent regarding issue two. OSPI forwarded this information to the District on March 13, 2019, and amended the complaint to remove issue two.

On March 29, 2019, OSPI received the District's response to the complaint and forwarded it to the Parent on April 1, 2019. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information.

On April 12, 2019, OSPI received the Parent's reply. OSPI forwarded that reply to the District on April 15, 2019.

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

ISSUE

1. Did the District provide the Parent with prior written notice regarding the paraeducator training proposal originally made at the October 23, 2018 individualized education program (IEP) meeting?

LEGAL STANDARDS

Parent Participation in IEP Development: The parent is an integral part of the IEP development process. The district must consider the parent's concerns and any information she or he provides. The district is not required, however, to adopt all recommendations proposed by a parent. The IEP team work toward consensus on IEP content, but if team members are unable to reach consensus it remains the district's responsibility to ensure that the IEP includes the special education and related services that are necessary to provide the student with a free appropriate public education. An IEP may therefore be properly developed under IDEA procedural requirements, yet still not provide the student all of the services that the parent believes are necessary components of the student's educational program. Individuals with Disabilities

Education Act (IDEA), 64 Fed. Reg. 12,472, 12,473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 9).

Prior Written Notice: Prior written notice ensures that the parent is aware of the decisions a district has made regarding evaluation and other matters affecting placement or implementation of the IEP. It documents that full consideration has been given to input provided regarding the student's educational needs, and it clarifies that a decision has been made. The prior written notice should document any disagreement with the parent, and should clearly describe what the district proposes or refuses to initiate. It also includes a statement that the parent has procedural safeguards so that if they wish to do so, they can follow procedures to resolve the conflict. Prior written notice is not an invitation to a meeting. Prior written notice must be given to the parent within a reasonable time before the district initiates or refuses to initiate a proposed change to the student's identification, evaluation, educational placement or the provision of a free appropriate public education. It must explain why the district proposes or refuses to take action. It must describe any other options the district considered, and it must explain its reasons for rejecting those options. 34 CFR 300.503; WAC 392-172A-05010.

FINDINGS OF FACT

2017-2018 School Year

1. During the 2017-2018 school year, the Student was a nine-year-old third grader who attended a District elementary school and was eligible to receive special education services under the category of autism.
2. On March 23, 2018, the Student's IEP team met and developed his initial IEP.¹ The IEP included goals in the areas of social/behavior, study/organization skills, reading, and written language. The IEP also included the following program accommodations/modifications:
 - Access to directions in verbal and written form
 - Access to visual daily schedule
 - Biweekly email communication
 - Break larger assignments into smaller parts
 - Frequent positive reinforcement of appropriate behavior
 - If student has not begun a task, verify that he can identify the first step and needed materials
 - Inform student prior to transitions and/or change in routine
 - Post major and multi-step assignments visually or provide printed assignment sheet
 - Speech-to-Text
 - Student-selected break available
 - Use of graphic organizer
 - Response: Utilize oral responses to assignments/tests
 - Setting: Take test in separate location

¹ According to the complaint, the Student previously received special education services but was later determined ineligible for special education.

No supports for school personnel were necessary. The IEP provided the Student with the following specially designed instruction and related services:

- Speech/language pathology: 90 minutes monthly (provided by the speech/language pathologist)
- Reading: 90 minutes per week (provided by the special education teacher)
- Social/behavior: 40 minutes per week (provided by the special education teacher)
- Social/behavior: 45 minutes per week (provided by the instructional assistant)
- Study/organization skills: 30 minutes per week (provided by the special education teacher)
- Study/organization skills: 30 minutes per week (provided by the instructional assistant)
- Written language: 120 minutes per week (provided by the special education teacher)
- Written language: 30 minutes per week (provided by the instructional assistant)

The IEP stated that the Student would spend 83% of his school day in the general education setting.

2018-2019 School Year

3. During the 2018-2019 school year, the Student continued to attend an elementary school in the District and continued to be eligible to receive special education services under the category of autism.
4. On September 5, 2018, the District's 2018-2019 school year began.

October 2, 2018 IEP Meeting

5. On October 2, 2018, the District held a meeting to review the Student's progress. The prior written notice, dated October 2, 2018, stated the following, in pertinent part:
 - ...The parent asked about reducing his time resource room and more support in the general education setting. The special education teacher is comfortable reducing written expression from 120 minutes a week to 90 minutes a week, however that would not increase his general education support time. That the school feels that he is receiving appropriate amount of support in general education setting and special education setting. There is also more adult support that is not SDI [specially designed instruction] is happening in the classroom that is not reflected in the matrix. [Special education teacher] explained that she will work on instruction about asking for help and asking adults for help when they are in the classroom.
 - The parent asked to review the goals. The Parent is concerned about the use of Fountas and Pinnell being part of the goal.² The team agreed to change the goal to grade level test as the measured [sic] as the measurement and progress monitoring.
 - The parent requested objectives for reading goal. It was explained that the parent can request it, but it is up to the team whether or not to add objectives. [Special education teacher] will include in the progress report what the Fountas and Pinnell levels mean so she can know where [Student] is performing.
 - The parent requested in the future that non-fiction and fiction text around comprehension, the skill of comprehension around inferential and comprehending is still a concern on both

² Fountas and Pinnell is the District's literacy program.

- texts therefore they want to make the goal just 5th grade texts, if they are noticing a significant difference between the two then they will create a goal around fiction text.
- The parent requested that the assessing the goal be more specific about what types of sentences he will write in the graphic organizers, parent asked if it should include tracking how many compound sentences, it was explained that the intent of a graphic organizer is to write down ideas. She asked then maybe that then more specific writing goals, it was explained that it is more general to work on a variety of skills throughout the year.
 - Parent asked for more specific updates on his writing and it was explained that they will provide the anecdotal data bi-weekly.

The following decisions were made by the team at the meeting, according to the prior written notice:

- Considered and accepted: reducing writing minutes from 120 minutes a week to 90 minutes a week;
 - Considered and rejected: increasing adult support in the general education classroom;
 - Considered and accepted: changing the reading goal to grade level text instead of Fountas and Pinnell; and,
 - Considered and accepted: making changes without reconvening the IEP team, [special education teacher] will send the amendment home with the agreed upon changes.
6. In its response to the complaint, the District stated the Parent never brought up the instructional assistant's need for training as a staff support at the October 2, 2018 IEP meeting. The Parent's sworn declaration stated that she did bring up the need for training by expressing concern that the Student did not feel supported by the instructional assistant and the instructional assistant was not collecting data, implying that training was needed.
 7. On October 22, 2018, at 7:54 pm, an attorney, on behalf of the Parent, emailed the District's attorney with an attached letter. The letter, written by the attorney on behalf of the Student's Parent, outlined the educational background of the Student and made the following proposals for the IEP meeting scheduled for the next day, October 23, 2018:
 - Adding goals in the area of reading and writing;
 - Adding a goal to maintain conversations on topics of interest to peers;
 - Amending the matrix of services to describe the instructional assistant as supplementary aid and service, not as a provider of specially designed instruction; and,
 - Providing training to the instructional assistant in prompting, checking for understanding, clarifying assignments, and data collection.
 8. The District, in its response to the complaint, stated it was first made aware of the Parent's attorney's letter when the Parent gave the District a copy of the letter after the October 23, 2018 meeting. The District alleged that the Parent did not bring up her request for training for the instructional assistant at the meeting, but discussed other proposals.
 9. According to the sworn declaration, dated April 11, 2019, provided by the Parent in reply to the District's response, the Parent stated that at the October 23, 2018 IEP meeting, the special education program specialist stated she already had a copy of the Parent's letter. The Parent stated she again brought up the need for training for the instructional assistant by stating there was no data showing the instructional assistant was providing support to the Student.

The Parent stated "...the [instructional assistant] needs to know how to work with my son on writing."

October 23, 2018 IEP Meeting

10. On October 23, 2018, the District held an IEP meeting to review the Student's writing and reading goals. The District provided the Parent with the following prior written notice³:

- [Student] has met his Reading Comprehension goal. Parent has requested that the goal be rewritten removing the reference to Fountas and Pinnel Reading Assessment. [Student's] previous goal referred to level K which is meeting the standard for Winter grade 2. The goal was to reach a level M which is meeting the standard Fall of grade 3. The new goal is written as 'meeting Winter grade 4 standard.' Winter reference point is March which is when [Student's] IEP will end for the year. The new goal represents a year of growth. [Student's] mother expressed her concern that the existing goal would not convey enough information about what [Student] is working on for anyone outside of school.
- "[Student's] mother has requested that he have a reduced number of minutes in the Resource Room. The IEP team agreed at the 10/2/18 meeting that reducing [Student's] writing minutes in the Special Education setting to 90 minutes weekly would not likely prevent him from achieving his IEP goals.
- [Student's] mother has requested consideration of a one-on-one Instructional Assistant in the General Education classroom.
- [Student's] mother has requested that his Writing rubric goal be rewritten as she believes that it is not a SMART goal.⁴
- [Student's] mother requested that bi-weekly communication continue and include work samples as much as possible.
- [Student's] mother requested that the degree to which [Student] completes work independently is at least anecdotally reported on in bi-weekly communication home.
- [Student's] mother requested that the current writing goal or a new writing goal include the degree to which [Student] completes work independently.

According to the prior written notice, the following decisions were made in response to the above proposals:

- The IEP team did not reject the option of rewriting the goal to remove the reference to Fountas and Pinnell as a specific assessment. The new goal was also written to include a goal with [Student's] current progress indicated.
- The 90 minutes is reflected on the Service matrix in this amendment, as agreed in the 10/2 meeting by the IEP team including [Student's] mother.
- Another meeting will be set a future date to address this request (minutes in the service matrix).
- The IEP team rejected the option of changing the Writing rubric goal as the team agreed that the goal is Specific, Measurable, Achievable, is Relevant to his general education curriculum and the recommendations from his school-based evaluation, and Time-bound. The parent disagreed.

³ The prior written notice was dated October 11, 2018, which was incorrect according to the District. The prior written notice was completed "around October 25, 2018."

⁴ SMART stands for Specific, Measurable, Achievable, Relevant, and Time-bound.

- The team did not reject the option to continue bi-weekly communication including work samples as much as possible.
- The team did not reject the option of providing an anecdotal report of the degree to which [Student] completes work independently.
- The IEP team rejected the option of including a measured goal of how independently [Student] completes written work because he has a current Writing goal which does include measuring the degree to which he completes a graphic organizer independently.

The prior written notice also stated the following: "The parent provided the team with a letter from lawyer, [Parent's attorney], documenting a number of requests. A copy of the letter is attached. The team agreed to set a future meeting to address the parent's requests regarding Instructional Assistants and service delivery in the General Education classroom."

November 1, 2018 IEP Meeting

11. On November 1, 2018, the District reconvened the IEP team. The prior written notice, dated November 1, 2018, documented the following decisions made at the IEP meeting:

- IEP team met to consider parent request as noted in attached letter from attorney, [Parent's attorney] dated 10/22/18.
- Adjusted reading goal for reading comprehension.
- Clarified how comprehension strategies are taught.
- Case manager and home tutor will communicate by email or through parent.
- Discussed the writing rubric and explained the writing goals.
- [Student] feels he is behind when he misses class to go to the special education setting, it was clarified that the general education teacher gives him the information he needs, but does not expect him to complete assignments that he misses.
- An issue, there is not an instructional assistant linked to the resource room, we use a flexible staffing model, the instructional assistant is listed as the service provider, if that is what is scheduled. He is cued and reviewed in the general education class, this is linked to his specially designed instruction.
- The instructional assistant minutes will be changed from the service matrix to supplementary aides and services.
- Parents want to make sure the team understands [Student] needs check in while doing his work. The team agrees and they are supporting him in the classroom. The schedule of special education teacher and instructional assistant support will be shared with parent and uploaded with the IEP. The school team will clarify with [Student] that any adult in the classroom is available to help him.
- Team agreed to move the instructional assistant support minutes for study organization to the accommodation page. The push in minutes for writing will remain the same.
- Schedules for the Case Manager, the Access Special Education teacher, and Instructional Assistants are present in the 4th grade General Education classroom have been attached to the IEP amendment and emailed to the parent. The schedules indicate the presence of adult support not the total time of support provided to [Student]. The time that adult support, such as the instructional assistant or Special Education teacher, is available in the General Education Classroom is more than the services indicated in [Student's] IEP because the service is shared across multiple students being served.

The prior written notice also clarified that the Student "is getting support across his day, and the shared instructional assistant is agreeable, they are not requesting a dedicated 1:1."

12. According to the District's response to the complaint, the Parent and her attorney did not bring up the proposal to provide training to the instructional assistant at the meeting and "seemed relatively satisfied with the outcome of the discussions." In her declaration, the Parent stated she raised the issue regarding instructional assistant training by discussing "my ongoing concerns about the instructional assistant's ineffectiveness throughout the meeting."
13. On January 30, 2019, the Parent's attorney wrote another letter to the District, containing recommendations from a private board-certified behavior analyst (BCBA) and the Student's private tutor. The attorney's proposals for the January 31, 2019 IEP meeting are as follows:

BCBA Recommendations

- Additional IEP goals in the areas of communication, social skills, social organization, and writing; and,
- Accommodations: frequent check-ins, assignment log, tasks broken down into small concrete steps.

Tutor Recommendations

- Placement in general education during literacy block;
- Adult check-ins for reading and writing;
- Practice editing;
- Colored pen for editing;
- Cues and prompts to produce written work;
- Clear, concrete instructions;
- Task broken down to his level;
- Checklists;
- Forego decoding intervention; and,
- IEP goals that address reading/communication, reading comprehension, reading fluency, reading prosody, study-organization, and writing.
- The Parent and the tutor "agree that the current use of different rubrics is too subjective and difficult to track for purposes of home-school coordination."

14. The Parent's attorney's January 30, 2019 letter to the District also repeated the request that the instructional assistant be listed as a supplementary aid and service, and not as a service provider in the Student's IEP. Regarding training for the instructional assistant, the letter stated:

The Parents also renew their proposal to train the [instructional assistant] in how to assist [Student] through prompting, checking for understanding, and clarifying assignments, as well as in data collection. This proposal was not addressed in the Prior Written Notice following the last meeting.

January 31, 2019 IEP Meeting

15. On January 31, 2019, the District held a meeting to conduct the annual review of the Student's IEP. The IEP provided goals in the areas of social behavior, reading, written language, and study/organizational skills. The IEP included the following accommodations and modifications:

- Access directions in verbal and written form
- Access to quiet space to complete written work
- Access to visual daily schedule
- Biweekly communication: includes weekly assignment log and applicable notes from general education
- Break larger assignment into smaller parts
- Frequent adult check-ins for reading and writing tasks
- Frequent positive reinforcement of appropriate behavior
- Inform student prior to transitions and/or change in routine
- Post major and multi-step assignments visually or provide printed assignment sheet
- Student-selected break available
- Use of graphic organizer
- Supplementary Aids and Services: Shared instructional assistant support for study/organizational skills and writing

The IEP indicated that no supports for school personnel (training, professional development, etc.) were necessary.

The IEP provided the following specially designed instruction primarily in the special education classroom from January 31, 2019 to January 31, 2020:

- Speech/language pathology: 90 minutes monthly (provided by the speech/language pathologist)
- Reading: 60 minutes per week (provided by the special education staff)
- Social/behavior: 40 minutes per week (provided by the special education staff)
- Study/organization skills: 30 minutes per week (provided by the special education staff)
- Study/organization skills: 15 minutes per week (provided by the special education staff)⁵
- Written language: 60 minutes per week (provided by the special education staff)

The Student's IEP stated that the Student would spend 88% of his school day in the general education setting.

16. According to the prior written notice, dated January 24, 2019⁶, the following proposals were made at the IEP meeting:

- Annual IEP review addressed parent concerns in letter by lawyer [Parent's attorney].
- 1.a communication once on topic he will not pick up on cues from the other person. He will initiate a conversation, but not cue in the other person. This can be addressed with the current goal. This skill is worked on in the social skills group.
- Speech/language pathologist will add the word perspective taking to the goal.
- Discussed writing goals. Concern about writing work in the general education classroom and the writing work in the special education setting be connected. This is addressed in the accommodation of access to a quiet space for completing work. Multiple adults have observed [Student] on task and completing his work to expectation in the general education classroom.
- Will add a writing fluency goal.

⁵ Provided in the general education classroom.

⁶ The District acknowledged that the January 24, 2019 date of the prior written notice was incorrect. The prior written notice was written on January 31, 2019.

- Discussed check-in with [Student], he may need a specific question about the assignment. Both teachers noted their check-in consists of observation of work and/or verbal questions or comments in order to determine if [Student] is appropriately on task.
- Discussed the accommodations suggested by outside provider: daily binder of folder, assignment log, if he is not meeting classroom expectations, his assignments will be added.
- In the additional 15 minutes of study organization, they will address [Student's] feeling about how he is doing with assignments.
- Bi-weekly report: parent requests 3 work examples, teacher explains that there may not be 3 samples to send home.
- Bi-weekly communication will include anecdotal information about the goals that will be worked on in the upcoming 2 weeks. It will also include anecdotal notes if there are any from the instructional assistant or General Education teacher.
- Will add frequent adult check in for reading and writing tasks.
- Added information about writing fluency.

17. According to the District's response to the complaint, the District acknowledged that training for the instructional assistant was not discussed at the January 31, 2019 IEP meeting, nor was it brought up by the Parent or her attorney. The District stated, "again, the District, relying on the information that was conveyed by the Parent and her attorney at the meeting, was not aware that Parent was still requesting training for the [instructional assistant]." The Parent's declaration stated she continued to seek training for the instructional assistant as indicated in the January 30, 2019 letter from the Parent's attorney to the District.

18. On February 28, 2019, the Parent's attorney contacted the District's attorney to inquire about the District not providing the Parent with prior written notice regarding training for the instructional assistant.

19. On March 7, 2019, the Parent filed this complaint.

20. The District responded by providing the Parent with prior written notice, dated March 13, 2019. The notice stated the following, in relevant part:

- Description of the proposed or refused action: The parent requested that additional training be provided for Instructional Assistants who interact with [Student].
- The reason we proposing or refusing to take action is: Instructional Assistants (IAs) working with the student have many years of experience working with students on the Autism spectrum. The IAs have attended many building-based trainings that contribute to their ability to work with students on the spectrum. They have worked with a number of twice exceptional students and less-impacted students. We have directly communicated with the IAs and the Access teacher, who also provided support in the classroom, about [Student's] goals, his mom's concern about him not understanding a task, and ensuring he received adequate support during writing tasks. Additionally, staff members have worked with [Student] to make sure he knows that adults are available to support him if he needs help in the general education classroom. Everyone working with students in general education classroom have years of experience observing students, monitoring their work, and assessing their ability to complete a task as directed.

The IA we have recently hired, who may be working with [Student] as well, has completed the "Cognitive Differences" and "Language and Communication" sections from the Ashland University Autism Internet Modules. He has a checklist of learning behaviors to monitor and we have directly communicated about prompting to provide during instruction in the general education classroom...

The reason why we rejected those options were: The IEP team rejected the option of providing additional trainings for IAs due to the reason note above. Staff working with [Student] have multiple years of experience, the team communicates daily about services to be provided, and new IAs have received the training needed to support [Student].

21. According to the Parent's declaration, the Parent did not receive the prior written notice until April 2, 2019.

CONCLUSIONS

Issue 1: Prior Written Notice – The complaint alleged that the District failed to provide the Parent with prior written notice regarding the refusal to provide training for the instructional assistant. A district is required to consider a parent's input into the development of an IEP, although the district is not necessarily required to adopt any specific parent proposal. Prior written notice must be given to the parent within a reasonable time before the district initiates or refuses to initiate a proposed change to the student's identification, evaluation, educational placement, or the provision of a free appropriate public education. In response to a parent proposal, it must explain why the district proposes or refuses to take action. It must describe any other options the district considered, and it must explain its reasons for rejecting those options.

Here, the Parent alleged that she proposed training for the instructional assistant at each of the following IEP meetings: October 2, 2018; October 23, 2018; November 1, 2018; and January 31, 2019. In addition, the Parent's attorney twice proposed in writing to the District training for the instructional assistant, along with numerous other proposals. At the first IEP meeting, October 2, 2018, the Parent stated she expressed concerns about the instructional assistant but did not expressly request training. The first letter from the Parent's attorney to the District, dated October 22, 2018, was sent the day before the October 23, 2018 IEP meeting, which presented some question if the District received the letter with sufficient time to address the Parent's concerns. The problem of sufficient time was compounded by the issue that the Parent did not explicitly bring up training at the IEP meeting. Although the Parent claims she requested training at the meeting, the documentation showed that the Parent expressed concerned about the instructional assistant, but did not clearly request training. Since the issue of training did not get addressed at the meeting, the prior written notice did not need to address training. The IEP team met again on November 1, 2018, and the IEP team discussed many of the Parent's concerns in the October 22, 2018 letter, although the documentation showed that training was again not brought up by either the District or the Parent. Because the proposal for training was not discussed, the prior written notice was not required to address training.

A second letter from the Parent's attorney to the District, dated January 30, 2019, proposed a number of additions or changes to the Student's IEP and reiterated the request for training. The

letter came on the eve of the IEP meeting on January 31, 2019. According to the documentation, the IEP team addressed the Parent's proposals with the exception of the request for training. Even with the two written requests at this point in time, neither the District, the Parent, nor the Parent's attorney brought up the request for training at the IEP meeting. Thus, the prior written notice was not required to address training because it had not been discussed. Later, the District, prompted by a phone call on February 28, 2019 between the Parent's attorney and District's legal counsel, eventually provided the Parent with prior written notice, dated March 13, 2019, regarding training, which the Parent stated she received on April 2, 2019.

Despite the District and Parent not bring up the training request at multiple IEP meetings, the District had an affirmative duty to timely address the written request for training once it had notice of the request, regardless of whether the Parent brought it up or not at the meeting. In this case, the District should have acknowledged the request and committed to addressing it while the IEP was being amended at the November 1, 2018 IEP meeting, since there is some question about whether the District had sufficient notice of the request at the October 23, 2018 IEP meeting. Consideration must be given to the fact that the Parent made numerous proposals at each of the IEP meetings and the District appeared to actively attempt to address them all, with the exception of training for the instructional assistant. The documentation also showed that the Parent was an active participant in the IEP meetings and there was no apparent reason why the Parent herself did not more clearly request the training, since the IEP process is a collaborative process that requires all participants to work together, and the District showed a willingness to address the Parent's other proposals. At the same time, it was also unclear why the District sat on the Parent's request for so long without addressing the request or raising it as a topic at an IEP meeting.

The District eventually provided prior written notice, dated March 13, 2019, to the Parent; although the Parent stated she did not receive it until April 2, 2019. The prior written notice specifically addressed the Parent's request for training for the instructional assistance and denied the request. While the Parent's previous requests for prior written notice was premature because the issue had not been discussed at any of the IEP meetings, the District's prior written notice, dated March 13, 2019, was also premature since the IEP team never actually discussed or addressed the Parent's proposal at any IEP meeting. Based on the District's failure to address the training issue at the IEP meetings and providing a prior written notice without first discussing the issue, a violation is found. As a result, the District must hold an IEP meeting and address the Parent's proposal for training for the instructional assistant. The District will provide the Parent with prior written notice regarding the Parent's proposal.

CORRECTIVE ACTION

By or before **May 24, 2019**, the District will provide documentation to OSPI that it has completed the following corrective action.

STUDENT SPECIFIC:

By **May 17, 2019**, the District must hold an IEP meeting to address the Parent's request for training for the instructional assistant. The District must provide the Parent with prior written notice regarding the proposal.

By **May 24, 2019**, the District will provide OSPI a copy of the meeting notice, Student's IEP, and prior written notice.

DISTRICT SPECIFIC:

None

The District will submit a completed copy of the Corrective Action Plan (CAP) Matrix documenting the specific actions it has taken to address the violations and will attach any other supporting documents or required information.

Dated this ____ day of May, 2019

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.)