

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 19-09

PROCEDURAL HISTORY

On February 14, 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 February 14, 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 February 20, 2019, the District requested and OSPI granted an extension of time to respond to this complaint until March 15, 2019.

On March 15, 2019, OSPI received the District's response to the complaint and forwarded it to the Parent on March 18, 2019. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information.

On March 21, 2019, the OSPI investigator spoke with the Parent via telephone.

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

SCOPE OF INVESTIGATION

This decision references events that occurred prior to the 2018-2019 school year—the time period identified for investigation in this complaint. These references are included to add context to the issues under investigation and are not intended to identify additional issues or potential violations, which occurred prior to the investigation period.

This investigation was limited to a review of whether the allegation made in the complaint demonstrates a violation of Part B of the IDEA, its implementing federal regulations, or corresponding state regulations. It did not extend to a review of whether the District's transportation policy discriminates against students based on the Student's disability. Allegations of discrimination are reviewed by the U.S. Department of Education's Office for Civil Rights.¹

¹ In its response, the District included an OCR decision, dated August 4, 2017 (OCR reference no. 10171138 and 10171139), which found that the District's policy of "refusing to provide door-to-door (special) transportation services to and from school on days when there is a delayed start due to inclement weather" did not discriminate against students with disabilities. The Parent did raise concerns that the District's transportation policy discriminates against students with disabilities. As noted in OSPI's opening letters, dated February 14, 2019, this investigation does not address the discrimination concern as OSPI does not

ISSUE

1. Did the District provide the Student with transportation to her out-of-District placement consistent with her individualized education program (IEP) during the 2018-2019 school year?

LEGAL STANDARDS

IEP Implementation: At the beginning of each school year, each district must have in effect an individualized education program (IEP) for every student within its jurisdiction who is eligible to receive special education services. A school district must ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. The initial IEP must be implemented as soon as possible after it is developed. Each school district must ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. 34 CFR §300.323; WAC 392-172A-03105. "When a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a disabled child and those required by the IEP." *Baker v. Van Duyn*, 502 F. 3d 811 (9th Cir. 2007).

Specialized Transportation as a Component in the IEP: In determining whether to include transportation in a student's IEP, and whether the student needs to receive transportation as a related service, the IEP team must consider how the student's impairments affect the student's need for transportation. Included in this consideration is whether the student's impairments prevent the student from using the same transportation provided to nondisabled students, or from getting to school in the same manner as nondisabled students. If transportation is included in the student's IEP as a related service, a school district must ensure that the transportation is provided at public expense and at no cost to the parents, and that the student's IEP describes the transportation arrangement. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,475, 12,479 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 33); *Yakima School District*, 36 IDELR 289 (WA SEA 2002). The term "transportation" is defined as: travel to and from school and between schools; travel in and around school buildings; and specialized equipment, such as special or adapted buses, lifts, and ramps, if required to provide special transportation for students eligible to receive special education services. 34 CFR §300.34(c)(16); WAC 392-172A-01155(3)(p). FAPE.

Definition of a Free Appropriate Public Education (FAPE): A "free appropriate public education" (FAPE) consists of instruction that is specifically designed to meet the needs of the child with a disability, along with whatever support services are necessary to permit him to benefit from that instruction. The instruction and support services must be provided at public expense and under public supervision. They must meet the State's educational standards, approximate the grade levels used in the State's regular education system, and comport with the child's IEP. *Hendrick*

have authority through the special education citizen complaint process to investigate allegations of discrimination. See attached, Exhibit A.

Hudson District Board of Education v. Rowley, 458 U.S. 176, 186-188, (1982). Every student eligible for special education between the ages of three and twenty-one has a right to receive a FAPE. 34 CFR §300.101; WAC 392-172A-02000. An eligible student receives a FAPE when he or she receives, at public expense, an educational program that meets state educational standards, is provided in conformance with an IEP designed to meet the student's unique needs and includes whatever support services necessary for the student to benefit from that specially designed instruction. 34 CFR §300.17; WAC 392-172A-01080.

Provision of FAPE: An IEP is required to be "reasonably calculated to enable the child to receive educational benefit." It does not require the absolute best or potential-maximizing education for that child. Rather, the district is obliged to provide a basic floor of opportunity through a program that is individually designed to provide educational benefit to a child with a disability. The basic floor of opportunity provided by the IDEA consists of access to specialized instruction and related services. *Hendrick Hudson District Board of Education v. Rowley*, 458 U.S. 176, 102 S.Ct. 3034 (1982). For a district to meet its substantive obligation under IDEA, a school must "offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." An IEP must "aim to enable the child to make progress", the educational program must be "appropriately ambitious in light of [the student's] circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular classroom," and the student should have the opportunity to meet challenging objectives. *Andrew F. v. Douglas County School District RE-1* 137 S.Ct. 988, 69 IDELR 174 (2017).

If a school district fails to comply with the procedural elements set forth in the IDEA or fails to develop and offer an IEP that is reasonably calculated to enable a child to receive educational benefits, the district is not in compliance with the IDEA. *Hendrick Hudson District Board of Education v. Rowley*, 458 U.S. 176 (1982). Procedural violations of the IDEA amount to a denial of FAPE if they: (1) impeded the child's right to a FAPE; (2) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a FAPE; and (3) caused a deprivation of educational benefits. 20 USC §1415(f)(3)(E)(ii); see 34 CFR §300.513; WAC 392-172A-05105.

Extended School Year Services (ESY): ESY services means services meeting state standards provided to a student eligible for special education that are beyond the normal school year, in accordance with the student's IEP, and at no cost to the parents of the student. School districts must ensure that ESY services are available when necessary to provide a FAPE to a student eligible for special education services. ESY services must be provided only if the student's IEP team determines, based on the student's needs, that they are necessary in order for the student to receive a FAPE. The purpose of ESY services is the maintenance of the student's learning skills or behavior, not the teaching of new skills or behaviors. School districts must develop criteria for determining the need for ESY services that include regression and recoupment time based on documented evidence, or on the determinations of the IEP team, based on their professional judgment and considering the nature and severity of the student's disability, rate of progress, and emerging skills, among other things, with evidence to support the need. For purposes of ESY, "regression" means significant loss of skills or behaviors if educational services are interrupted in

any area specified in the IEP. "Recoupment" means the recovery of skills or behaviors to a level demonstrated before interruption of services specified in the IEP. 34 CFR §300.106; WAC 392-172A-02020. A student's IEP team must decide whether the student requires ESY services and the amount of those services. In most cases, a multi-factored determination would be appropriate, but for some children, it may be appropriate to make the determination of whether the child is eligible for ESY services based only on one criterion or factor. *Letter to Given*, 39 IDELR 129 (OSEP 2003).

FINDINGS OF FACT

Background

1. The District, in its response, stated that in coordination with the city of Seattle, snow routes are "pre-designated in the fall of each school year. Streets must be plowed and de-iced to be considered safe for District transportation." The District stated that, "if a school day is delayed due to inclement weather, District buses operate exclusively on main arteries that receive snow and ice removal and are pre-designated by the City. This coordination is not available outside of the City limits." The District stated that:

While the District will arrange for alternative snow routes consistent with these safety guidelines for students receiving specialized transportation, it is unable to provide door-to-door transportation on snow days. This is especially true for students who attend school outside of the City, as the District is unable to coordinate with each surrounding community to figure out which roads may be cleared. Transporting students on uncleared roads... would jeopardize student safety. Thus, the District takes the precaution of cancelling out-of-District transportation on those days to ensure that students remain safe.

2017-2018 School Year

2. During the 2017-2018 school year, the Student attended high school at a nonpublic agency (NPA), where her individualized education program (IEP) team had placed her. The Student was eligible for special education services under the category emotional behavioral disability.
3. On February 7, 2018, the Student and her Parents met with the NPA administrator, a general education teacher from the NPA, two special education teachers from the NPA, and the NPA learning specialist and developed the Student's annual IEP. The Student's IEP noted that when "faced with a difficult task...[the Student] struggles to overcome that task and work through the problem. She still needs to focus on her perseverance and stamina with difficult tasks."

The IEP included a goal in adaptive/life skills, two study/organizational skills goals, and four goals in social/behavior skills. The IEP included several accommodations and provided the Student with the following specially designed instruction in the special education setting:

- Social/behavior: 350 minutes per week (provided by a special education teacher)
- Adaptive/living: 300 minutes per week (provided by a general education teacher)
- Study/organization: 350 minutes per week (provided by a general education teacher)

The IEP noted that the Student would spend 1,000 minutes per week in school and that she would spend 100% of her time in the special education setting. The IEP team agreed that the

Student would continue in her placement at the NPA and the IEP stated that the NPA “provides one on one instruction at the school” and that most of her instruction is provided in a “1:1 setting.” The Student “has access to general education peers during small group instruction and for nonacademic activities of hallways, lunch and special activities.” The IEP included special transportation.

4. The prior written notice, dated February 7, 2018, noted that the Student wanted to take a class and be involved at a club at her District neighborhood high school. The prior written notice stated that a meeting would be held later in the spring to meet with the District special education program specialist for the District high school to discuss further.
5. During the 2017-2018 school year, according to the District’s response, the District transported the Student between her home and the NPA via a taxi cab.

2018-2019 School Year

6. During the 2018-2019 school year, the Student continued to attend high school at the NPA and continued to be eligible for special education services under the category emotional behavioral disability. The Student was also taking three classes at the District high school.
7. The District’s 2018-2019 school year began on September 5, 2018. The NPA’s first day of school for the 2018-2019 was September 7, 2018.
8. On October 10, 2018, the District’s response stated that the District “provided parents of students receiving in-District specialized transportation with a letter allowing them to opt in for a bus on a snow route during adverse weather conditions.” The District stated that these forms were also available on the District’s website. The District’s response further stated that, “as taxi cabs (not buses) are the primary method by which the District transports students to out-of-District placements such as [NPA], this option is not available to students who attend these schools.” The District’s response noted that the NPA “also provides parents with information regarding inclement weather procedures” and that the NPA makes “independent decisions regarding their operating status; thus, they are not always aligned with the District in that regard.”

The Parent stated that she did not receive this letter and that the first time she saw it was in the District’s response to this complaint. The Parent further stated that she generally did not receive District-wide communications that were sent out to other families.

9. On November 16, 2018, the Student withdrew from two of the classes she was taking at the District high school.
10. On December 6, 2018, according to the District’s response, the District’s transportation office sent parents of students who receive specialized transportation service a letter, “notifying them of the District’s ice and snow procedures.” The letter “advised parents that ice and snow conditions may necessitate modifications to normal transportation procedures.” The letter also

notified parents that if the buses were operating on snow routes (schools open on time or two hours late start), there would be “no door-to-door service. No preschool or Head Start. No Out of District Service. No Taxi Cab, Therapy, Partial Day or Shuttle Transportation. No Before or After School Activities.” If the buses were on regular routes with a two hour late start, there would also be no out of District service.

The Parent stated that she did not receive this letter and that the first time she saw it was in the District’s response to this complaint.

11. On December 7, 2018, the District’s student support services supervisor emailed the District transportation manager and stated that the Parent contacted him and “wanted to have a way to cancel her ride if her daughter was not going to go to school...[The Student] is on a Yellow Cab route to [NPA].” The Parent stated that the Student “has frequent episodes of ‘school refusal’...[and] last year she would send and [sic] email and the cab would be cancelled. This year this isn’t happening.” The student support services supervisor asked who the Parent should contact. The transportation department responded and stated that the Parent should contact the “Control Center” to cancel “her daughter’s service” and provided an email address.
12. The NPA was on winter break from December 21, 2018 through January 4, 2019, and the District was on winter break from December 24, 2018 through January 4, 2019.
13. On January 28, 2019, the Student withdrew from the remaining class she was taking at the District high school and returned to the NPA on a full-time basis.
14. On January 31, 2019, the Parents met with the NPA administrator, two NPA general education teachers, an NPA special education teacher, and a District special education program supervisor (program supervisor). The team developed the Student’s annual IEP. The IEP noted that the Parent had concerns about attendance and graduation; comments from the Student’s teachers in the present levels of educational performance section also indicated concerns about the Student’s attendance. The IEP noted that “second quarter was a difficult time as she transitioned from being at [District] High School part-time back to being fully enrolled at [NPA]. During this time, her attendance and engagement significantly dropped.” The IEP noted that with a more stable schedule, the Student “has done a great job on being on time more often for her classes and being able to advocate for her needs.”

In the age appropriate transition assessment section, the Parent stated that the Student “has trouble with transitions and inconsistent schedules” and stated that regular attendance in school was a concern. The IEP included post-secondary goals/outcomes, a course of study, and a summary of performance as the Student was scheduled to graduate in June 2019.

The IEP included two goals in adaptive/life skills, two goals in study/organizational skills, and three goals in social/behavior skills. The IEP included several accommodations and provided the following specially designed instruction in the special education setting:

- Social/behavior: 920 minutes per week (special education teacher)
- Adaptive/living: 350 minutes per week (general education teacher)

- Study/organization: 450 minutes per week (general education teacher)

The IEP noted that the Student would spend 1,720 minutes per week in school and that she would spend 100% of her time in the special education setting. The IEP team decided that the Student should finish high school at the NPA, rather than returning to the District high school part-time. And, the IEP continued to offer special transportation.

15. The prior written notice, dated January 31, 2019, stated that the IEP team agreed to have the Student's "1st period teacher text her an encouraging and positive message if she doesn't show to help [the Student] have to confidence to attend class."
16. In February 2019, snow storms hit the District and surrounding areas. As a result, the District and the NPA were either closed or operating on different schedules on the following dates:

Date	District	NPA	District Communication ²
Feb. 4	Closed	Closed	"Schools closed due to inclement weather"
Feb. 5	Closed	Closed	"Schools closed due to inclement weather"
Feb. 6	2-hour delayed start; Buses on snow routes	Open from 10 am to 4:30 pm ³	"No door-to-door service... No out of district service. No taxi cab...transportation." (Emphasis added.) "Snow routes: When buses operate on snow routes, [District] buses travel primarily on roads that are maintained by the City of Seattle and receive snow removal..." "The transportation department mailed letters to families identifying snow routes in November."
Feb. 7	On-time start; Buses on snow routes	Open	"There will be... no door-to-door, midday or out-of-district transportation services. " (Emphasis added.)
Feb. 8	Closed 75 minutes early; Regular transportation routes	Open from 7:00 am to noon	"Student and staff safety are our top priority. In an abundance of caution, students will be released 75 minutes early on Friday afternoon. " (Emphasis in original.) " No out-of-district transportation. " (Emphasis added.)
Feb. 11	Closed	Closed	"Schools closed due to inclement weather"
Feb. 12	Closed	Closed	"Schools closed due to inclement weather"
Feb. 13	Closed	Closed	"Schools closed due to inclement weather"

² The District communicated with families about the snow days by posting on the District's website, adding a pop-up alert announcing the delay or closure on the website, posting on the District's social media accounts (Facebook, Twitter, and Instagram), and sending media alerts to local television and radio stations.

³ According to the District's response, the NPA's normal school hours are from 7:00 am to 7:30 pm and the Student attended between 8:00 am and 1:20 pm every day except Mondays, when she attended from 8:00 am until 3:20 pm.

Feb. 14	2-hour delayed start; Buses on snow routes	Open from 10:00 am to 5:30 pm	"No door-to door service unless it has been prearranged. No out-of-district transportation service provided, and no noon routes." (Emphasis added.)
Feb. 15	Open; Regular transportation routes	Open	

17. On February 5, 2019, the Parent emailed the NPA attendance office and NPA director and stated that the District was "not providing a taxi tomorrow (Wed [February 6]) and I am unable to get her to and from school with my current schedule so she will not be in attendance."

18. On February 7, 2019, the Parent emailed the NPA attendance office and director and stated that the Student would be absent again that day because "no transportation provided by [the District]." Later, on February 7, 2019, the Parent emailed again and stated "[the District] is not providing transportation tomorrow so [the Student] will not be at school."

19. On February 13, 2019, the NPA emailed the Parent (and other families) that the NPA would be open at 10:00 am the following day (February 14). The email included the following: "NOTE: If your child is transported by a district, please check the status of out-of-district transportation. We will not expect your child if their transportation is cancelled."

The Parent replied and stated that "[the District] is not providing transportation again! I've filed an OSPI complaint. In the meantime, [the Student] will not be attending school tomorrow." The Parent stated that the following week was mid-winter break and asked, "Will they provide transportation for her to attend [the NPA] on the 3 days it's open? Do you know. Please advise." Later, the Parent emailed again and stated "I read the calendar wrong and see that [the NPA] has mid-winter break next week as well. I'm going to fight like heck to get her to school on Friday. Maybe we can give her some work to do over the holiday."

20. On February 14, 2019, OSPI received the Parent's request for a special education citizen complaint investigation.

21. In its response, the District stated that on several of the days listed above, "the District determined it was not safe to transport students by taxi cab; and therefore, all out-of-District transportation services were cancelled."

22. The District acknowledged in its response that on February 6, 7, and 14, 2019, the Student did not receive her transportation services. The District stated that this did not represent a denial of meaningful education benefit and that the District's failure to implement her IEP on those days does not constitute a denial of a free appropriate public education (FAPE). The District stated in its response that on those days, the Student's absences were excused and that "she remains on track to graduate with her high school diploma at the end of this school year."

23. The Parent stated, in a phone call with the OSPI investigator, that the Student struggled with school refusal due to her disability. The Parent stated that missing school because of the snow

days exacerbated the Student's struggles with school refusal. The Parent acknowledged that the Student has missed a fair amount of school. The Parent stated that the Student is now two credits behind due to the snow days and other school refusal.

The Parent shared her concern that the District was not supporting the Student—specifically, that the District was not providing support related to the Student's school refusal. The Parent stated this was, in part, why the Student dropped the classes she was taking at the District high school—because the District was not tracking her attendance or supporting her when she was exhibiting school refusal behaviors.

24. Both the District and the NPA were on mid-winter break from February 18 through 22, 2019.

CONCLUSION

Issue: IEP Implementation – The Parent alleged that the District failed to implement the Student's individualized education program (IEP) with respect to her specialized transportation. The Parent specifically alleged that the District failed to provide the Student with transportation to her out-of-District placement on dates that school was open, but the District had late start times due to inclement weather.

IEP Implementation

At the beginning of each school year, each district must have in effect an IEP for every student within its jurisdiction who is eligible to receive special education services. A district must ensure that it provides a student all services in that student's IEP, consistent with their needs as described in the IEP. This includes transportation, when specialized transportation is included in a student's IEP as a related service. The transportation must be provided at public expense and at no cost to the parents, and the student's IEP must describe the transportation arrangement.

Here, the Student attended an out-of-District placement at a nonpublic agency (NPA) and her IEP provided that she would receive special transportation. The District transported the Student between her home and the NPA via taxi cab.

In its response, the District stated that it coordinates with the city to pre-designate snow routes in the fall of each year. If a school day is delayed due to inclement weather, District buses operate exclusively on main streets that receive snow and ice removal. The District stated that this coordination is not available outside of the city limits. The District stated that safety is a priority and because transporting students on potentially uncleared roads would jeopardize student safety, the District takes the precaution of cancelling out-of-District transportation. In October 2018, the District provided parents of students receiving in-District specialized transportation, and made available on the District website, information about snow routes and transportation during adverse weather conditions. In December 2018, the District provided parents of students receiving specialized transportation information about the District's ice and snow procedures. These procedures provided that when District transportation is on snow routes—for either a normal start time or two hour late start—the District does not provide door-to-door or out-of-District

transportation. The procedures also provided that if buses were on regular routes, but there was a two hour late start, there would also be no out-of-District transportation.

As a result of snow storms in February 2019, the District and the NPA were either closed or operating on different schedules. Based on the documentation, the Student missed school due to the fact that the District did not provide out-of-District transportation on the following dates: February 6, February 7, February 8, and February 14, 2019. The District acknowledged that there were several days in which the Student did not receive transportation. OSPI finds that this represents a failure to implement the Student's IEP as written. However, when a district does not perform exactly as called for in an IEP, it does not necessarily represent a material failure to implement a student's services.

Provision of a Free Appropriate Public Education (FAPE)

If a district fails to comply with the procedural elements set forth in the IDEA or fails to develop and offer an IEP that is reasonably calculated to enable a child to receive educational benefits, the district is not in compliance with the IDEA. Procedural violations of the IDEA amount to a denial of a FAPE if they impeded a child's right to a FAPE, significantly impeded the parent's opportunity to participate, and caused a deprivation of educational benefits. However, when a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child's IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a disabled child and those required by the IEP.

The District's response stated that the failure to implement the IEP did not represent a denial of meaningful educational benefit and that the District's failure to implement the Student's IEP does not constitute a denial of a FAPE as the Student remains on track to graduate with her high school diploma at the end of the school year. The Parent disagreed with the District and stated that the Student is now two credits behind due to missing school. The Parent acknowledged that the Student has missed school as she struggles with school refusal behaviors related to her disability; but, the Parent believes that the snow days exacerbated the issue. The concerns about the Student's ability to work through difficult tasks, perseverance/stamina, attendance, and school refusal are evident in the documentation in this complaint (see the Student's February 2018 and January 2019 IEPs, and communications from the Parent).

Beyond the District's statement that the Student was not denied a FAPE, there is no documentation in this complaint that indicates what this statement is based on or that the Student's IEP team—the group responsible for creating an educational program that provides the Student FAPE—discussed whether the failure to implement the Student's IEP represented a denial of FAPE. Regardless of the District's inclement weather and transportation policies, the District cannot use a policy that applies to all students District-wide to negate its obligation to consider the individualized, disability-related needs of specific students and the potential impact that snow storms had on students—on a case-by-case basis.

When looking at the cumulative impact of the missed school due to a lack of transportation, days both the District and the NPA were closed due to inclement weather, and the District and NPA's midwinter break—the Student has been out of school from February 4 through February 22, 2019 (with the exception of February 15, 2019). While the District is not obligated to implement the Student's IEP/provide transportation on no-school days (snow days and break), the District does continue to have an obligation to provide the Student a FAPE. Further, the snow storm functionally created a break from school that may necessitate the Student's IEP team to consider any evidence of regression and recoupment time that would indicate the Student needs extended school year (ESY) services. Given the potential cumulative effect, OSPI finds that the District failed to properly consider how the snow storm and missed school impacted the Student's access to a FAPE and the Student's IEP team will be required to meet as soon as possible. OSPI strongly recommends that the Student participate in the IEP meeting, to allow her to voice how she would feel most supported.

CORRECTIVE ACTION

By or before **May 3, 2019**, the District will provide documentation to OSPI that it has completed the following corrective action.

STUDENT SPECIFIC:

By or before **April 26, 2019**, the Student's IEP team will meet to address the impact of the snow days and other missed school (concerns about school refusal and attendance) on the Student's educational progress and program. The IEP team will discuss whether the Student is still on track to graduate on time. And, the IEP team will discuss whether the Student's IEP should be amended to include different or additional supports for the remainder of the school year, whether the Student requires compensatory services or tutoring for the missed school days, and whether the Student requires ESY services.

By **May 3, 2019**, the District will submit to OSPI: 1) a copy of the meeting invitation; 2) a copy of any prior written notices; 3) a copy of the agenda or meetings notes on the topics discussed at the meeting; 4) a copy of the IEP if amended; and, 5) any other related documents.

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.

RECOMMENDATION

OSPI notes that the Parent stated she did not receive some of the District-wide communications regarding inclement weather procedures and snow routes. OSPI recommends that the District ensure its methods of communication include families with students attending out-of-District placements.

Dated this ____ day of April, 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.)