

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 22-136

PROCEDURAL HISTORY

On November 17, 2022, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from the parent (Parent) of a student (Student) attending the Kent School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, regarding the Student's education.

On November 22, 2022, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District superintendent on the same day. OSPI asked the District to respond to the allegations made in the complaint.

On December 9, 2022, OSPI received the District's response to the complaint and forwarded it to the Parent on December 12, 2022. OSPI invited the Parent to reply.

On December 12, 2022, OSPI received additional information from the Parent. OSPI forwarded the additional information to the District on December 13, 2022.

On December 22, 2022, OSPI received the Parent's reply. OSPI forwarded that reply to the District on December 23, 2022.

On January 3, 2023, OSPI received additional information from the Parent. OSPI forwarded the additional information to the District the same day.

OSPI considered all 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 investigation period, which began on November 18, 2021. 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.

ISSUES

1. Whether the District followed referral procedures according to WAC 392-172A-03005 to determine whether the Student should be evaluated for eligibility for special education services?
2. Whether the District provided the Parent with a prior written notice according to WAC 392-172A-05010 regarding the refusal to evaluate?

LEGAL STANDARDS

Referral: Any person who is knowledgeable about the student may make a referral of a student suspected of having a disability. 34 CFR §300.301; WAC 392-172A-03005(1). A referral may be

implied when a parent informs a school that a child may have special needs. *In the Matter of the Lake Washington School District*, 57 IDELR 27, OSPI Cause No. 2011-SE-0020X (WA SEA 2011). When a student suspected of having a disability is brought to the attention of school personnel, the district must document that referral. It must provide the parents with written notice that the student has been referred because of a suspected disabling condition and that the district, with parental input, will determine whether there is sufficient data to suspect a disability. It must review the referral, and it must collect and examine existing school, medical, and other records. The district must determine within 25 school days after receipt of the referral whether it will evaluate the student. The district must provide the parent with written notice of its decision. 34 CFR §300.301; WAC 392-172A-03005.

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

1. At the start of the 2021–2022 school year, the Student was not eligible for special education services and attended a District elementary school.
2. The Parent's complaint and emails indicate the Parent shared concerns regarding the Student, including that the Student may have "some form of an attention deficit disorder [ADD]" with the Student's general education teacher at the fall 2021 conference and in October and November 2021 emails. The Parent indicated she was planning to speak with the Student's pediatrician.
3. On or around November 10, 2021, the Parent had the Student fill out a self-rating form for attention deficit hyperactivity disorder (ADHD) and sent it to the general education teacher. Emails with the general education teacher also indicated the teacher was going to have the school counselor come observe the Student.
4. On November 17, 2021, the Parent emailed the principal and the general education teacher, stating she and the Student met with a behavioral health provider and that the provider "informed [her] that all schools must provide an evaluation when a concern arises from school or home."

The principal responded, "Yes, we do evaluate students...Our typical evaluations are for academics, social emotional, adaptive and some OT or SLP supports." The principal also stated they could meet as a team to discuss the concerns and collaborate with the school counselor and the school psychologist.

Complaint Investigation Timeline Began November 18, 2021

5. On November 19, 2021, the Parent forwarded the District a part of the progress note from an appointment with a behavioral health provider. The note included that,
There are certainly signs of ADHD, moreso [sic] that are consistent with the inattentive subtype. However, there are also concerns about learning abilities and academic performance reported. It is possible [Student] has both a learning disorder and ADHD; however, the school should conduct an evaluation first to determine what services she may qualify for and under what category.

The principal referred the Parent to the school psychologist.

6. On November 22, 2021, the Parent and school psychologist spoke, and the school psychologist emailed the Parent a prior written notice, documenting the referral for a special education evaluation. The psychologist explained, and the prior written notice documented, that the team would gather information and make a decision about whether to proceed with an evaluation within 25 school days. The psychologist also provided the Parent a copy of the procedural safeguards and a "family input form" to fill out.

The District noted in its response that 25 school days from the referral was January 11, 2022.

The Parent responded to the school psychologist and sent the full document from the Student's behavioral health provider appointment (the same document the Parent sent to the District in part on November 19, 2021).

7. Also, on November 22, 2021, the school psychologist emailed the Student's teacher a referral form to gather information on the Student.
8. On December 1, 2021, the school counselor emailed the school psychologist that she could not attend the referral meeting but provided information about her observation of the Student, and noted she taught in the Student's classroom weekly. The counselor stated that she had "not noticed anything concerning as far as focusing," although acknowledged that ADD was harder to "observe" than ADHD. However, the counselor stated she observed the Student in a small group and participating, and that she did not observe the Student appearing "spaced out" or "unfocused."
9. On December 2, 2021, the Student's general education teacher shared via email that she did not have concerns about the Student and that the Student was "average" in behavior and academics.

10. On December 8, 2021, the Parent emailed the school psychologist her completed family input form. The Parent listed strengths, the Student's motivations, areas of concern at home and school, strategies used, goals for the Student, and stressful experiences for the Student/family. The Parent also stated that the Student had not been diagnosed with any medical condition, including ADD or ADHD.
11. On December 8, 2021, a guidance team meeting was held to discuss the referral for special education. The Parent, special education teacher, school psychologist, and general education teacher attended the meeting.

The "guidance team record – special education referral" document indicated the reason for the request for a special education evaluation was a "Parent referral" and that the team discussed strategies and interventions being used currently at home and at school ("checks for understanding, nonverbal reminders to bring attention back to class (such as tapping on desk)"). The guidance team record included the Student's iReady reading and math scores and noted that the Student's teachers reported the Student was "performing at a level that is similar to her peers." The document included the Student's strengths and needs—"Parent reports that [Student] has difficulties with attention, following directions, retaining academic information, initiating social interactions, and anxiety"—and noted the team discussed and considered the impacts of the school facility closures. The guidance team record document indicated the guidance team's recommendation was that "no further action needed."

The District's response also included "Guidance Team Minutes" that noted, in part:

The team discussed family concerns...[Student's] teacher reported that [Student] is doing well...She will sometimes daydream in class but is able to return her attention and follow direction with a reminder...[Student] started off not having friends in class but has since made a best friend. They can sometimes be distracted together during class but will return attention when reminded. [Student's] mother expressed that she would like [Student] to initiate interactions more with her peers. [Student] used to be more outgoing with peers but that has decreased since the closure. The team discussed that this reaction is common amongst a lot of students returning to school after the closure and that it may take time for her to adjust.

...

Additional parent feedback includes:

Areas of concerns at home – Day dreamer in mid task, Trouble getting started on new task/transition, Remembering single or multi step direction, Abrupt moodiness or sadness, Doesn't like conversation with too many questions, studder or speech delay when first starting a conversation or asking a question, Worries a lot...anxiety (past 2yrs), Burst of crazy excitement then trying to control it...If she says something too fast and mom asks 'what? Or to slow down and say it again' she goes sad/annoyed and says 'never mind' constantly, Often bored and needs a handful of ideas and encouragement to do it.

Areas of concerns at school – Day dreamer, not paying attention in class, Easily Distracted and missing info then not willing to ask a question, Not wanting to go to school when something is hard (1x), Takes longer to understand multi step directions especially math, needs more time, visual example, or explained in a different way; Length of time to finish a

test; Taking longer to try and understand something new (not hard just new), confused easily but won't ask for help.

Goals for upcoming years – Find enjoyment in reading, Build her math foundation skills, Build confidence in the classroom but also just at school...

Stressful experiences – COVID – Increased her anxiety and worry; 5yr old special needs sister is having tantrums daily and extreme violent tantrums few times a week. [Student] is seeing mom be hit, kicked, shoved. She's seeing things get broken.

The team discussed that [Student] is often afraid to ask for help and will not ask for help or ask clarifying questions in class. The team discussed [strategies Student could use and participating in a social group]. The team will follow up with the school counselor. The team also discussed the speech delay that family mentioned. When responding to a question [Student] will often make a few sounds and then will respond with a full sentence. The team discussed that this could be anxiety related and this will continue to be monitored by the school team...

12. On December 9, 2021, the District emailed the Parent a prior written notice regarding the referral decision, with an initiation date of December 14, 2021. The prior written notice indicated the team was "refusing" to initiate an initial evaluation, and included the following:

The team met to discuss [Student's] referral to special education. After review of information and team discussion, the team decided against doing a special education eligibility evaluation at this time.

The team determined that a special education eligibility evaluation is not needed at this time. The team considered and rejected proceeding with an evaluation.

Benchmark testing and teacher feedback indicate that student is at/near the academic level of her peers, shows typical social development, and the team does not believe that specially designed instruction is needed.

[Documentation/Information Reviewed] File review, parent/teacher/staff input, and team discussion. This included discussion of behavior/social concerns, academic performance, and previous/current supports.

[Student's] progress will be monitored and discussed at parent-teacher conferences. Parent or teacher can refer again if [Student] does not continue to make appropriate progress.

13. The District noted in its response that it collected existing information about the Student, including iReady testing data, teacher input, and Parent concerns. The District stated that despite a meeting not being required to consider a referral, the District convened a meeting, included the Parent, documented the decision, and made a decision within 25 school days.

Regarding the prior written notice and the Parent's allegations, the District stated that while the "Parent claims that she was not provided sufficient time to review the prior written notice before the action was initiated," the notice was issued five days prior to the action, a "sufficient time." Further, the District stated that the "Parent's rights were not impacted by the timing of the implementation date, as the team's decision was to not evaluate, and thus no action was

taken with regard to Student's program" and "As such, Parent was able to challenge this decision after the initiation date without any prejudice."

The District acknowledged the Parent's allegation that the notice was inaccurate; however, the District stated the notice was an accurate representation of the team's decision, specifically:

Parent appears to assert that the prior written notice must specifically identify the psychologist's note Parent provided as one of the documents the team reviewed, but there is no requirement that a district list by name every document that a team reviews in making a referral decision. Here, the notice reflected that the team considered Student records and information from the Parent, which included the note from the psychologist. Parent also asserts that the referral came not just from Parent but from the private psychologist, but it was Parent who presented the referral to the District, and it was appropriate for the District to document it in this manner.

14. On December 17, 2021, according to the documentation provided in the Parent's complaint, the Parent filled out a "Vanderbilt Assessment Scale – Parent Informant" rating scale regarding the Student.¹ Additionally, at the Parent's request (per a request from the Student's private behavioral health provider), the general education teacher filled out the teacher informant rating scale. On December 19, 2021, the Student's father also filled out the parent informant rating scale.
15. The Parent's complaint made the following allegations and raised the following concerns with respect to the referral and prior written notice:
 - "District failed to use more than one source to evaluate student's performance": The prior written notice documenting the referral decision "only references iReady testing and the same statement from [general education] teacher" and no other email correspondence was referenced regarding the Student's academic performance.
 - The District failed to conduct observations of the Student and the Student's general education teacher had only known the Student for a few months. The District did not obtain more information regarding the Student's performance and classroom behaviors. The Parent objected to the fact that neither observations related to behavior or "ADHD focused" observations were conducted, nor did the District interview the Student.
 - The District did not provide the prior written notice a reasonable amount of time prior to the implementation date nor did the prior written notice sufficient document the context and decision. For example, the Parent stated that the prior written notice inaccurately documented the reason for the referral as a Parent referral, but the Parent stated it was also a "Behavioral Health Psychologist referral."
 - The Parent noted that the "Vanderbilt" assessment information did not match the information recorded in the prior written notice.
 - The District did not monitor the Student's "suspected speech delay, anxiety, and learning disability."
 - "The District did not follow the Pre-Referral Intervention process": The District did not "collect and examine existing school, medical and other records in the possession of the parent or the

¹ The National Institute for Children's Health Quality (NICHQ) "Vanderbilt Assessment Scales" is an assessment used by health care professionals to help diagnose ADHD in children between the ages of 6- and 12-years. <https://www.nichq.org/resource/nichq-vanderbilt-assessment-scales>.

school district"; did not request a medical release; there was "no mention in the [prior written notice] about schoolwork, individual or group projects, writing samples, math quiz, etc."; and did not request input from the Parent.

- The Parent stated the District stated there was a file review, but there was no "description of each procedure, test, record, or report used to plan to use as the basis for not evaluating student." The Parent stated there was no documentation of the home assessment the Parent provided the District, the Student's psychologist's assessment, the "Vanderbilt" assessment completed by the Parents and general education teacher" and that there is no "optional referral form on file as it was never provided to the Parent upon requesting an initial evaluation.
- The Parent also alleged the District failed to follow the requirements outlined in the Washington special education regulations for evaluating a student under the specific learning disability eligibility category.

16. In her reply to the District's response, the Parent also objected to the fact that the prior written notice did not state that the reason for denying the evaluation was that there was no evidence of a disability.

Further, the Parent provided additional reasons why she believed the prior written notice was insufficient, including:

- Statements in the notice were "vague, generic, and normative format."
- That the notice did not provide enough information to help her understand how the District reached its decision.
- That the "description" of each evaluation procedure, assessment, record, etc. used was not satisfied by listing names of document or "team discussion." And not all sources of information were recorded, such as the private behavioral health notes, the Student's self-assessment, iReady test scores, etc.
- Regarding the timing, the Parent stated the prior written notice was sent after 4 pm on a Thursday, which allowed her only two school days to ask questions and get responses prior to the initiation date on Tuesday.

The Parent also questioned the validity of the information provided by the general education teacher, in part because the "Vanderbilt" assessment completed by the teacher did not match the teachers comments at the guidance team meeting.

17. The District was on winter break December 20–31, 2021.

18. On February 9, 2022, the Parent emailed the school psychologist, counselor, and general education teacher, noting that she had some questions about the iReady testing and prior written notice "from our last meeting" to ask during the spring conference that day.

The Parent sent a document, outlining her questions. These questions included, in part:

- "Reason written on PWN is for a Special Education Eligibility Evaluation. My request was for an ADHD evaluation, is this not done unless someone first qualifies for SPED? I am not interested in her being provided any services at school."
- The prior written notice stated that the "concern for speech delay will be monitored by school. What does this look like."

- "Psychologist. Reviewed Vanderbilt Assessment. Questions the validity of [general education teacher's] assessment as it does not match [prior written notice]. Recommends [general education teacher] revisit the current assessment with parent or fill out again."
- "Psychologist...Work with school to understand iReady scores. What would iReady Scores look like to qualify for an evaluation? How does school decide who qualifies for the ADHD evaluation? What does school recommend to improve [Student's] academic function?"

19. Also, on February 9, 2022, the principal responded to the Parent's email, provided information about the iReady tests, and suggested a "possible informal observation" of the Student. To this email, a speech language pathologist (SLP) stated she would loop the speech team in. Additionally, in response to one section of the Parent's questions about the iReady scores, the principal responded:

This is tough to determine. [Student] is a student that is performing right around the grade level expectation line. As you can see from the tables above, her scores are fluctuating between on grade level and just below grade level. I do not see a score that is two grade levels behind...We do not decide who qualifies for an ADHD evaluation, this are administered by a physician. School staff will complete the form that are provided by doctors to assist in the potential diagnosis.

Later, on February 17, 2022, the school psychologist addressed the question about monitoring speech, stating that was written in the prior written notice "so that the team can be aware if current/future teachers/team members have concerns related to this."

The counselor also responded on February 18, 2022, that she had observed the Student several times in class and "did not observe anything that was too concerning...All in all, I can't say that I would have picked her out of the class as a student who was struggling to focus...To me, she presents not as a student with ADHD because I don't see the hyperactive element. ADD is harder to spot since they typically don't call attention to themselves..."

20. On June 20, 2022, the District had its last day of the 2021–2022 school year.

21. On December 12, 2022, the Parent emailed the school principal and requested the Student be evaluated for special education eligibility and/or Section 504 accommodations. The Parent stated, in part:

I started raising concerns in second grade when iReady testing scores were below grade level and homework would last hours. Each year iReady scores are low and each teacher has said they're not concerned...I am concerned as her parent and I want to set her up for success going into middle school next year. If there is an area she needs extra time, further explanation, reminders, tutoring I want to help her identify that now. Last year I expressed my concerns for AD/HD, the Inattentive type and that is still relevant today...

CONCLUSIONS

Issue One: Referral – The Parent alleged the District failed to follow referral procedures. In general, when a student suspected of having a disability is brought to the attention of school personnel, the district must document that referral. It must provide the parents with written notice that the student has been referred because of a suspected disabling condition and that the district,

with parental input, will determine whether there is sufficient data to suspect a disability. It must review the referral, and it must collect and examine existing school, medical, and other records. The district must determine within 25 school days after receipt of the referral whether it will evaluate the student. The district must provide the parent with written notice of its decision.

Overall, the District followed referral procedures. The Parent expressed concerns about the Student in October and November 2021, including indicating that she suspected the Student may have ADD or ADHD and that she was going to consult with the Student's doctor. The Parent made a referral for a special education evaluation on November 22, 2021, when she spoke with the school psychologist following the Student's appointment with a behavioral health provider. The District documented the referral, provided prior written notice, and then met as a guidance team on December 8, 2021, and decided to not evaluate the Student.

The December 8, 2021 guidance team record, meeting minutes, and prior written notice, indicate that the District considered the Parent's input when it held a meeting with the Parent to discuss the referral, documented her concerns, and reviewed information the Parent provided, such as the report from the behavioral health provider and parent input form. The group also considered the teacher's input, iReady scores, and information from the school counselor's observations of the Student. The District, with Parent input, must determine whether there is sufficient data to suspect a disability and thus initiate an initial evaluation. The Parent noted in her reply that the prior written notice did not include that the reason for denying the evaluation was that there was no evidence of a disability. OSPI notes the prior written notice stated that there was no indication specially designed instruction was needed. Although, given the documentation reviewed in the complaint, including the counselor's observation and fact that the Parent's input stated the Student did not have a medical diagnosis of ADD or ADHD, it is likely the District did not suspect the Student had a disability. The District could have stated this more explicitly as part of the reason for not evaluating the Student; however, the fact that the prior written notice does not explicitly state this does not render the District's referral decision invalid.

With respect to the Parent's other specific allegations and concerns, many of the concerns the Parent raised are not requirements of the referral procedures. For example, the requirement for a referral is to collect and examine existing school, medical, and other records as applicable, which the District did as described above. The Parent stated the District did not request a medical release, but again, there is no requirement to review every possible piece of information about a student, only the records as applicable. Further, to this point, the Parent had already provided the District with a document from the Student's medical provider and indicated in her Parent input that the Student did not have an ADD or ADHD diagnosis, thus it is not unreasonable that the District did not obtain further medical records. There is no requirement to conduct observations of the Student or interview the Student as part of the referral process (to determine whether or not to evaluate), although here, the District did have the counselor observe the Student in class. The Parent noted that the "Vanderbilt" assessment she requested the teacher fill out did not match the information recorded in the referral prior written notice. However, the Parent had the teacher fill out the assessment after the decision to not evaluate was made, and thus the fact that the

information does not match does not indicate the evaluation decision was improper, nor is there a requirement to conduct such assessments as part of the referral process.

Finally, the Parent alleged the District did not consider her input. As discussed above, this assertion is not supported by the documentation reviewed in the complaint. The guidance team record and meeting minutes included details that the team discussed the Parent's input and concerns and documented many of the Parent's concerns. The District held a meeting with the Parent to discuss the referral to facilitate Parent participation. And, later in the school year, the District continued to engage with the Parent about her concerns for the Student and answering questions about the referral process and reason for deciding not to do an evaluation.

Overall, OSPI finds that the District followed the appropriate process for the referral and made a reasonable decision, based on Student-specific data. OSPI finds no violation.

Issue Two: Prior Written Notice – The Parent alleged the District did not provide the prior written notice within a reasonable amount of time prior to the implementation date and that information in the prior written notice was inaccurate or insufficient.

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.

The District provided the Parent prior written notice of the decision to not evaluate on December 9, 2021. The prior written notice had an initiation date of December 14, 2021, five days later. The Parent stated that the notice was sent after 4 pm on a Thursday, which only gave her two school days to ask questions prior to the initiation date. The District argued that this was sufficient time and that the "Parent's rights were not impacted by the timing of the implementation date, as the team's decision was to not evaluate, and thus no action was taken with regard to Student's program...As such, Parent was able to challenge this decision after the initiation date without any prejudice." In this instance, OSPI finds that the prior written notice was provided a reasonable amount of time prior to the initiation date. There was sufficient time, given that the decision was to take no action and the Parent's rights to challenge the decision were not impacted by the timing of the prior written notice—in other words, the Parent could make another referral for a special education evaluation at a later date.

Regarding the accuracy or sufficiency of the prior written notice, the Parent stated that the prior written notice was vague and generic, and did not provide enough information to help her understand the District's decision. The Parent gave two primary examples:

- The Parent stated that the prior written notice inaccurately documented the reason for the referral as a Parent referral, but the Parent stated it was also a "Behavioral Health Psychologist referral."
- The Parent stated the District stated there was a file review, but there was no "description of each procedure, test, record, or report used to plan to use as the basis for not evaluating student." The Parent stated there was no documentation of the home assessment the Parent provided the District, the Student's psychologist's assessment..."

Prior written notice ensures that a 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. 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 prior written notice indicated the team met and discussed the Student's referral for special education, and that the team decided not to initiate a special education evaluation. The notice documented the reason for the decision—that there was no indication specially designed instruction was needed and documented the information reviewed. There is no requirement that a prior written notice document every piece of information or document reviewed. Here, the Parent is correct that the referral was based on the behavioral health provider's recommendation; however, the Parent relayed that referral to the District and thus, it was reasonable and accurate for the prior written notice to document this as a Parent referral. Further, the District documented the categories of information reviewed and discussed; again, there is no requirement to document every piece of information by name. Finally, the prior written notice functioned in conjunction with the guidance team record and meeting minutes, which also provided details about the information considered and decision made. Overall, the prior written notice serves its purpose here and made the Parent aware of the decision and the basis for that decision. OSPI finds no violation.

CORRECTIVE ACTION

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

None.

Dated this 5th day of January, 2023

Dr. Tania May
Assistant Superintendent of Special Education
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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.)