

## **SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 22-66**

### **PROCEDURAL HISTORY**

On May 31, 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 [REDACTED] 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 June 2, 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 June 16, 2022, OSPI received the District's response to the complaint and forwarded it to the Parent on June 17, 2022. OSPI invited the Parent to reply.

On June 22, 2022, OSPI received the Parent's reply. OSPI forwarded that reply to the District the same day.

On June 22 and 23, 2022, OSPI received additional information from the Parent. OSPI forwarded the additional information to the District on June 23, 2022.

On June 29, 2022, the OSPI investigator consulted with OSPI's director of school health and student safety.

On June 30, 2022, OSPI requested that the District provide additional information, and the District responded, clarifying OSPI's questions on July 1, 2022.

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

### **ISSUE**

1. Did the District follow procedures when it restrained the Student on March 15, 2022, including using restraint only when there is an imminent likelihood of serious harm and following all reporting and documentation requirements in WAC 392-172A-02110 (referencing RCW 28A.600.485)?

### **LEGAL STANDARDS**

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

Restraint Conditions: Restraint device shall be used only when a student's behavior poses an imminent likelihood of serious harm. The use of restraint as defined by RCW 28A.600.485 is subject

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

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

Follow-up and Reporting Requirements: School districts must follow the documentation and reporting requirements for any use of isolation or restraint consistent with RCW 28A.600.485. WAC 392-172A-02110. Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. These procedures must include: reviewing the incident with the student and the parent or guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response; and reviewing the incident with the staff member who administered the restraint or isolation to discuss whether proper procedures were followed and what training or support the staff member needs to help the student avoid similar incidents. Any school employee, resource officer, or school security officer who uses isolation or restraint on a student during school-sponsored instruction or activities must inform the building administrator or building administrator's designee as soon as possible, and within two business days submit a written report of the incident to the district office.

The written report must include, at a minimum, the following information: the date and time of the incident; the name and job title of the individual who administered the restraint or isolation; a description of the activity that led to the restraint or isolation; the type of restraint or isolation used on the student, including the duration; whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

The principal or principal's designee must make a reasonable effort to verbally inform the student's parent or guardian within twenty-four hours of the incident, and must send written notification as soon as practical but postmarked no later than five business days after the restraint or isolation occurred. If the school or school district customarily provides the parent or guardian with school-related information in a language other than English, the written report under this section must be provided to the parent or guardian in that language. RCW 28A.600.485.

## FINDINGS OF FACT

1. The Student was eligible for special education services under the category of autism, was in preschool in the District, and her March 9, 2022 individualized education program (IEP) was in effect. The Student's IEP included goals and specially designed instruction in social/emotional and goals and related services in speech. The IEP also included occupational therapy as a related service.
2. According to additional information from the Parent, at the March 9, 2022 IEP meeting, the Parent stated she did not want the Student to be restrained.
3. In the District's response, it noted that the Student did not have a behavioral intervention plan or emergency response protocol because the District did not have any information that supported the Student having such behavior needs.
4. On March 15, 2022, the Student attended her first day of preschool.
5. According to the Parent's complaint, the Student was inappropriately restrained on March 15, 2022. The Parent stated the Student had "a bleeding scratch and scratches" and "finger prints on the side [of her bottom]." The Parent stated the Student was held down on "joint areas."

The Parent stated the teacher called her twice that day and emailed about the Student having a tough day, but that nothing was said about the restraint. According to the Parent's complaint, she "asked the principal and they did admit holding her down wrong, as well as not notifying the Parents."

6. According to the District's documentation and recollections of the preschool staff, the Student had a rough start to her first day and the following incident occurred on March 15, 2022:

During choice time the Student began 'screaming, growling, and running around the room' and the teacher evacuated the other students. The teacher stated she wasn't sure if the Student was going to lash out at other students but seemed angry that the teacher took packets the Parent sent with the Student and put them away. The teacher stated the Student's 'eyes kept darting around the room too, I do remember that. Then she went over by my desk and knocked over a cart and was looking around at what else she could grab and come for. With the shelves and items on shelves, I was worried that she was going to pull things and/or the shelves and hurt herself.' The teacher stated: 'I tried a sensory hug and tried to rock back and forth gently. I was sitting on the floor with my legs straight out and had asked [paraeducator] if she would grab her ankles or feet, I don't exactly remember. But I know I said something referencing to not hold too tight. I was trying to get some pressure in the form of a hug to see if it would work, and that's why I had her try to hold her feet since she was kicking. I didn't do the restraint of crossing her arms or anything like that. I do remember saying, 'Honey, it's okay' and she yelled back, 'My name's not honey'. I think she stopped kicking and then we let go. But immediately when I let go, she went under my table and then began to calm down.'

The teacher stated the Student calmed down under the table and the teacher called the Parent to let her know what was happening. The teacher and Parent discussed that the Student

seemed to focus on her backpack and they discussed the Student attending the next day without the backpack so the Student could focus on settling into the routine. The teacher stated the "intent of the call was focused on what I could do to support her moving forward and our plan for the next day."

The District provided statements from staff: classroom teacher, paraeducators, school psychologist, and school principal. The staff statements aligned with the above incident description. The staff statements included some differences and provided the following information:

- Classroom Teacher: Student had a rough start to the day and the classroom teacher called the Parent twice. Classroom was evacuated after the Student escalated and the teacher and a paraeducator stated to calm the Student. The teacher stated she used a "deep pressure sensory hug" to calm the Student and believed this was not considered a restraint.
- Paraeducator: Described the rough start, including the Student screaming, throwing things, and attempting to knock over a cart. The paraeducator stated the teacher "wrapped her arms around [the Student]" and that the paraeducator "held her legs above the ankles" while the teacher hugged the Student. The paraeducator stated she let go of the Student's legs when she was calm, which was about a minute, and the Student was not fighting against the hug, which lasted about two minutes.
- Paraeducator: Another paraeducator similarly described the Student's behaviors and strategies attempted (giving options, giving compliments, focusing on positive choices, visuals). The paraeducator took the other students outside when the room was cleared and later helped the Student wash her hand due to the bleeding from the hangnail.
- Paraeducator: A third paraeducator similarly described the behaviors and assisted in taking the other students outside. The paraeducator also asked the Student if she wanted to hold hands when they walked outside for pick-up time, but the Student did not want to hold the paraeducators hand.
- School psychologist: The psychologist was in the classroom from about 1:30-2:30 and noticed the Student under the table during the room clear with the teacher. The psychologist noted the Student then went to the circle with some redirection, observed snack time and choice work time. The psychologist stated the Student had some verbal refusals throughout the afternoon but was redirected.

7. The District's documentation also included a restraint report for the incident that occurred on March 15, 2022 at 1:30 pm. The District clarified that the restraint form was completed on March 16, 2022 and was sent to the District office and mailed to the Parents on March 16, 2022.

The report indicated the restraint lasted five seconds and the entire incident was 15 minutes. The reported noted a two-person floor restraint was used: "sitting on floor lightly held above ankles." The report described the incident as follows:

Room was evacuated due to [Student] running around room and screaming at top of lungs. [Student] came towards teacher table and grabbed cart and tipped it over. Her eyes were darting, looking for what next to grab and tip. Teacher gently led her to the carpet where [Student] sat down. Teacher sat behind her providing her with a sensory hug to help center her and help her calm. Para held [Student's] ankles gently to help center [Student's] body. Teacher directed to just hold her ankles gently and after 5 second teacher directed para to

release her ankles. [Student's] body was calm and teacher stopped hug and [Student] crawled under table and stayed there with her stuffed animal.

No injuries were noted, but "property damage" was marked. The report included recommendations for changing the nature or amount of resources, such as using a visual schedule that had been created, discussed with director of special education to have additional support in the classroom the next day (March 16), and met with paraeducators to discuss the plan to help better support the Student on March 16, 2022.

The report was completed by the teacher, and it noted the principal contacted the Parent on March 16, 2022 via phone at around 2:50 pm.

8. In her reply to the District's response, the Parent expressed concern that they were not informed about what happened on March 15, 2022, despite receiving several calls from the classroom teacher, and noted the principal was not aware of the situation until the following day. In additional information, the Parent expressed concern that the details and times—time and duration of incident—were different between different staff statements.
9. The District clarified that the incident was not initially reported to the Parents as a restraint, because the teacher did not feel it was a restraint. The teacher felt the hug she provided was a calming technique. The District stated that after the principal debriefed the incident with staff, the principal advised the teacher that a restraint form needed to be filled out.
10. The District documentation included "crisis prevention intervention" (CPI) training cards that indicated the teacher and paraeducator involved in the incident had been trained in CPI in the past (the expiration date for both the teacher and paraeducator's training was prior to the incident in this complaint).
11. The District stated in its response that it followed procedures regarding restraint and reporting, and had attempted to meet with the Parents to discuss the situation, "with the goal of rebuilding trust and establishing a positive relationship," but had not yet been successful.
12. On March 16, 2022, the principal was notified of the Parent's concern and contacted the Student's father. The Student's father stated the Student "had a handprint on her thigh and scratches on her back," and wanted to know what had happened. The Parent was concerned they were not notified about the restraint. The principal stated she would look into it and call the Parents back.

The principal later called the Parents and left a message, suggesting a meeting and noted she wanted to speak with the Student. The Parent returned the call, noting she had pictures of "three finger prints" on the Student and scratches. The Parent stated she was concerned because the teacher had called twice and not mentioned anything about the restraint. The principal asked the Parent to send the pictures and asked to meet. The principal, in her call log, noted they set a time to meet on March 17, 2022. The call notes further indicated the Student's father called on March 17, 2022, and stated he had to work and asked to reschedule.

The principal suggested Friday and the Student's father stated he would get back to the principal.

The principal's notes also included that the Parents called the teacher on March 23, 2022 and asked for a meeting, which was scheduled for March 25, 2022. The Parents subsequently called and rescheduled the meeting for March 29, 2022.<sup>1</sup>

13. On March 22 and 23, 2022, the Parents called the assistant superintendent and superintendent regarding their concerns.

In additional notes provided by the District about the incident, the assistant superintendent noted the Parents called him about the incident and their concern that there was a lack for communication from staff about the incident. The Parents stated that "prompt communication should have taken place during the day regarding the situation." The assistant superintendent's notes indicated he followed up with the school staff and that they were working on scheduling a meeting with the Parents. The assistant superintendent stated he advised the Parents to first meet with the school staff, and then if there was a concern following that meeting, the assistant superintendent could help determine next steps.

14. Also, on March 23, 2022, according to the Parent's call logs, the principal called the Parent and the Parents called the principal on March 24, 2022.

15. On March 25, 2022, the Parents emailed the principal and stated they would not be sending the Student to preschool.

16. The Student was withdrawn from preschool on March 28, 2022.

17. On May 20, 2022, the Parent emailed the principal and requested the principal send the notes from the incident and any other information about the incident recorded. The principal responded that she would mail the notes the following day.

18. The District noted the Student has enrolled in the elementary school where she will attend kindergarten during the 2022-2023 school year and that initial meetings and conversations between the school and Parents had been positive.

## CONCLUSIONS

**Issue: Restraint** – The Parents alleged the Student was inappropriately restrained on March 15, 2022 and that the District failed to inform them of the restraint.

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<sup>1</sup> According to additional information from the Parent, the Parents canceled this meeting because they wanted the assistant superintendent to attend and did not think a meeting without him would be productive since they had already talked to the school multiple times. An email from the assistant superintendent indicated he was not available at the time the meeting was scheduled, but that he could be a resource at the "next level if that is needed following the meeting."

On March 15, 2022, the Student attended her first day of preschool. The accounts of the day from staff all concur that the Student had a tough first day. During the day, an incident occurred, wherein the teacher performed a “sensory hug” and the paraeducator held the Student’s legs.

**Appropriateness of Restraint:** Restraint is defined as a physical intervention or force used to control a student. Restraint should only be used when a student’s behavior poses an imminent likelihood of serious harm, and must be discontinued as soon as the harm has dissipated. Likelihood of serious harm is defined as physical harm to self or others, or substantial loss or damage to property.

Here, the restraint—a sensory hug/the teacher holding her arms around the Student and the paraeducator holding the Student’s legs—was of a brief duration. While the documentation and recollections of the staff differ slightly as to the details, such as exact duration, it appears the restraint lasted only a few seconds to a few minutes, after which the teacher and paraeducator let go, and the Student began to calm down. The teacher did not initially report the restraint because she did not believe she conducted a restraint and stated she used a sensory hug. This situation does present a gray area, and it appears the teacher thought the sensory hug was not a restraint because she called it a sensory hug versus an “official” restraint. Importantly, a hold or hug is therapeutic when it is voluntary in nature. In this instance, the hug was not voluntary and given that the Student’s legs were held, the Student’s freedom of movement was restricted, making this a restraint.

It is not clear that a restraint should have been used here at all as it is not clear there was an imminent likelihood of serious harm. The behaviors preceding the incident were the Student screaming, growling, running around the room, the potential that the Student might lash out at other students (the room was subsequently cleared), the Student knocking over a cart, and the Student looking around for other things to knock over or grab. The teacher stated that she was worried the Student would pull things off the shelves and onto herself and hurt herself. While OSPI acknowledges it reviews a situation in retrospect and the staff involved had to make a judgment call in the moment, OSPI finds that it is likely there was not an imminent likelihood of harm present that would justify a restraint. It is not clear that knocking over a cart was a sufficient likelihood of harm, absent the Student actively attempting to pull more carts over. However, OSPI acknowledges that the teacher did not believe she was doing a restraint, which means the teacher may not have been thinking about the situation as one where she needed to assess the situation using the specific likelihood of imminent harm analysis; rather, the teacher was trying to help the Student deescalate.

Overall, given that the teacher did not understand she and the paraeducator restrained the Student and given the situation did not clearly present an imminent likelihood of harm, OSPI finds a violation. The District will be required to provide staff training on proper restraint procedures and proper use of non-restraint/therapeutic alternatives.

**Training of Staff:** Any staff member or other adults using a restraint must be trained and certified by a qualified provider in the use of such restraints, or otherwise available in the case of an

emergency when trained personnel are not immediately available due to the unforeseeable nature of the emergency.

Here, the documentation indicates that the teacher and paraeducator involved in the incident with the Student had previously been trained in “crisis prevention intervention” (CPI), although the expiration date for both trainings was prior to the incident in the complaint. However, the regulation makes allowances if trained personnel are not immediately available due to the unforeseeable nature of the emergency. In this case, it was the Student’s first day of preschool and there was nothing to indicate that a restraint would occur. Thus, OSPI does not find a violation based on the teacher and paraeducator’s training being out of date. However, as a violation was found above, the District will be providing training related to restraint and OSPI recommends the District review and determine if additional training is needed—provided by a qualified provider in the use of such restraints—to ensure staff certification is up to date.

### **Follow-Up Procedures**

Review the Incident with the Parent & Student: After an incident of restraint, a district is required to review the incident with the student and the parent/guardian to address the behavior that precipitated the restraint or isolation and the appropriateness of the response.

In this case, the District made efforts to review the incident with the Parent and Student. While it is true that the Parent initiated contact—calling the principal on March 16 to inquire as to what happened after they noticed bruising and scratches on the Student—after the incident, there were several attempts made to meet with and discuss the incident with the family. The principal spoke with the Parents on March 16, 2022, and the principal asked the Parents to share pictures of the bruises/scratches and suggested they meet. The call logs indicate the principal and Parents planned to meet on March 17, 2022, and then the Parents asked the reschedule; the principal suggested they meet on March 18, 2022, and the Parents said they would get back to the principal. The Parents also called the teacher on March 23, 2022 and a meeting was scheduled for March 25, 2022, rescheduled by the Parent’s for March 29, 2022, and then canceled by the Parents because they wanted the assistant superintendent to attend, and the assistant superintendent was not available. On March 25, 2022, the Parents notified the District that they would not be sending the Student back to the preschool and the Student was withdrawn on March 28, 2022.

The Parents suggest that because they had to initiate contact, the District is in violation of restraint regulations. However, the documentation indicates that while the Parents did reach out first, the District made several attempts to discuss the incident with the Parents and to meet with the Parents to discuss concerns. The meetings were rescheduled and ultimately canceled, largely at the request of the Parents. Thus, OSPI finds the District made reasonable efforts to review the incident with the Parent and Student, and OSPI finds no violation with respect to this follow-up requirement.

Review the Incident with Involved Staff: After an incident of restraint, a district is required to review the incident with the staff member(s) who administered the restraint to discuss whether proper



procedures were followed and what training or support the staff member needs to help the student avoid similar incidents.

The day after the incident, following the Parents contacting the principal, the principal looked into the concerns and discussed with the classroom staff, including the staff involved. After this follow up, the principal advised the teacher that this would be considered a restraint and that a restraint form needed to be completed. This, along with the restraint form that notes that the teacher discussed with the director of special education to have additional support in the classroom the next day (March 16) and met with paraeducators to discuss the plan to help better support the Student on March 16, 2022, indicates the incident was reviewed with involved staff. Importantly, the review involved a discussion of strategies and supports to help avoid a future similar incident. OSPI finds no violation with respect this follow-up requirement.

### **Reporting Procedures**

Inform Administrator: After a restraint incident, the staff involved must inform the building administrator (or designee) as soon as possible.

The staff involved with the restraint did not inform the building administrator, the principal, the day of the incident because the teacher did not realize that it was a restraint. As the Parent notes, the principal was informed the next day when the Parents called to ask about what happened. Given that the involved staff did not report to the principal, this impacted the delay in formally notifying the Parents. Despite the teacher not thinking she was utilizing restraint, the teacher should have discussed the incident with the principal, which would have allowed the staff to identify this as a restraint and take appropriate steps sooner. Thus, OSPI finds a violation and the District will be required to address reporting procedures in the required training.

Written Report to District: Within two business days, a written report must be submitted to the district. The written report must include, at a minimum: the date and time of the incident; the name and job title of the individual who administered the restraint; a description of the activity that led to the restraint; the type of restraint used, including the duration; whether the student or staff was physically injured during the restraint incident and any medical care provided; and any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

The documentation provided by the District included a restraint report written and submitted to the District office on March 16, 2022, which is within two business days of the incident. The report included most of the required information and was completed and submitted in the correct time frame. However, while the report included the name of a District employee the parent or guardian may contact, the report form did not include or have a space for the name and job title of the individual who administered the restraint—which in this case was the classroom teacher and the paraeducator. While seemingly minor, it is important for parents to know the staff involved and important to record this for the purpose of the above described follow up procedures. Here, those follow up procedures occurred, so while OSPI finds a violation, the District will just be required to

update its restraint report form to include a space for the “name and job title of the individual(s) who administered the restraint” as required by the regulations.

Verbal & Written Notification of Parent: A district must make a reasonable effort to verbally notify the parent within 24 hours of a restraint. Additionally, within five business days, written notification must be sent to the parent. OSPI has found that the “written notification” to parents is the same as the “written report” sent to the District.

Here, the principal, after discussing with staff, following the Parent’s phone call on March 16, 2022, called the Parent back in the afternoon on March 16, 2022—a little over 24 hours after the restraint. The Parents were not contacted earlier because the teacher did not realize it was a restraint that she needed to report. OSPI notes that the Student’s teacher did call the Parent following the incident, but it appears the call primarily focused on the Student’s fixation with the backpack and a discussion of the Student attending without her backpack the next day—the teacher does not appear to have notified the Parent that she used what she thought was a sensory hug or provided details of the incident. OSPI finds that the teacher’s communication likely could have been better in this instance. However, OSPI also notes that in the moment, the teacher was likely prioritizing a discussion with the Parent about strategies to make positive improvements the next day. Further, while ideally the Parent would have been informed of the incident earlier and despite the fact that the Parents reached out to the principal first, the principal called the Parents back with more information and to discuss the incident within approximately a day. The restraint regulation requires a district to *make a reasonable effort* to verbally notify the parent within 24 hours of a restraint. It is reasonable that following an incident such as this, there would be a slight delay in sorting out exactly what happened. Thus, overall, while the District’s communication was imperfect, the District reached back out to the Parents the next day and made a reasonable effort to notify them. OSPI finds no violation with respect to the verbal notification requirement.

The District confirmed that the written restraint report was put in the mail to the Parents on March 16, 2022. This meets the requirements to send the report within five business days, and OSPI finds no violation with respect to this reporting requirement.

### **CORRECTIVE ACTIONS**

By or before **August 19, 2022, September 2, 2022, and October 7, 2022**, the District will provide documentation to OSPI that it has completed the following corrective actions.

#### **STUDENT SPECIFIC:**

None.

#### **DISTRICT SPECIFIC:**

##### **Restraint Form**

By **August 19, 2022**, the District will update its restraint report form to include a space for the “name and job title of the individual(s) who administered the restraint” as required by the regulations. The District will provide OSPI with a copy of the updated form for review.

## Training

The District, in cooperation and collaboration with a non-District employee (e.g., the ESD, OSPI Director of School Health and Student Safety Lee Collyer, or other trainer), will develop and conduct a training on the below topics. The District will provide the trainer with a copy of this decision, SECC 22-66.

The following District staff will receive training: District special education administrators, and the following at the Student's school: principal, assistant principal, and early childhood special education certified staff (teachers) and paraeducators. The training will cover the following topics:

- Training on what constitutes a restraint and when a sensory or therapeutic hold becomes a restraint.
- Proper use of non-restraint/therapeutic alternatives.
- Restraint reporting requirements, including best practices in reporting incidents where it is unclear a restraint occurred.

The training will include examples.

By or before **August 19, 2022**, the District will notify OSPI of the name of the trainer and provide documentation that the District has provided the trainer with a copy of this decision for use in preparing the training materials.

By or before **September 2, 2022**, the District will submit a draft of the training materials for OSPI to review. OSPI will approve the materials or provide comments by September 9, 2022.

By **September 30, 2022**, the District will conduct the training regarding the topics raised in this complaint decision.

By **October 7, 2022**, the District will submit documentation that required staff participated in the training. This will include 1) a sign-in sheet from the training, and 2) a separate official human resources roster of all staff required to attend the training, so OSPI can verify that all required staff participated in the training.

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 July, 2022

Dr. Tania May  
Assistant Superintendent of Special Education  
PO BOX 47200  
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**THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS COMPLAINT**

IDEA provides mechanisms for resolution of disputes affecting the rights of special education students. This decision may not be appealed. However, parents (or adult students) and school districts may raise any matter addressed in this decision that pertains to the identification, evaluation, placement, or provision of FAPE to a student in a due process hearing. Decisions issued in due process hearings may be appealed. Statutes of limitations apply to due process hearings. Parties should consult legal counsel for more information about filing a due process hearing. Parents (or adult students) and districts may also use the mediation process to resolve disputes. The state regulations addressing mediation and due process hearings are found at WAC 392-172A-05060 through 05075 (mediation) and WAC 392-172A-05080 through 05125 (due process hearings.)