

## **SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 17-18**

### **PROCEDURAL HISTORY**

On March 10, 2017, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from a complainant (Complainant) on behalf of students who attend Richland High School in the Richland School District (District). The Complainant alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the education of thirty students (Students 1-30).

On March 10, 2017, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District Superintendent on the same day. OSPI asked the District to respond to the allegations made in the complaint.

On March 30, 2017, OSPI received the District's response to the complaint and forwarded it to the Complainant on April 4, 2017. All student personally identifiable information was removed. OSPI invited the Complainant to reply with any information he had that was inconsistent with the District's information.

On April 13, 2017, OSPI requested additional information from the District, and the District provided the requested information on the same day.

On April 14, 2017, OSPI requested additional information from the District, and the District provided the requested information on April 14, 17, and 20, 2017.

On April 18, 2017, OSPI requested additional information from the District, and the District provided the requested information on April 19, 2017.

On April 20, 2017, the OSPI complaint investigator conducted a site visit/interviews.

On May 2, 2017, OSPI requested additional information from the District, and the District provided the requested information on the same day.

OSPI considered all of the information provided by the Complainant and the District as part of its investigation. It also considered the information received and observations made by the complaint investigator during the site visit/interviews.

### **OVERVIEW**

During the 2015-2016 school year, twenty-one out of the thirty students (Students 1-30) identified in this complaint attended the District's high school and were eligible to receive special education services. During the 2016-2017 school years, Students 1-30 attended high school in the District and were eligible to receive special education services. Although the Students' individualized education programs (IEPs) indicated that the Students would receive their specially designed instruction in a general education setting, many of the Students received at least some of their instruction in a special education setting. Additionally, several of the Students were scheduled to

receive their specially designed instruction in a general education setting. However, their instruction was not designed and supervised by a special education teacher. Further, several of the Students had IEPs that provided for specially designed instruction in the areas of behavior (social) or behavior (organizational), but the high school did not offer a special education or general education class in which to receive the instruction. The Complainant alleged that the District failed to provide Students 1-30 with the services stated in their IEPs, and failed to provide Students 1-30 with specially designed instruction that was provided by, or designed and supervised by a certificated special education teacher during the time period between March 11, 2016 and March 10, 2017. The District denied the allegations.

### **SCOPE OF INVESTIGATION**

This decision references events which occurred prior to the investigation time period, which began on March 11, 2016. 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 time period.

### **ISSUES**

1. Did the District provide Students 1-30 with the services stated in their individualized education programs (IEPs), during the time period between March 11, 2016 and March 10, 2017?
2. Did the District provide Students 1-30 with specially designed instruction that was provided by, or designed and supervised by a certificated special education teacher during the time period between March 11, 2016 and March 10, 2017?

### **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. 34 CFR § 300.323(a); WAC 392-172A-03105(1). A school district must develop a student's IEP in compliance with the procedural requirements of the IDEA and state regulations. 34 CFR §§300.320 through 300.328; WAC 392-172A-03090 through 392-172A-03115. It must also 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(3)(a).

Specially Designed Instruction: Specially designed instruction means adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction: to address the unique needs of the student that result from the student's disability; and to ensure access of the student to the general curriculum, so that the

student can meet the educational standards within the jurisdiction of the public agency that apply to all students. 34 CFR §300.39; WAC 392-172A-01175.

Provision of Services: Special education and related services must be provided by appropriately qualified staff. Other staff including general education teachers and paraprofessionals may assist in the provision of special education and related services, provided that the instruction is designed and supervised by special education certificated staff, or for related services by a certificated educational staff associate. Student progress must be monitored and evaluated by special education certificated staff or for related services, a certificated educational staff associate. 34 CFR §300.156; WAC 392-172A-02090(g).

Transfer Students: If a student eligible for special education transfers from one Washington State school district to another Washington State school district and has an IEP that was in effect for the current school year from the previous district, the new school district, in consultation with the parents, must provide comparable services to those described in the student's IEP, until the new school district either: adopts the student's IEP from the previous school district; or develops, adopts, and implements a new IEP that meets the applicable requirements in WACs 392-172A-03090 through 392-172A-03110. If a student eligible for special education transfers from a school district located in another state to a school district in Washington State and has an IEP in effect for the current school year, the new school district, in consultation with the student's parents, must provide the student with FAPE including services comparable to those provided in the IEP from the prior serving district, until the district: conducts an evaluation to determine if the student is eligible for special education services in this state, if the district believes an evaluation is necessary to determine eligibility under Washington state standards; and, develops, adopts, and implements a new IEP. 34 CFR §300.323(f); WAC 392-172A-03105(5). If the school district evaluates the student, the evaluation must be in accordance with WACs 392-172A-03005 through 392-172A-03040. "Comparable services" means services that are similar or equivalent to those described in the IEP from the previous district, as determined by the student's new district. 71 Fed. Reg. 156, 46681 (August 14, 2006) (comments to the final regulations). Districts must take steps to adopt the IEP or develop and implement a new IEP within a reasonable period of time to avoid any undue interruption in the provision of special education services. *Questions and Answers on IEPs, Evaluations, and Reevaluations* (OSERS June 2010) (Question A-4).

Least Restrictive Environment: School districts shall ensure that the provision of services to each student eligible for special education, including preschool students and students in public or private institutions or other care facilities, shall be provided: to the maximum extent appropriate in the general education environment with students who are nondisabled; and special classes, separate schooling or other removal of students eligible for special education from the general educational environment occurs only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR §300.114; WAC 392-172A-02050.

Placements: When determining the educational placement of a student eligible for special education including a preschool student, the placement decision shall be determined annually and made by a group of persons, including the parents, and other persons knowledgeable about the student, the evaluation data, and the placement options. The selection of the appropriate placement for each student shall be based upon: (a) The student's IEP; (b) The least restrictive environment requirements contained in WAC 392-172A-02050 through 392-172A-02070, including this section; (c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals; and (d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs. Unless the IEP of a student requires some other arrangement, the student shall be educated in the school that he or she would attend if nondisabled. In the event the student needs other arrangements, placement shall be as close as possible to the student's home. A student shall not be removed from education in age-appropriate general classrooms solely because of needed modifications in the general education curriculum. 34 CFR §300.116; WAC 392-172A-02060.

Continuum of Alternative Placement Options: Each school district must ensure that a continuum of alternative placements is available to meet the needs of students eligible for special education and related services. That continuum is required to include instruction in general classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. When necessary, the district must also provide for supplementary services such as resource room or itinerant instruction in conjunction with general classroom placement. 34 CFR §300.115; WAC 392-172A-02055. A special education program is one that includes less than 50 percent nondisabled children (i.e., children not on IEPs). Special education programs include, but are not limited to: special education classrooms in regular school buildings, trailers or portables outside regular school buildings, child care facilities, hospital facilities on an outpatient basis, or other community-based settings; separate schools; and residential facilities. *OSEP IDEA, Part Data Dictionary (Revised)*, Data Accountability Center (January 2013).

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 the student is a good candidate for evaluation. It must review the referral, and it must collect and examine existing school, medical, and other records. 34 CFR §300.301; WAC 392-172A-03005. 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.

Child Find: School districts must conduct child find activities calculated to locate, evaluate, and identify all students who are in need of special education and related services, regardless of the severity of their disability. WAC 392-172A-02040(1). Child find activities shall extend to students residing within the school district boundaries whether or not they are enrolled in the public school system; except that students attending nonprofit private elementary or secondary schools located within the school district boundaries shall be located, identified and evaluated consistent with WAC 392-172A-04005. WAC 392-172A-02040(1). Child find activities must also be calculated to reach students who are homeless, wards of the state, highly mobile students with disabilities, such as homeless and migrant students and students who are suspected of being a student with a disability and in need of special education, even though they are advancing from grade to grade. WAC 392-172A-02040(2). To accomplish this, each district must implement policies and procedures that describe the methods it will use to conduct child find activities. 34 CFR §300.111; WAC 392-172A-02040(3). “[T]he child find duty ‘is triggered when the [school district] has reason to suspect a disability, and reason to suspect that special education services may be needed to address that disability.’” *Dep’t of Educ., State of Haw. v. Cari Rae S.* 35 IDELR 90 (U.S. District Ct HI, 2001) (quoting *Corpus Christi Indep. Sch. Dist.* 31 IDELR 41 (SEA TX 1999)). The regulations at 34 CFR §300.301(b) allow a parent to request an initial evaluation at anytime to determine if a child is a child with a disability. The use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR §§300.304-300.311, to a child suspected of having a disability under 34 CFR §300.8. *Letter to State Directors of Special Education*, 111 IDELR 4677 (OSEP 2011).

## **FINDINGS OF FACT**

### **2015-2016 School Year**

1. The District’s 2015-2016 school year began on September 1, 2015.
2. The District’s high school operated on a six period bell schedule. Monday through Thursday. Students attended five class periods which met for 55 minutes per school day (or 220 minutes per week) and one class period which met for 60 minutes per school day (or 240 minutes per week). On Fridays, students attended school on a shortened day schedule in which five class periods are 45 minutes in length and one class period was 50 minutes in length. In total, students at the high school were scheduled to attend classes for 1,615 minutes per week.
3. During the 2015-2016 school year, the high school employed six special education teachers. Also during the 2015-2016 school year, the high school offered four placement options where students eligible for special education could receive the special education services indicated in their individualized education programs (IEPs). The placement options are discussed below:
  - Life Skills Program – a self-contained special education program for students with extensive learning needs. Taught by one special education teacher (life skills teacher).

- Extended Resource Room – a special education program where students spend the majority of their school day, but also attend elective general education courses. Taught by two special education teachers (extended resource teacher 1 and extended resource teacher 2).
  - Resource Room – includes special education math, language arts (LA), and social studies classes taught by a special education teacher. Taught by two special education teachers (special education math teacher and special education LA teacher). Resource room classes which focused on behavior (social) or behavior (organization) were not offered at the high school.
  - General Education Classes – taught by general education teachers, with specially designed instruction to be designed and supervised by the students' IEP case managers. The special education math teacher, special education LA teacher, and another part-time special education teacher were assigned to serve as the IEP case managers for students scheduled to receive special education services in a general education setting.
4. According to the IEPs and class schedules for Students 1-30, the Students did not have placements in the high school's life skills or extended resource room programs. Students 1-30 all participated in classes in either the high school's special education resource room, or the general education setting.
  5. Based on information gathered in this complaint from District staff members, the District had a practice of designating in students' IEPs that the students would receive specially designed instruction in a general education setting during the 2015-2016 school year, even though many students at the high school were scheduled to receive at least some of their services in a special education resource room. Additionally, according to staff members, some general education students, who were not eligible to receive special education services, were also placed in special education resource room classes. Due to their placement in a special education class, the general education students were unable to earn needed credits to meet state and District general education graduation requirements. Staff also expressed that many general education students placed in special education classes were suspected to be in need of special education services, but there were often delays in the students being referred and/or evaluated for special education services due to the District adopted Response to Intervention (RTI) model, and/or staff availability.
  6. Also based on information from District staff members and documentation provided in this complaint, the District implements an RTI general education model. Under the RTI model, students at the high school who are not meeting grade level expectations are categorized as Tier 2 and Tier 3 students. Tier 3 students are those students who have been identified as needing the most intensive intervention support. Also as part of the RTI model, the District has adopted Tier 2 and Tier 3 curriculums for the high school. The Tier 2 curriculums are Math 180 and Read 180 Language Arts. The high school also offers Read 180 Social Studies classes, and a curriculum called Expert 21, which is reportedly an intervention curriculum for

students who have progressed past Read 180.<sup>1</sup> Both special education teachers and general education teachers at the high school teach classes which use the Tier 2 Read 180 Language Arts, Read 180 Social Studies, and Math 180 curriculums. According to staff at the high school, the Read 180 Language Arts Curriculum and Read 180 Social Studies curriculum does not include a focused writing curriculum, and staff have attempted to supplement the curriculum to address writing. It is unclear from the information provided in this complaint, if the Read 180 social studies class meets any of the state graduation requirements for social studies courses. The District's adopted Tier 3 reading curriculum is System 44. It is also unclear from the information provided in this complaint if the District has adopted a Tier 3 math curriculum. However, according to the special education math teacher, students must have multiplication skills in order to access the Tier 2 Math 180 curriculum, and students who lack this skill are not successful with the curriculum. The special education math teacher also expressed concerns that staff are limited in being able to select what curriculum they believe is appropriate to meet students' needs.

7. Based on the information provided in this complaint, it appears that students are assigned to Read 180 Language Arts, Read 180 Social Studies, and Math 180 classes based on class availability, and not based on whether the class is taught by a special education teacher in a special education setting, or general education teacher in a general education setting. However, staff try to prioritize students eligible for special education so they are scheduled to receive some services in a resource room class.
8. The high school's second semester began on January 26, 2016.

#### **Timeline for this Complaint Begins on March 11, 2016**

9. On March 11, 2016, twenty-one of the thirty students identified in this complaint attended the District high school, and all of the twenty-one students had IEPs which indicated their special education services would be provided in a general education setting. However, many of the same Students were scheduled to receive services in a special education resource room setting.
10. According to documentation provided in this complaint, the part-time special education teacher was responsible to design and supervise the specially designed instruction for students on her caseload who were scheduled to receive the instruction in a general education setting during the 2015-2016 school year. The students on the part-time special education teacher's caseload included Students 3, 4, 6, 9, 14, 18, 19, 20, 21, 23, and 27. The District's response to this complaint does not include any information regarding the part-time teacher's role in designing and supervising the Students' specially designed instruction.

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<sup>1</sup> <https://www.hmhco.com/products/expert-21/read-180-students.htm>

11. During the 2015-2016 school year, the special education LA teacher was responsible to design and supervise the specially designed instruction for students on his case load who were scheduled to receive the instruction in a general education setting. The students on the LA teacher's caseload included Students 17, 26, and 30. According to information provided by the LA teacher, on Fridays during staff planning time, he meets with general education teachers in the Read 180 Language Arts and Social Studies classes to discuss student progress and whether the pacing of the curriculum should be changed. Students participating in the Read 180 Language Arts and/or Social Studies classes are placed in small groups based on ability, and the instruction for the group is differentiated. To monitor student progress, the special education LA teacher reviews reading inventory data and conducts assessments. The LA teacher also provided information that he works with students in his Read 180 classes to organize their school planners and does regular planner checks, to assist the students in learning organizational skills.
12. During the 2015-2016 school year, the special education math teacher was responsible to design and supervise the specially designed instruction for students on his case load who were scheduled to receive specially designed instruction in a general education setting. The students on the special education math teacher's case load included Students 1, 2, 8, 24, and 28. According to information provided by the math teacher, for students on her case load that required specially designed instruction in the areas of behavior (social) and behavior (organizational), it was difficult to provide the instruction because the students did not attend a special education or general education class to receive these services. In order to provide these services, the math teacher would meet with students before and after school, and during lunch to check in with the students. The teacher did not consider this specially designed instruction, because no lessons were taking place. The math teacher also provided information that for students on her case load designated to receive specially designed instruction in a general education setting, she corresponded with the general education teachers about the students' instruction and pulled the students out of the general education class on a quarterly basis to assess their progress.
13. The IEPs and class schedules for the twenty-one students are discussed below.<sup>2</sup>
14. **Student 1** – During the 2015-2016 school year, Student 1 was in 10<sup>th</sup> grade. Student 1's IEP in place in March 2016 was developed on February 4, 2016. The February 2016 IEP included annual goals in the area of behavior (organizational) and post-secondary transition. Student 1's organizational goal stated:

Given helpful organizational strategies, Student 1 will present with organized school materials (folders, books, assignments, supplies) in his backpack during Friday weekly case manager check in, as measured by review of his student planner, timely completion of assignments, and teacher reports with 80% accuracy.

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<sup>2</sup> Course titles which are underlined indicate that the class is taught by a special education teacher.

The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior – 15 minutes 1 time weekly (provided by a special education teacher)

Student 1's class schedule for the second semester of the 2015-2016 school year shows that Student 1 was enrolled in the following classes:

- Period 1: Algebra
- Period 2: Language Arts
- Period 3: Biology
- Period 4: Photography
- Period 5: TV Production/Broadcasting
- Period 6: World History

15. **Student 2** – During the 2015-2016 school year, Student 2 was in 11<sup>th</sup> grade. Student 2's IEP in place in March 2016 was developed on January 11, 2016. The January 2016 IEP included annual goals in the area of behavior (social), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction a *general education setting*:

- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 2's class schedule for the second semester of the 2015-2016 school year shows that Student 2 was enrolled in the following classes:

- Period 0: Microsoft Office
- Period 1: Read 180 – Language Arts 1
- Period 2: Read 180 – Social Studies 1
- Period 3: PE
- Period 4: Consumer Economics
- Period 5: Open Class Period
- Period 6: Math 2

16. **Student 3** – During the 2015-2016 school year, Student 3 was in 9<sup>th</sup> grade. Student 3's IEP in place in March 2016 was developed on February 21, 2016. The February 2016 IEP included annual goals in the area of behavior (social) and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 3's class schedule for the second semester of the 2015-2016 school year shows that Student 3 was enrolled in the following classes:

- Period 1: Earth Science
- Period 2: Language Arts
- Period 3: Art
- Period 4: Health
- Period 5: PE
- Period 6: Algebra 1

17. **Student 4** – During the 2015-2016 school year, Student 4 was in 10<sup>th</sup> grade. Student 4's IEP in place in March 2016 was developed on May 28, 2015. The May 2015 IEP included annual goals in the area of reading and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 4's class schedule for the second semester of the 2015-2016 school year shows that Student 4 was enrolled in the following classes:

- Period 1: Read 180 – Language Arts 1
- Period 2: Read 180 – Social Studies 1
- Period 3: Biology 10-12
- Period 4: Algebra 10-12
- Period 5: Choir
- Period 6: Child Development

On May 3, 2016, the District completed a reevaluation of Student 4, and her evaluation group determined that she continued to be eligible to receive special education services. The evaluation report recommended Student 4 continue to receive services in the area of reading, and also receive services in behavior (organizational). On May 8, 2016, Student 4's IEP team developed her annual IEP. The May 2016 IEP included annual goals in behavior (organizational), reading, and post-secondary transition. The IEP provided for the following specially designed in a *general education setting*:

- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Behavior (organizational) – 30 minutes 5 times weekly (IEP does not state who will provided the services)

The documentation in this complaint, does not show that Student 4's second semester class schedule was changed after her May 2016 IEP was developed.

18. **Student 5** – During the 2015-2016 school year, Student 5 was in 9<sup>th</sup> grade. Student 5's IEP in place in March 2016 was developed on November 25, 2015. The November 2015 IEP included annual goals in the area of behavior (social), math, reading, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 5's class schedule for the second semester of the 2015-2016 school year shows that Student 5 was enrolled in the following classes:

- Period 1: Math 3
- Period 2: Earth Science
- Period 3: Human Development
- Period 4: Floral Design
- Period 5: Ceramics
- Period 6: Expert 21 Language Arts

19. **Student 6** – During the 2015-2016 school year, Student 6 was in 11<sup>th</sup> grade. Student 6's IEP in place in March 2016 was developed on January 14, 2015. The January 2015 IEP included annual goals in the area of math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

On January 29, 2016, the District completed a reevaluation of Student 6, and her evaluation group determined that she continued to be eligible to receive special

education services. The evaluation report recommended that the Student continue to receive services in the areas of math, reading, and writing, and also receive services in the areas of behavior (social) and behavior (organizational).

On March 14, 2016<sup>3</sup>, Student 6's IEP team developed her annual IEP. The March 2016 IEP included annual goals in the areas of math, reading, writing, behavior (social), behavior (organizational), and post-secondary transition. The IEP provided for the following specially designed instruction in an *"off campus public place"*:

- Math – 24 minutes 5 times weekly (provided by a special education teacher)
- Reading – 24 minutes 5 times weekly (provided by a special education teacher)
- Writing – 24 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 24 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 24 minutes 5 times weekly (provided by a special education teacher)

Student 6's class schedule for the second semester of the 2015-2016 school year shows that Student 6 was enrolled in the following classes:

- Period 1: Read 180 – Language Arts 1
- Period 2: Read 180 – Social Studies 1
- Period 3: Math 1
- Period 4-6: Tutoring outside of school

20. **Student 7** – During the 2015-2016 school year, Student 7 did not attend the District high school.

21. **Student 8** – During the 2015-2016 school year, Student 8 was in 10<sup>th</sup> grade. In March 2016, Student 8 was not eligible to receive special education services. On June 6, 2016, the District completed an initial evaluation of Student 8, and his evaluation group determined he was eligible to receive special education services. The evaluation report recommended Student 8 receive services in the areas of behavior (organizational) and math.

Also on June 6, 2016, Student 8's IEP team developed his initial IEP. The June 2016 IEP included annual goals in the area of behavior (organizational), math, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Student 8's class schedule for the second semester of the 2015-2016 school year shows that Student 8 was enrolled in the following classes:

- Period 1: History
- Period 2: Math 2 (as of 3/17)
- Period 3: Language Arts 9 (10-12)
- Period 4: Foods
- Period 5: Geography
- Period 6: Biology 10-12

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<sup>3</sup> It is unclear from the District's documentation why Student 6's annual IEP was not developed prior to January 14, 2016. It is also unclear why the March 14, 2016 IEP was developed six weeks after the District completed Student 6's January 29, 2016 reevaluation.

22. **Student 9** – During the 2015-2016 school year, Student 9 was in 11<sup>th</sup> grade. On March 8, 2016, Student 9's IEP team developed his annual IEP. The March 2016 IEP included annual goals in the area of math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 9's class schedule for the second semester of the 2015-2016 school year shows that Student 9 was enrolled in the following classes:

- Period 1: Photography
- Period 2: Math 2
- Period 3: Teacher's Assistant
- Period 4: Open Class Period
- Period 5: Read 180 – Language Arts
- Period 6: Read 180 – Social Studies
- Period 7: Work Experience

On April 1, 2016, the District completed a reevaluation of Student 9, and her evaluation group determined that she continued to be eligible to receive special education services. The evaluation report recommended that the Student continue to receive services in the areas of math, reading, and writing, and also receive services in the area of behavior (social).

On May 4, 2016, Student 9's IEP team developed a new IEP for Student 9. The May 2016 IEP included annual goals in the areas of math, reading, writing, behavior (social), and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

The documentation in this complaint does not show that Student 9's second semester class schedule was changed after her May 2016 IEP was developed.

23. **Students 10-13** – During the 2015-2016 school year, Students 10-13 did not attend the District high school.

24. **Student 14** – During the 2015-2016 school year, Student 14 was in 9<sup>th</sup> grade. Student 14's IEP in place in March 2016 was developed on October 2, 2015 and then later amended on October 29, 2015 to change the Student's placement from a part-time special education setting to a full time general education setting. The amended October 2015 IEP included annual goals in the area of behavior (social), math, reading, writing, and post-secondary transition. The amended IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 14's class schedule for the second semester of the 2015-2016 school year shows that Student 14 was enrolled in the following classes:

- Period 1: Art
- Period 2: Health
- Period 3: Read 180 – Language Arts
- Period 4: Read 180 – Social Studies
- Period 5: Math 1
- Period 6: Earth Science

25. **Students 15 and 16** – During the 2015-2016 school year, Students 15 and 16 did not attend the District high school.

26. **Student 17** – During the 2015-2016 school year, Student 17 was in 10<sup>th</sup> grade. Student 17's IEP in place in March 2016 was developed on February 5, 2016. The February 2016 IEP included annual goals in the area of behavior (social), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 50 minutes 5 times weekly (provided by a special education teacher)
- Writing – 50 minutes 5 times weekly (provided by a special education teacher)

Student 17's class schedule for the second semester of the 2015-2016 school year shows that Student 17 was enrolled in the following classes:

- Period 1: PE
- Period 2: Art
- Period 3: Read 180 – Language Arts
- Period 4: Read 180 – Social Studies
- Period 5: Math 1
- Period 6: Earth Science

27. **Student 18** – During the 2015-2016 school year, Student 18 was in 10<sup>th</sup> grade. Student 18's IEP in place in March 2016 was developed on January 25, 2016. The January 2016 IEP included annual goals in the area of behavior (social), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 18's class schedule for the second semester of the 2015-2016 school year shows that Student 18 was enrolled in the following classes:

- Period 0: Work Based Learning
- Period 1: Work Based Learning
- Period 2: Work Based Learning
- Period 3: Expert 21-Language Arts
- Period 4: Open Period
- Period 5: Career Choices
- Period 6: Metals/Manufacturing

28. **Student 19** – During the 2015-2016 school year, Student 19 was in 11<sup>th</sup> grade. Student 19's IEP in place in March 2016 was developed on May 5, 2015. The May 2015 IEP included annual goals in the areas of behavior (organizational), reading, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 19's class schedule for the second semester of the 2015-2016 school year shows that Student 19 was enrolled in the following classes:

- Period 1: Math 3
- Period 2: History
- Period 3: Expert 21 Language Arts
- Period 4: Floral Design
- Period 5: Consumer-Economics
- Period 6: PE

On May 7, 2016, Student 19's IEP team developed his annual IEP. The May 2016 IEP included annual goals in the areas of behavior (organizational), reading, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 30 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

On May 23, 2016, the District completed a reevaluation of Student 19, and his evaluation group determined that he continued to be eligible to receive special education. The evaluation report recommended that the Student continue to receive services in the areas reading and behavior (organizational), and also receive services in the area of math.

On May 30, 2016, Student 19's IEP team agreed to amend his May 7, 2016 IEP without holding a meeting, in order to add math services based on the recommendation in his evaluation report. The amended IEP did not include any annual goals in math, but provided for the following math services in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)

The documentation in this complaint does not show that Student 19's second semester class schedule was changed after his May 2016 IEP was developed and subsequently amended.

29. **Student 20** – During the 2015-2016 school year, Student 20 was in 11<sup>th</sup> grade. Student 20's IEP in place in March 2016 was developed on January 13, 2016. The January 2016 IEP included annual goals in the area of behavior (social), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 20's class schedule for the second semester of the 2015-2016 school year shows that Student 20 was enrolled in the following classes:

- Period 1: Math 3
- Period 2: Open Class Period
- Period 3: Read 180 – Language Arts
- Period 4: Read 180 – Social Studies
- Period 5: Career Choices
- Period 6: Work Experience
- Period 7: Earth Science

30. **Student 21** – During the 2015-2016 school year, Student 21 was in 9<sup>th</sup> grade. Student 21's IEP in place in March 2016 was developed on December 14, 2015. The December 2015 IEP included annual goals in the area of behavior (social), math, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 21's class schedule for the second semester of the 2015-2016 school year shows that Student 21 was enrolled in the following classes:

- Period 1: Art
- Period 2: Algebra Prep
- Period 3: Expert 21 Language Arts
- Period 4: Earth Science
- Period 5: PE
- Period 6: Geography

31. **Student 22** – During the 2015-2016 school year, Student 22 did not attend the District high school.

32. **Student 23** – During the 2015-2016 school year, Student 23 was in 9<sup>th</sup> grade. Student 23's IEP in place in March 2016 was developed on November 23, 2015. The November 2015 IEP included annual goals in the area of behavior (social), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 23's class schedule for the second semester of the 2015-2016 school year shows that Student 23 was enrolled in the following classes:

- Period 1: Earth Science
- Period 2: Math 2
- Period 3: Geography
- Period 4: Language Arts 9
- Period 5: Microsoft Office
- Period 6: PE

33. **Student 24** – During the 2015-2016 school year, Student 24 was in 9<sup>th</sup> grade. Student 24's IEP in place in March 2016 was developed on February 12, 2016. The

February 2016 IEP included annual goals in the area of behavior (organizational), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 30 minutes 5 times weekly (provided by a special education teacher)
- Writing – 25 minutes 5 times weekly (provided by a special education teacher)

Student 24's class schedule for the second semester of the 2015-2016 school year shows that Student 24 was enrolled in the following classes:

- Period 1: Health
- Period 2: Math 2
- Period 3: PE
- Period 4: Foods
- Period 5: Agriculture
- Period 6: Expert 21 Language

34. **Student 25** – During the 2015-2016 school year, Student 25 did not attend the District high school.

35. **Student 26** – During the 2015-2016 school year, Student 26 was in 12<sup>th</sup> grade. Student 26's IEP in place in March 2016 was developed on June 9, 2015. The June 2015 IEP included annual goals in the area of behavior (social), writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 10 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 26's class schedule for the second semester of the 2015-2016 school year shows that Student 26 was enrolled in the following classes:

- Period 0: Geography
- Period 1: Mythology (Language Arts)
- Period 2: Human Anatomy and Physiology
- Period 3: U.S. History
- Period 4: Pre-Vet Tech
- Period 5: Pre-Vet Tech
- Period 6: Pre-Vet Tech

On June 8, 2016, Student 26's IEP team developed his annual IEP. The June 2016 IEP included annual goals in the area of behavior (social), writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 10 minutes 5 times weekly (provided by a special education teacher)

The documentation in this complaint does not show that Student 26's second semester class schedule was changed after his June 2016 IEP was developed and subsequently amended.

36. **Student 27** – During the 2015-2016 school year, Student 27 was in 10<sup>th</sup> grade. On February 22, 2016, the District completed an initial evaluation of Student 27, and his

evaluation group determined he was eligible to receive special education services. The evaluation report recommended Student 27 receive services in the area of behavior (social).

On March 26, 2016, Student 27's IEP team developed his initial IEP. The March 2016 IEP included annual goals in the area of behavior (social) and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 27's class schedule for the second semester of the 2015-2016 school year shows that Student 27 was enrolled in the following classes:

- Period 0: Student Store
- Period 1: German
- Period 2: Open Class Period
- Period 3: Biology
- Period 4: Geography
- Period 5: Geometry
- Period 6: Expert 21 Language Arts

**37. Student 28** – During the 2015-2016 school year, Student 28 was in 10<sup>th</sup> grade. On March 1, 2016, the District completed an initial evaluation of Student 28, and his evaluation group determined he was eligible to receive special education services. The evaluation report recommended Student 28 receive services in the area of behavior (organizational), reading, and writing expression.

On March 15, 2016, Student 28's IEP team developed his initial IEP. The March 2016 IEP included annual goals in the area of behavior (organizational), reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Reading – 35 minutes 5 times weekly (provided by a special education teacher)
- Writing – 20 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 15 minutes 1 time weekly (provided by a special education teacher)

Student 28's class schedule for the second semester of the 2015-2016 school year shows that Student 28 was enrolled in the following classes:

- Period 0: Student Store
- Period 1: Biology
- Period 2: Algebra Prep
- Period 3: Expert 21 Language Arts
- Period 4: Algebra 1B
- Period 5: Foods
- Period 6: Open Class Period

The documentation in this complaint does not show that Student 28's second semester class schedule was changed after his March 2016 IEP was developed and subsequently amended.

**38. Student 29** – During the 2015-2016 school year, Student 29 did not attend the District high school.

39. **Student 30** – During the 2015-2016 school year, Student 30 was in 12<sup>th</sup> grade. Student 30's IEP in place in March 2016 was developed on December 17, 2015. The December 2015 IEP included annual goals in the area of behavior (social), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)

Student 30's class schedule for the second semester of the 2015-2016 school year shows that Student 30 was enrolled in the following classes:

- Period 1: Math 3
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: Work Experience
- Period 5: Career Choices
- Period 6: Child Development

40. Based on information provided in this complaint, during the 2015-2016 school year, high school staff discussed that there was no special education resource room class for students to receive services in the area of behavior (social) and behavior (organizational), and agreed that a class would be added to the high school's master building schedule for the 2016-2017 school year. A class was then added to the schedule (learning lab), but students were not systematically enrolled in the class, and/or directed to enroll in it.

41. The District's 2015-2016 school year ended on June 10, 2016.

### **Summer 2016**

42. In June 2016, the high school's part-time special education teacher left her position, and the District hired another special education teacher. The new special education teacher was expected to act as an IEP case manager for students on her case load, but was not expected to teach any special education classes.

43. In late August 2016, high school staff decided to close the learning lab class because only two students had been enrolled in the class.

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

44. According to documentation provided in this complaint, during the 2016-2017 school year, the new special education teacher had approximately sixty-one (61)<sup>4</sup> students on her case load, and was responsible to design and supervise the students' specially designed instruction to be provided in a general education setting. The sixty-one students include nineteen of the students identified in this complaint –

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<sup>4</sup> Based on the documentation in this complaint, this number may have slightly varied during the course of the school year due to changes in student enrollment, student eligibility for special education, or students being reassigned to another IEP case manager.

Students 3, 4, 6, 7, 9, 10, 11, 12, 14, 15, 16, 18, 20, 21, 22, 23, 25, 27, and 29. As part of the investigation in this complaint, OSPI spoke with the new special education teacher regarding the specially designed instruction she provides to the students on her case load. The special education teacher did not provide any information about how she designs or supervises instruction for students on her case load. The teacher stated that she emails and speaks with the general education teachers responsible for delivering the students' specially designed instruction about the students' progress, and ensures that the general education teachers have a copy of the students' IEPs and understand what accommodations the students should receive. The teacher also provided information that paraeducators are available to assist some of the students in some of their general education classes. For students on her case load that have IEPs which provide for behavior (social) and behavior (organizational) services, the teacher meets with the students in between classes, lunch, and before and after school for a 2-minute consultation to "check & connect". Additionally, the teacher provided information that she assesses the students' progress on a quarterly basis. A paraeducator assists with the progress monitoring.

45. During the 2016-2017 school year, the special education LA teacher had approximately thirty-two students (32) on his case load, and was responsible to design and supervise the students' specially designed instruction to be provided in a general education setting. The thirty-two students include Students 17, 26, and 30.

46. During the 2016-2017 school year, the special education math teacher had approximately thirty (30) students on her case load, and was responsible to design and supervise the students' specially designed instruction to be provided in a general education setting. The thirty students included Students 1, 2, 5, 8, 13, 19, 24, and 28.

### First Semester

47. The District's 2016-2017 school began on August 30, 2016. At that time the high school's first semester began.

48. During the 2016-2017 school year, Students 1-30 attended the District high school. Students 1-30 are discussed below:

49. **Student 1** – During the 2016-2017 school year, Student 1 was in 11<sup>th</sup> grade. At the beginning of the school year, his February 2016 IEP was in place and provided for the following specially designed in a *general education setting*:

- Behavior – 15 minute 1 time weekly (provided by a special education teacher)

Student 1's class schedule for the first semester of the 2016-2017 school year shows that Student 1 was enrolled in the following classes:

- Period 1: Web Page Design
- Period 2: Geometry
- Period 3: U.S. History
- Period 4: Microsoft Office
- Period 5: TV Production/Broadcasting
- Period 6: American Literature

50. **Student 2** – During the 2016-2016 school year, Student 2 was in 12<sup>th</sup> grade. At the beginning of the school year, his January 2016 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 2's class schedule for the first semester of the 2016-2017 school year shows that Student 2 was enrolled in the following classes:

- Period 1: Digital Arts
- Period 2: Digital Arts
- Period 3: Digital Arts
- Period 4: Open Class Period
- Period 5: Algebra Prep
- Period 6: Expert 21 Language

On January 10, 2017, Student 2's IEP team developed his annual IEP. The January 2017 IEP included annual goals in the areas of behavior (social), reading, writing, math, and post-secondary transition and provided for the following specially designed in a *general education setting*:

- Behavior (Social) – 10 minutes 2 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

The documentation in this complaint does not show that Student 2's first semester class schedule was changed after his January 2017 IEP was developed.

51. **Student 3** – During the 2016-2017 school year, Student 3 was in 10<sup>th</sup> grade. At the beginning of the school year, Student 3's February 2016 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 3's class schedule for the first semester of the 2016-2017 school year shows that Student 3 was enrolled in the following classes:

- Period 1: Biology
- Period 2: History
- Period 3: Language Arts 10
- Period 4: Metals/Manufacturing
- Period 5: Algebra 1
- Period 6: Car Care

52. **Student 4** – During the 2016-2017 school year, Student 4 is in 11<sup>th</sup> grade. At the beginning of the school year, Student 4's May 2016 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 30 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 4's class schedule for the first semester of the 2016-2017 school year shows that Student 4 was enrolled in the following classes:

- Period 1: Algebra
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: Choir
- Period 5: Career Choices
- Period 6: Consumer Economics

53. **Student 5** – During the 2016-2017 school year, Student 5 is in 10<sup>th</sup> grade. At the beginning of the school year, Student 5's November 2015 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 5's class schedule for the first semester of the 2016-2017 school year shows that Student 5 was enrolled in the following classes:

- Period 1: Algebra
- Period 2: Language Arts 10
- Period 3: Biology
- Period 4: Microsoft Office
- Period 5: World History
- Period 6: Floral Design

On November 24, 2016, Student 5's IEP team developed her annual IEP. The November 2016 IEP included annual goals in the areas of behavior (social), math, reading, and post-secondary transition and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

The documentation in this complaint does not show that Student 5's first semester class schedule was changed after her November 2016 IEP was developed.

54. **Student 6** – During the 2016-2017 school year, Student 6 is in 11<sup>th</sup> grade. At the beginning of the school year, Student 6's March 2016 IEP was in place and provided for the following specially designed instruction in an "*off campus public place*":

- Behavior (Social) – 24 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 24 minutes 5 times weekly (provided by a special education teacher)
- Math – 24 minutes 5 times weekly (provided by a special education teacher)
- Reading – 24 minutes 5 times weekly (provided by a special education teacher)
- Writing – 24 minute 5 times weekly (provided by a special education teacher)

However, based on the District's documentation, at some point the IEP team determined Student 6 would no longer receive services off-campus, but would attend the high school for four periods a day for the first semester of the 2016-2017 school

year. The District's documentation does not include an IEP amendment, reflecting the changes to Student 6's service minutes and location.

Student 6's class schedule for the first semester of the 2016-2017 school year shows that Student 6 was enrolled in the following classes:

- Period 1: Does not attend
- Period 2: Does not attend
- Period 3: Math 1
- Period 4: Career Choices
- Period 5: Ceramics
- Period 6: Work Based Learning

**55. Student 7** – During the 2016-2017 school year, Student 7 transferred to Richland high school from another District high school, and is in 11<sup>th</sup> grade. Student 7's IEP in place at the beginning of the school year was developed on September 23, 2015 and amended in January 2016. The amended September 2015 IEP included annual goals in math, behavior (social), and post-secondary transition, and provided for the following specially designed instruction in a *general education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 53 minutes 5 times weekly (provided by a special education teacher)

Student 7's class schedule for the first semester of the 2016-2017 school year shows that Student 7 was enrolled in the following classes:

- Period 0: Choir
- Period 1: Algebra
- Period 2: Language Arts 9 (10-12)
- Period 3: U.S. History
- Period 4: Fire Science
- Period 5: Fire Science
- Period 6: Fire Science

On September 21, 2016, Student 7's IEP team developed his annual IEP. The September 2016 IEP included annual goals in the areas of math, behavior (social), behavior (organizational),<sup>5</sup> and post-secondary transition, and provided for the following specially designed instruction in a *general education setting*:

- Math – 53 minutes 5 times weekly (provided by a case manager)
- Behavior (Social) – 2 minutes 5 times weekly (provided by a case manager)<sup>6</sup>
- Behavior (Organizational) – 2 minutes 5 times weekly (provided by a case manager)

**56. Student 8** – During the 2016-2017 school year, Student 8 is in 11<sup>th</sup> grade. At the beginning of the school year, Student 8's June 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following services in a *special education setting*:

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<sup>5</sup> During the 2015-2016 school year, Student 7 attended another District high school. In April 2016, the District conducted a reevaluation of Student 7, and the evaluation report recommended that he continue to receive services in the areas of math and behavior (social), and also receive services in the area of behavior (organizational). Student 7's IEP was not updated in the spring of 2016 to reflect the addition of behavior (organizational) services.

<sup>6</sup> The District's September 15, 2016 prior written notice does not address the significant reduction in Student's 7 behavior (social) services.

- Behavior (Organizational) – 55 minutes 5 times weekly (provided by a special education teacher)

Student 8's class schedule for the first semester of the 2016-2017 school year shows that Student 8 was enrolled in the following classes:

- Period 1: Algebra
- Period 2: Language Arts 9 (10-12)
- Period 3: Biology
- Period 4: PE
- Period 5: U.S. History
- Period 6: Language Arts 10

**57. Student 9** – During the 2016-2017 school year, Student 9 is in 12<sup>th</sup> grade. At the beginning of the school year, Student 9's May 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Student 9's class schedule for the first semester of the 2016-2017 school year shows that Student 9 was enrolled in the following classes:

- Period 1: Culinary Arts
- Period 2: Culinary Arts
- Period 3: Culinary Arts
- Period 4: Career Choices
- Period 5: Read 180 – Language Arts
- Period 6: Work Based Learning

**58. Student 10** – During the 2015-2016 school year, Student 10 attended a District middle school. In October 2015, his IEP team developed his annual IEP which included annual goals in math, reading, writing, communication, and social, and post-secondary transition, and provided for the following specially designed instruction in a *special education setting*:

- Communication – 30 minutes 3 times monthly (provided by a speech language pathologist (SLP))
- Communication (consult) – 1 time monthly (provided by an SLP)
- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 100 minutes 5 times weekly (provided by a special education teacher)
- Writing – 50 minute 5 times weekly (provided by a special education teacher)
- Social – 20 minutes 5 times weekly (provided by a special education teacher)

On August 25, 2016, prior to Student 10 beginning the 2016-2017 school year at Richland High School, his new IEP team amended his October 2015 IEP. The IEP amendment stated that Student 10's placement in math would be changed to a general education setting and that the Student would receive 55 minutes of math services per day to align with the high school's bell schedule. The amendment also stated that Student 10's reading services would be reduced to 55 minutes per day to align with the high school's bell schedule and his writing services would be increased to 55 minutes per day.

Student 10's class schedule for the first semester of the 2016-2017 school year shows that Student 10 was enrolled in the following classes:

- Period 1: Guitar
- Period 2: Algebra 1A
- Period 3: Physical Science
- Period 4: Read 180 – Language Arts
- Period 5: Read 180 – Social Studies
- Period 6: Health

On October 17, 2016, the District completed a reevaluation of Student 10, and his evaluation group determined he continued to be eligible to receive special education services. The evaluation report recommended that Student 10 continue to receive services in the areas of communication, math, reading, writing, and social.

Also on October 17, 2016, Student 10's IEP team developed his annual IEP. The October 2016 IEP included annual goals in the areas of communication, math, reading, writing, social, and post-secondary transition, and provided for the following specially designed instruction in a *general education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Communication – 30 minutes 3 times monthly (provided by an SLP)
- Reading – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minute 5 times weekly (provided by a special education teacher)
- Social – 2 minutes 5 times weekly (provided by a special education teacher)

59. **Student 11** – During the 2016-2017 school year, Student 11 is in 9<sup>th</sup> grade. Student 11's IEP in place at the beginning of the school year was developed on March 2016 when she attended a District middle school. The March 2016 IEP included annual goals in the areas of behavior, behavior (social), reading, writing, and math, and provided for the following specially designed instruction in a *general education setting*:

- Behavior – 10 minutes 1 time weekly (provided by a special education teacher)
- Behavior (Social) – 10 minutes 1 time weekly (provided by a special education teacher)
- Reading – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 25 minutes 5 times weekly (provided by a special education teacher)
- Math – 35 minutes 5 times weekly (provided by a special education teacher)

Student 11's class schedule for the first semester of the 2016-2017 school year shows that Student 11 was enrolled in the following classes:

- Period 1: Physical Science
- Period 2: Ceramics
- Period 3: Math 1
- Period 4: PE
- Period 5: Language Arts 9
- Period 6: Microsoft Office

On December 1, 2016, Student 11 transferred to another District high school.

60. **Student 12** – During the 2016-2017 school year, Student 12 is in 9<sup>th</sup> grade. Student 12's IEP in place at the beginning of the school year was developed on January 4, 2016 IEP when he attended a District middle school. The January 2016 IEP

included annual goals in the areas of behavior (social) and math, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 5 minutes 5 times weekly (provided by a special education teacher)
- Math – 90 minutes 5 times weekly (provided by a special education teacher)

Student 12's class schedule for the first semester of the 2016-2017 school year shows that Student 12 was enrolled in the following classes:

- Period 1: Health
- Period 2: Math 2
- Period 3: PE
- Period 4: Language Arts 9
- Period 5: Microsoft Office
- Period 6: Physical Science

On December 14, 2016, the District completed a reevaluation of Student 12, and his evaluation group determined he continued to be eligible to receive special education services. The evaluation report recommended that Student 12 continue to receive services in the areas of behavior (social) and math, and also receive services in the area of reading.

On January 3, 2017, Student 12's IEP team developed his annual IEP. The January 2017 IEP included annual goals in the areas of behavior (social), math, reading, and post-secondary transition and provided for the following specially designed instruction in a *general education setting*:

- Reading – 53 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 2 minutes 5 times weekly (provided by a special education teacher)

The documentation in this complaint does not show that Student 12's first semester class schedule was changed after his January 2017 IEP was developed.

**61. Student 13** – During the 2015-2016 school year, Student 13 attended a District middle school. On February 11, 2016, Student 13's IEP team developed her IEP. The February 2016 IEP included annual goals in the areas of behavior (social), math, reading, and communication. and provided for the following specially designed instruction in a *general education setting*:

- Reading – 55 minutes 5 times weekly (provided by a general education teacher)
- Math – 55 minutes 5 times weekly (provided by a general education teacher)
- Behavior (social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Communication (consult) – 15 minutes 1 time monthly

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)

In March 2016, Student 13 transferred to an out-of-state school district. The out-of-state district conducted a reevaluation and then created a new March 2016 IEP for Student 13. The out-of-state IEP included annual goals in areas of speech, math, reading, and behavior. However, the goals were not measurable because they did not include baseline information. The out-of-state IEP provided for the following services in a *special education setting*:

- Reading – 45 minutes 5 times per week (provided by a special education teacher)
- Math – 45 minutes 5 times per week (provided by a special education teacher)

The out-of-state IEP also provided for the following related services:

- Speech Language Services – 15 minutes 4 times yearly (provided by an SLP)
- Counseling Services – 20 minutes 2 times monthly (provided by a counselor)

On August 30, 2016, Student 13 transferred back into the District, registering at the District high school as a 9<sup>th</sup> grade Student. On September 16, 2016, the District agreed to adopt Student 13's out-of-state reevaluation and her transfer IEP, even though the annual goals were not measurable. The District also amended the transfer IEP to provide for the following specially designed instruction in a *special education setting*:

- Behavior (social) – 10 minutes 3 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 110 minutes 5 times weekly (provided by a special education teacher)
- Communication – 15 minutes 1 time monthly (provided by an SLP)

Student 13's class schedule for the first semester of the 2016-2017 school year shows that Student 13 was enrolled in the following classes:

- Period 1: Math 1
- Period 2: Read 180 – Language Art
- Period 3: Read 180 – Social Studies
- Period 4: Choir
- Period 5: Physical Science
- Period 6: PE

**62. Student 14** – During the 2016-2017 school year, Student 14 was in 10<sup>th</sup> grade. At the beginning of the school year, Student 14's amended October 2015 was in place. The amended IEP provided for the following specially designed in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 14's class schedule for the first semester of the 2016-2017 school year shows that Student 14 was enrolled in the following classes:

- Period 1: Biology
- Period 2: Math 2
- Period 3: World History
- Period 4: Human Development
- Period 5: Floral Marketing/Design
- Period 6: Expert 21 – Language Arts

On September 22, 2016, the District completed a reevaluation of Student 14, and her evaluation group determined that she continued to be eligible for special education. Student 14's evaluation report recommended that the Student no longer receive services in the areas of reading and writing, but continue to receive services in the areas of math and behavior (social).

On September 26, 2016, Student 14's IEP team met to develop her annual IEP. The September 2016 IEP included annual goals in the areas of behavior (social), math, and post-secondary transition. The IEP provided for the following specially designed instruction in a *special education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)

**63. Student 15** – During the 2015-2016 school year, Student 15 attended a District middle school. On October 27, 2015, Student 15's IEP team developed his IEP. The October 2015 IEP included annual goals in the areas of behavior (social), math, reading, and writing, and provided for the following specially designed instruction in a *general education setting*:

- Reading – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 45 minutes 5 times weekly (provided by a special education teacher)
- Math – 90 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 45 minutes 5 times weekly (provided by a special education teacher)

In May 2016, Student 15's IEP team met to review his IEP in preparation for his transition to the District high school in the 2016-2017 school year. Based on the meeting documentation, the IEP team discussed that Student 15's IEP should be amended to address the high school's longer class periods, but an amendment was not completed.

On August 30, 2016, Student 15 began attending the high school and his October 2015 IEP continued to be in place. His class schedule for the first semester of the 2016-2017 school year shows that Student 15 was enrolled in the following classes:

- Period 1: Read 180 – Language Arts
- Period 2: Read 180 – Social Studies
- Period 3: Physical Science
- Period 4: Health
- Period 5: Algebra Prep<sup>7</sup>
- Period 6: PE

On October 26, 2016, Student 15's IEP team met to develop his annual IEP. The October 2016 IEP included annual goals in the areas of behavior (social), math, reading, writing, and provided for the following specially designed instruction in a *general education setting*:

- Reading – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)

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<sup>7</sup> According to an email from Student 15's Algebra Prep teacher, the class uses a Read 180 curriculum.

- Behavior (social) – 2 minutes 5 times weekly (provided by a special education teacher)

The documentation in this complaint does not show that Student 15's first semester class schedule changed after his October 2016 IEP was developed.

64. **Student 16** – During the 2015-2016 school year, Student 16 attended a private middle school in another state, where he received special education services under a service plan from his resident school district. In the summer of 2016, Student 16 enrolled in the District high school and the District began conducting an initial evaluation<sup>8</sup> of Student 15 on August 29, 2016.

On August 30, 2016, Student 16 began attending the high school and his first semester class schedule was as follows:

- |                              |                                       |
|------------------------------|---------------------------------------|
| • Period 1: Physical Science | • Period 4: PE                        |
| • Period 2: Concert Band     | • Period 5: Read 180 – Language Arts  |
| • Period 3: Algebra          | • Period 6: Read 180 – Social Studies |

On September 27, 2016, Student 16's evaluation group met to review the results of his initial evaluation and determined he was eligible for special education under the category of other health impairment. The evaluation report recommended that Student 16 receive services in the areas of writing and behavior (social).

On September 29, 2016, Student 16's IEP team developed his initial IEP. The September 2016 IEP included annual goals in the areas of writing, behavior (social), and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Writing – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 2 minutes 5 times weekly (provided by a special education teacher)

On December 13, 2016, Student 16 transferred out of the District.

65. **Student 17** – During the 2016-2017 school year, Student 17 was in 11<sup>th</sup> grade. At the beginning of the school year, Student 17's February 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 50 minutes 5 times weekly (provided by a special education teacher)
- Writing – 50 minutes 5 times weekly (provided by a special education teacher)

Student 17's class schedule for the second semester of the 2016-2017 school year shows that Student 17 was enrolled in the following classes:

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<sup>8</sup> The District's documentation refers to this evaluation as a reevaluation. However, because the District is establishing eligibility in Washington State, it would be considered an initial evaluation.

- Period 1: Math 1
- Period 2: U.S. History
- Period 3: Expert 21 Language Arts
- Period 4: Digital Arts
- Period 5: Digital Arts
- Period 6: Digital Arts

66. **Student 18** – During the 2016-2017 school year, Student 18 was in 11<sup>th</sup> grade. At the beginning of the school, Student 18's January 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 18's class schedule for the first semester of the 2016-2017 school year shows that Student 18 was enrolled in the following classes:

- Period 1: Read 180 – Language Arts
- Period 2: Read 180 – Social Studies
- Period 3: Work Based Learning
- Period 4: Work Based Learning
- Period 5: Career Choices
- Period 6: Math 2

67. **Student 19** – During the 2016-2017 school year Student 19 is in 12<sup>th</sup> grade. At the beginning of the school year, Student 19's amended May 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 30 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by special education teacher)

Student 19's class schedule for the first semester of the 2016-2017 school year shows that Student 19 was enrolled in the following classes:

- Period 1: Fire Science
- Period 2: Fire Science
- Period 3: Fire Science
- Period 4: Expert 21 Language Arts
- Period 5: International Problems
- Period 6: Math 2

68. **Student 20** – During the 2016-2017 school year, Student 20 was in 12<sup>th</sup> grade. At the beginning of the school year, Student 20's January 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 20's class schedule for the first semester of the 2016-2017 school year shows that Student 20 was enrolled in the following classes:

- Period 1: Biology
- Period 4: Culinary Arts

- Period 2: Math 2
- Period 3: Expert 21 Language Arts
- Period 5: Culinary Arts
- Period 6: Culinary Arts

On January 12, 2017, Student 20's IEP team met to develop her annual IEP. The January 2017 IEP included annual goals in the areas of behavior (social), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 27 minutes 5 times weekly (provided by a special education teacher)
- Writing – 26 minutes 5 times weekly (provided by a special education teacher)

The documentation in this complaint does not show that Student 20's first semester class schedule was changed after her January 2017 IEP was developed and subsequently amended.

69. **Student 21** – During the 2016-2017 school year, Student 21 was in 10<sup>th</sup> grade. At the beginning of the school year, Student 21's December 2015 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 21's class schedule for the first semester of the 2016-2017 school year shows that Student 21 was enrolled in the following classes:

- Period 1: World Geography
- Period 2: Automotive Tech
- Period 3: Biology
- Period 4: Photography
- Period 5: Algebra Prep
- Period 6: Expert 21 Language Arts

On December 13, 2016, Student 21's IEP team met to develop his annual IEP. The December 2016 IEP included annual goals in the areas of behavior (social), math, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minutes 5 times weekly (provided by a special education teacher)

70. **Student 22** – During the 2016-2017 school year, Student 22 was in 9<sup>th</sup> grade. Student 22's IEP in place at the beginning of the school year was developed in October 2015 when he attended a District middle school. The October 2015 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 10 minutes 2 times weekly (provided by a special education teacher)

Student 22's class schedule for the first semester of the 2016-2017 school year shows that Student 22 was enrolled in the following classes:

- Period 1: PE
- Period 2: Spanish
- Period 3: Algebra
- Period 4: Biology
- Period 5: PE
- Period 6: Language Arts

On October 12, 2016, Student 22's IEP team met to develop his IEP. The October 2016 IEP included annual goals in the areas of behavior (organizational) and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 2 minutes 5 times weekly (provided by a special education teacher)

71. **Student 23** – During the 2016-2017 school year, Student 23 was in 10<sup>th</sup> grade. At the beginning of the school year, Student 23's November 2015 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 23's class schedule for the first semester of the 2016-2017 school year shows that Student 23 was enrolled in the following classes:

- Period 1: World Geography
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: PE
- Period 5: Biology
- Period 6: Math 2

On November 22, 2016, Student 23's IEP team met to develop his IEP. The November 2016 IEP included annual goals in the areas of behavior (social), reading, math, and post-secondary transition, but did not include an annual goal in the area of writing. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

72. **Student 24** – During the 2016-2017 school year, Student 24 was in 10<sup>th</sup> grade. At the beginning of the school year, Student 24's February 2016 IEP in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 30 minutes 5 times weekly (provided by a special education teacher)

- Writing – 25 minutes 5 times weekly (provided by a special education teacher)

Student 24's class schedule for the first semester of the 2016-2017 school year shows that Student 24 was enrolled in the following classes:

- Period 1: Automotive Tech
- Period 2: Math 2
- Period 3: Biology
- Period 4: PE
- Period 5: Ceramics
- Period 6: Expert 21 Language Arts

73. **Student 25** – During the 2016-2017 school year, Student 25 was in 10<sup>th</sup> grade. Student 25 transferred into the District on August 30, 2016 from an out-of-state school district. The out-of-state transfer IEP was developed in February 2016 and included annual goals in the areas of math, reading, behavior, and post-secondary transition. Several of the goals were not measurable, because they did not include baseline information. The transfer IEP provided for the following services in a *special education setting*:

- Specialized Academic Instruction – 50 minutes daily
- College Awareness: Preparation – 20 minutes weekly
- Career Awareness – 20 minutes weekly

On September 20, 2016, a District high school psychologist completed a transfer verification, and noted on the District's transfer paperwork that the District accepted Student 25's transfer IEP with amendments. However, the District's documentation does not show that an amendment was completed.

On October 11, 2016, Student 25's IEP team met to develop a new IEP for the student. The October 2016 IEP included annual goals in the areas of behavior (social), math, reading, and post-secondary transition. The IEP provided for the following specially designed instruction in a *special education setting*:

- Math – 53 minutes 5 times weekly (provided by case management)
- Reading – 53 minutes 5 times weekly (provided by case management)
- Behavior (Organizational) – 2 minutes times weekly (provided by case management)

Student 25's class schedule for the first semester of the 2016-2017 school year shows that Student 25 was enrolled in the following classes:

- Period 1: Automotive Tech
- Period 2: Biology
- Period 3: Ceramics
- Period 4: Read 180 Language Arts
- Period 5: Read 180 Social Studies
- Period 6: Math 2

74. **Student 26** – During the 2016-2017 school year, Student 26 was in 12<sup>th</sup> grade. At the beginning of the school year, Student 26's June 2016 IEP in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 10 minutes 5 times weekly (provided by a special education teacher)

Student 26's class schedule for the first semester of the 2016-2017 school year shows that Student 26 was enrolled in the following classes:

- Period 0: American Literature
- Period 4: Pre-Nursing

- Period 1: U.S. History
- Period 2: Consumer Economics
- Period 3: Expert 21 Language Arts
- Period 5: Pre-Nursing
- Period 6: Pre-Nursing

75. **Student 27** – During the 2016-2017 school year, Student 27 was in 11<sup>th</sup> grade. At the beginning of the school year, Student 27’s initial March 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 27’s class schedule for the first semester of the 2016-2017 school year shows that Student 27 was enrolled in the following classes:

- Period 1: Open Class Period
- Period 2: Algebra
- Period 3: Expert 21 Language Arts
- Period 4: Radio Broadcasting
- Period 5: Radio Broadcasting
- Period 6: Radio Broadcasting

76. **Student 28** – During the 2016-2017 school year, Student 28 was in 11<sup>th</sup> grade. At the beginning of the school year, Student 28’s initial March 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Reading – 35 minutes 5 times weekly (provided by a special education teacher)
- Writing – 20 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 15 minutes 1 time weekly (provided by a special education teacher)

Student 28’s class schedule for the first semester of the 2016-2017 school year shows that Student 28 was enrolled in the following classes:

- Period 0: Student Store
- Period 1: Biology
- Period 2: U.S. History
- Period 3: Expert 21 Language Arts
- Period 4: Geometry
- Period 5: Open Class Period
- Period 6: Consumer Economics

77. **Student 29** – During the 2016-2017 school year, Student 29 was in 9<sup>th</sup> grade. Student 29’s IEP in place at the beginning of the school year was developed in March 2016 when he attended a District middle school. The March 2016 IEP was then amended in May 2016. The amended March 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 90 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 29’s class schedule for the first semester of the 2016-2017 school year shows that Student 29 was enrolled in the following classes:

- Period 1: Language Arts
- Period 2: Physical Science
- Period 4: Drama
- Period 5: PE

- Period 3: PE

- Period 6: Algebra

78. **Student 30** – During the 2016-2017 school year, Student 30 was in 12<sup>th</sup> grade. At the beginning of the school year Student 30's December 2015 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)

Student 30's class schedule for the first semester of the 2016-2017 school year shows that Student 30 was enrolled in the following classes:

- Period 1: Math 1
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: Work Based Learning
- Period 5: Career Choices
- Period 6: Foods and Nutrition

On December 16, 2016, Student 30's IEP team met to develop her annual IEP. The December 2016 IEP included annual goals in the areas of behavior (social), math, reading, writing, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 50 minutes 5 times weekly (provided by a special education teacher)
- Writing – 50 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 15 minutes 5 times weekly (provided by a special education teacher)

79. The District's first semester ended on January 20, 2017.

### Second Semester

64. The District's second semester began on January 24, 2017.

65. **Student 1** – At the beginning of the second semester, Student 1's February 2016 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Behavior – 15 minutes 1 time weekly (provided by a special education teacher)

On February 3, 2017, Student 1's IEP team developed his annual IEP. The February 2017 IEP included annual goals in the area of behavior (organizational) and post-secondary transition. The Student's organizational goal stated:

Given helpful organizational strategies, Student 1 will present with organized school materials (folders, books, assignments, supplies) in his backpack during Monday weekly case manager check in, as measured by review of his student planner, timely completion of assignments, and teacher reports with 90% accuracy.

The IEP provided for the following specially designed in a *general education setting*:

- Behavior – 15 minute 1 time weekly (provided by a special education teacher)

Student 1's class schedule for the second semester of the 2016-2017 school year shows that Student 1 was enrolled in the following classes:

- Period 1: Psychology
- Period 2: Geometry
- Period 3: History
- Period 4: Consumer Economics
- Period 5: TV Production/Broadcasting
- Period 6: American Literature

66. **Student 2** – At the beginning of the second semester, Student 2's January 2017 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 2 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Student 2's class schedule for the second semester of the 2016-2017 school year shows that Student 2 was enrolled in the following classes:

- Period 1: Digital Arts
- Period 2: Digital Arts
- Period 3: Digital Arts
- Period 4: Open Class Period
- Period 5: Algebra Prep
- Period 6: Expert 21 Language

67. **Student 3** – On January 30, 2017, Student 3 began attending another District high school.

68. **Student 4** – At the beginning of the second semester, Student 4's May 2016 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 30 minutes 5 times weekly
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 4's class schedule for the second semester of the 2016-2017 school year shows that Student 4 was enrolled in the following classes:

- Period 1: Algebra
- Period 2: Read 180 Language Arts
- Period 3: Read 180 Social Studies
- Period 4: Choir
- Period 5: Biology
- Period 6: Art

69. **Student 5** – At the beginning of the second semester, Student 5's November 2016 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 5's class schedule for the second semester of the 2016-2017 school year shows that Student 5 was enrolled in the following classes:

- Period 1: Algebra
- Period 2: Language Arts 10
- Period 3: Biology
- Period 4: Microsoft Office
- Period 5: Learning Lab (as of 3/20/17)<sup>9</sup>
- Period 6: Floral Design

70. **Student 6** – At the beginning of the second semester, Student 6’s March 2016 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 24 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 24 minutes 5 times weekly (provided by a special education teacher)
- Math – 24 minutes 5 times weekly (provided by a special education teacher)
- Reading – 24 minutes 5 times weekly (provided by a special education teacher)
- Writing – 24 minute 5 times weekly (provided by a special education teacher)

Student 6’s class schedule for the second semester of the 2016-2017 school year shows that Student 6 was enrolled in the following classes:

- Period 1: Math 1
- Period 2: Read 180 Language Arts
- Period 3: Read 180 Social Studies
- Period 4: Career Choices
- Period 5: Ceramics
- Period 6: Work Based Learning

On February 13, 2107, Student 6’s IEP team met to develop her annual IEP. The February 2017 IEP included annual goals in the areas of behavior (organizational), behavior (social), math, reading, and writing. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Reading – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minute 5 times weekly (provided by a special education teacher)

71. **Student 7** – At the beginning of the second semester, Student 7’s September 2016 IEP was in place and provided for the following specially designed instruction in a *general education setting*:

- Math – 53 minutes 5 times weekly (provided by a case manager)
- Behavior (Social) – 2 minutes 5 times weekly (provided by a case manager)
- Behavior (Organizational) – 2 minutes 5 times weekly (provided by a case manager)

Student 7’s class schedule for the second semester of the 2016-2017 school year shows that Student 7 was enrolled in the following classes:

- Period 0: Choir
- Period 1: Algebra
- Period 4: Health
- Period 5: Learning Lab (as of 3/20/17)

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<sup>9</sup> Based on the District’s response to this complaint, the learning lab class was added to the high school’s master schedule on March 20, 2017. The learning lab class is a special education class where students are scheduled to receive behavior (social) and behavior (organizational) services.

- Period 2: Language Arts 9 (10-12)
- Period 3: U.S. History
- Period 6: PE

72. **Student 8** – At the beginning of the second semester, Student 8’s June 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following services in a *special education setting*:

- Behavior (Organizational) – 55 minutes 5 times weekly (provided by a special education teacher)

Student 8’s class schedule for the second semester of the 2016-2017 school year shows that Student 8 was enrolled in the following classes:

- Period 1: Algebra
- Period 2: Consumer Economics
- Period 3: Biology
- Period 4: U.S. History
- Period 5: TV Production/Broadcasting
- Period 6: Language Arts 10

73. **Student 9** – At the beginning of the second semester, Student 9’s May 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Student 9’s class schedule for the second semester of the 2016-2017 school year shows that Student 9 was enrolled in the following classes:

- Period 1: Culinary Arts
- Period 2: Culinary Arts
- Period 3: Culinary Arts
- Period 4: Career Choices
- Period 5: Read 180 – Language Arts
- Period 6: Work Based Learning

74. **Student 10** – At the beginning of the second semester, Student 10’s October IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Communication – 30 minutes 3 times monthly (provided by an SLP)
- Reading – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minute 5 times weekly (provided by a special education teacher)
- Social – 2 minutes 5 times weekly (provided by a special education teacher)

Student 10’s class schedule for the second semester of the 2016-2017 school year shows that Student 10 was enrolled in the following classes:

- Period 1: Art
- Period 4: Read 180 – Language Arts

- Period 2: Algebra 1A
- Period 3: Earth Science
- Period 5: Read 180 – Social Studies
- Period 6: PE

75. **Student 11** – Student 11 did not attend not attend the District high school during the second semester.

76. **Student 12** – At the beginning of the second semester, Student 12’s January 2017 IEP was in place, provided for the following specially designed instruction in a *general education setting*:

- Reading – 53 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 2 minutes 5 times weekly (provided by a special education teacher)

Student 12’s class schedule for the second semester of the 2016-2017 school year shows that Student 12 was enrolled in the following classes:

- Period 1: Read 180 Language Arts
- Period 2: Read 180 Social Studies
- Period 3: Math 1
- Period 4: PE
- Period 5: Learning Lab (as of 3/20/17)
- Period 6: Earth Science

77. **Student 13** – At the beginning of the second semester, Student 13’s out-of-state transfer IEP, which had been amended by the District on September 16, 2016, was in place, and provided for the following specially designed instruction in a *special education setting*:

- Behavior (social) – 10 minutes 3 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 110 minutes 5 times weekly (provided by a special education teacher)
- Communication – 15 minutes 1 time monthly (provided by an SLP)

Student 13’s class schedule for the second semester of the 2016-2017 school year shows that Student 13 was enrolled in the following classes:

- Period 1: Math 1
- Period 2: Read 180 – Language Art
- Period 3: Read 180 – Social Studies
- Period 4: Student Store
- Period 5: Earth Science
- Period 6: PE

On February 10, 2017, Student 13’s IEP team met to develop her annual IEP. The February 2017 IEP included annual goals in the areas of behavior (social), math, reading, and post-secondary transition. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Additionally, the IEP provided communication consultation services 15 minutes per month provided by an SLP in a general education setting.

**78. Student 14** – At beginning of the second semester, Student 14's September 2016 IEP was in place, and provided for the following specially designed instruction in a *special education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)

Student 14's class schedule for the second semester of the 2016-2017 school year shows that Student 14 was enrolled in the following classes:

- Period 1: Biology
- Period 2: Math 2
- Period 3: Child Development
- Period 4: Choir
- Period 5: Foods and Nutrition
- Period 6: Expert 21 – Language Arts

**79. Student 15** – At the beginning of the second semester, Student 15's October 2016 IEP was in place, provided for the following specially designed instruction in a *general education setting*:

- Reading – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 2 minutes 5 times weekly (provided by a special education teacher)

Student 15's class schedule for the second semester of the 2016-2017 school year shows that Student 15 was enrolled in the following classes:

- Period 1: Read 180 – Language Arts
- Period 2: Read 180 – Social Studies
- Period 3: Earth Science
- Period 4: Ceramics
- Period 5: Algebra Prep
- Period 6: Independent Study

**80. Student 16** – Student 16 did not attend not attend Richland High School during the second semester.

**81. Student 17** – At the beginning of the second semester, Student 17's February 2016 was in place and during the 2016-2017 school year, Student 17 was in 11<sup>th</sup> grade. At the beginning of the school year, Student 17's February 2016 IEP was in place, and for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 50 minutes 5 times weekly (provided by a special education teacher)
- Writing – 50 minutes 5 times weekly (provided by a special education teacher)

Student 17's class schedule for the first semester of the 2016-2017 school year shows that Student 17 was enrolled in the following classes:

- Period 1: Algebra Prep
- Period 2: U.S. History
- Period 3: Read 180 Social Studies
- Period 4: Digital Arts
- Period 5: Digital Arts
- Period 6: Digital Arts

On February 4, 2017, Student 17's IEP team met to develop her annual IEP. The February 2017 IEP included annual goals in the areas of behavior (social), math, reading, and writing. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 25 minutes 5 times weekly (provided by a special education teacher)
- Writing – 25 minutes 5 times weekly (provided by a special education teacher)

82. **Student 18** – On January 24, 2017, the first day of the second semester, Student 18's IEP team met to develop his annual IEP. The January 2017 IEP included annual goals in the areas of behavior (social), writing, reading, and math. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Reading – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minutes 5 times weekly (provided by a special education teacher)

Student 18's class schedule for the second semester of the 2016-2017 school year shows that Student 18 was enrolled in the following classes:

- Period 1: Read 180 – Language Arts
- Period 2: Read 180 – Social Studies
- Period 3: Work Based Learning
- Period 4: Work Based Learning
- Period 5: Career Choices
- Period 6: Math 2

83. **Student 19** – At the beginning of the second semester, Student 19's amended May 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 30 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by special education teacher)

On January 26, 2017, Student 19's IEP team developed a new IEP to address changes in the Student's health and educational needs. The January 2017 IEP included annual goals in the areas of behavior (social), writing, reading, and math. The IEP provided for the following specially designed instruction in a *general education setting*:

- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Behavior (organizational) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Student 19's class schedule for the second semester of the 2016-2017 school year shows that Student 19 was enrolled in the following classes:

- Period 1: Government
- Period 2: PE
- Period 3: PE
- Period 4: Expert 21 Language Arts
- Period 5: Learning Lab (as of 3/20/17)
- Period 6: Math 2

84. **Student 20** – At the beginning of the second semester, Student 12's January 2017 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 27 minutes 5 times weekly (provided by a special education teacher)
- Writing – 26 minutes 5 times weekly (provided by a special education teacher)

Student 20's class schedule for the first semester of the 2016-2017 school year shows that Student 20 was enrolled in the following classes:

- Period 1: Biology
- Period 2: Math 2
- Period 3: Expert 21 Language Arts
- Period 4: Culinary Arts
- Period 5: Culinary Arts
- Period 6: Culinary Arts

85. **Student 21** – On January 30, 2017, Student 21 transferred to another District high school.

86. **Student 22** – At the beginning of the second semester, Student 22's October 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 2 minutes 5 times weekly (provided by a special education teacher)

Student 22's class schedule for the second semester of the 2016-2017 school year shows that Student 22 was enrolled in the following classes:

- Period 1: World Geography
- Period 2: Spanish
- Period 3: Algebra
- Period 4: Biology
- Period 5: Health
- Period 6: Language Arts

87. **Student 23** – At the beginning of the second semester, Student 23's November 2016 was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 23's class schedule for the first semester of the 2016-2017 school year shows that Student 23 was enrolled in the following classes:

- Period 1: Earth Science
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: Independent Living
- Period 5: Biology
- Period 6: Math 2

**88. Student 24** – At the beginning of the second semester, Student 24's February 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 30 minutes 5 times weekly (provided by a special education teacher)
- Writing – 25 minutes 5 times weekly (provided by a special education teacher)

Student 24's class schedule for the first semester of the 2016-2017 school year shows that Student 24 was enrolled in the following classes:

- Period 1: Automotive Tech
- Period 2: Math 2
- Period 3: Biology
- Period 4: World History
- Period 5: Learning Lab (as of 3/20/17)
- Period 6: Expert 21 Language Arts

On February 11, 2017, Student 24's IEP team developed his annual IEP. The February 2017 IEP included annual goals in the areas of behavior (organizational), writing, reading, and math. The IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 3 minutes 5 times weekly (provided by a special education teacher)
- Math – 52 minutes 5 times weekly (provided by a special education teacher)
- Reading – 30 minutes 5 times weekly (provided by a special education teacher)
- Writing – 25 minutes 5 times weekly (provided by a special education teacher)

**89. Student 25** – At the beginning of the second semester, Student 25's October 2016 IEP was in place, and provided for the following specially designed instruction in a *special education setting*:

- Math – 53 minutes 5 times weekly (provided by case management)
- Reading – 53 minutes 5 times weekly (provided by case management)
- Behavior (Organizational) – 2 minutes 5 times weekly (provided by case management)

Student 25's class schedule for the first semester of the 2016-2017 school year shows that Student 25 was enrolled in the following classes:

- Period 1: Read 180 Language Arts
- Period 2: Read 180 Social Studies
- Period 3: PE
- Period 4: Biology
- Period 5: Learning Lab (as of 3/20/17)
- Period 6: Math 2

90. **Student 26** – At the beginning of the second semester, Student 26’s June 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 10 minutes 5 times weekly (provided by a special education teacher)

Student 26’s class schedule for the second semester of the 2016-2017 school year shows that Student 26 was enrolled in the following classes:

- Period 0: American Literature
- Period 1: U.S. History
- Period 2: Government
- Period 3: Expert 21 Language Arts
- Period 4: Pre-Nursing
- Period 5: Pre-Nursing
- Period 6: Pre-Nursing

91. **Student 27** – At the beginning of the second semester, Student 27’s March 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 27’s class schedule for the first semester of the 2016-2017 school year shows that Student 27 was enrolled in the following classes:

- Period 1: Open Class Period
- Period 2: Algebra
- Period 3: American Literature
- Period 4: Radio Broadcasting
- Period 5: Radio Broadcasting
- Period 6: Radio Broadcasting

92. **Student 28** – At the beginning of the second semester, Student 28’s March IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Reading – 35 minutes 5 times weekly (provided by a special education teacher)
- Writing – 20 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 15 minutes 1 time weekly (provided by a special education teacher)

Student 28’s class schedule for the second semester of the 2016-2017 school year shows that Student 28 was enrolled in the following classes:

- Period 0: Student Store
- Period 1: Biology
- Period 2: U.S. History
- Period 3: Expert 21 Language Arts
- Period 4: Geometry
- Period 5: Open Class Period
- Period 6: Ceramics

93. **Student 29** – At the beginning of the second semester, Student 29’s amended March 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 90 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 29's class schedule for the second semester of the 2016-2017 school year shows that Student 29 was enrolled in the following classes:

- Period 1: Read 180 Language Arts
- Period 2: Earth Science
- Period 3: Health
- Period 4: Ceramics
- Period 5: Geography
- Period 6: Algebra

94. **Student 30** – At the beginning of the second semester, Student 30's December 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 50 minutes 5 times weekly (provided by a special education teacher)
- Writing – 50 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 15 minutes 5 times weekly (provided by a special education teacher)

Student 30's class schedule for the second semester of the 2016-2017 school year shows that Student 30 was enrolled in the following classes:

- Period 1: Math 1
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: Work Based Learning
- Period 5: Career Choices
- Period 6: Floral Marketing

95. On March 10, 2016, the Complainant filed this citizen complaint.

## CONCLUSIONS

**Issue 1: IEP Implementation** – The review of Students 1-30's IEPs shows that many of the IEPs provided for 275 minutes of services per week (55 minutes 5 times weekly) in the areas of math, reading, and writing. The review also shows that the services to be provided in the IEP are aligned with either a special education or general education classroom setting. However, according to the high school website, classes are not scheduled for 55 minutes per day, 5 times weekly. Classes are scheduled for 55 minutes per day four days per week, and 45 minutes per day, one day per week. Based on the class period schedule provided by the District, only 265 minutes of instruction are actually available each week to deliver 275 minutes of specially designed instruction by content area, and/or subject matter. Therefore, the District's practice of designating in IEPs that students will receive 275 minutes of services per week in a particular classroom setting, when the bell schedule only allows for 265 minutes per week, results in the students not receiving the services that were stated in their IEPs. The District needs to ensure that IEPs accurately reflect the number of service minutes a student will receive.

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 school district must ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. A review of Students 1-30's IEPs in place during the timeline for this complaint shows that the Students were not provided with the

special education services stated in their IEPs. This conclusion is discussed and illustrated below in a review of the Students' IEPs in place during the spring of 2016 and the first semester of the 2016-2017 school year.

### **2015-2016 School Year (March 11, 2016-June 10, 2016)**

**Student 1** – Student 1's IEP in place in March 2016 was developed in February 2016, and provided for the following specially designed instruction in a *general education setting*:

- Behavior – 15 minutes 1 time weekly (provided by a special education teacher)

Student 1's class schedule for the second semester of the 2015-2016 school was:

- Period 1: Algebra
- Period 2: Language Arts
- Period 3: Biology
- Period 4: Photography
- Period 5: TV Production/Broadcasting
- Period 6: World History

Student 1 was not enrolled in any designated class to receive this instruction, and the information provided in this complaint does not show that Student 1 otherwise received the instruction during another time period. The District has not substantiated that Student 1 received special education services consistent with his IEP during the spring of 2016.

**Student 2** – Student 2's IEP in place in March 2016 was developed in January 2016, and provided for the following specially designed instruction a *general education setting*:

- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 2's class schedule for the second semester of the 2015-2016 school year was:

- Period 0: Microsoft Office
- Period 1: Read 180 – Language Arts 1
- Period 2: Read 180 – Social Studies 1
- Period 3: PE
- Period 4: Consumer Economics
- Period 5: Open Class Period
- Period 6: Math 2

Although inconsistent with the service location indicated on his IEP, Student 2's class schedule shows that he was enrolled in a special education math and language arts class to receive his reading and math instruction. While Student 2 was also enrolled in a special education social studies class, it is unclear how Student 2 would receive his 55 minutes per day of writing services in a social studies class, and District staff have expressed that the Read 180 curriculum used in the social studies class does not focus on writing. This is a failure to provide Student 2 with writing instruction. Additionally, Student 2 was not enrolled in any class to receive his behavior instruction, and there is no documentation to show he received this instruction at another time. The District has not substantiated that Student 2 received special education services consistent with his IEP during the spring of 2016.

**Student 3** – Student 3’s IEP in place in March 2016 was developed in February 2016, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 3’s class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Earth Science
- Period 2: Language Arts
- Period 3: Art
- Period 4: Health
- Period 5: PE
- Period 6: Algebra 1

Student 3’s class schedule shows he was not enrolled in any class to receive his behavior instruction, and information provided in this complaint does not show that Student 3 received the instruction during another time period. The District has not substantiated that Student 3 received special education services consistent with his IEP during the spring of 2016.

**Student 4** – Student 4’s IEP in place in March 2016 was developed in May 2015, and provided for the following specially designed instruction in a *general education setting*:

- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

After a May 2016 reevaluation, her subsequent May 2016 IEP provided for the following specially designed in a *general education setting*:

- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Behavior (organizational) – 30 minutes 5 times weekly

Student 4’s class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Read 180 – Language Arts
- Period 2: Read 180 – Social Studies
- Period 3: Biology 10-12
- Period 4: Algebra 10-12
- Period 5: Choir
- Period 6: Child Development

Although inconsistent with the service location indicated on her IEP, Student’s 4’s class schedule shows that she was enrolled in a special education language arts class to receive her reading instruction. Student 4’s class schedule also shows she was enrolled in a special education social studies class. As discussed above, it is unclear what specially designed instruction is provided in this class, as information provided in this complaint shows that the special education social studies class had a curriculum focused on reading, not writing or behavior. Therefore, it is assumed that Student 4 could not receive her behavior (organizational) services for 30 minutes per day during the social studies class. Additionally, based on Student 4’s class schedule, she was not enrolled in another class in which she could receive the behavior instruction, and it is unclear why the District would recommend in its evaluation report that behavior (organizational) services be added to Student 4’s IEP, and then not offer a class or some other setting in which she could receive the services. It is also noted that enrolling Student 4 in a special education social studies class does not allow her to earn required district or state general education social studies credits needed to graduate. Further, students should not be placed in a special education setting for more minutes than stated in their IEPs, without sufficient justification. The District has not

substantiated that Student 4 received special education services consistent with her IEP during the spring of 2016.

**Student 5** – Student 5’s IEP in place in March 2016 was developed in November 2015, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 5’s class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Math 3
- Period 2: Earth Science
- Period 3: Human Development
- Period 4: Floral Design
- Period 5: Ceramics
- Period 6: Expert 21 Language Arts

Although inconsistent with the service location indicated on her IEP, Student’s 5’s class schedule shows that she was enrolled in a special education math class to receive her math instruction. Student 5’s class schedule also shows she was enrolled in a general education language arts class. The District has not provided any information to show that Student 5 received her special education reading services in the general education language arts class. Additionally, Student 5 was not enrolled in any class to receive her behavior instruction, and information provided in this complaint does not show that Student 5 received the instruction during another time period. The District has not substantiated that Student 5 received special education services consistent with her IEP during the spring of 2016.

**Student 6** – Student 6’s IEP in place in March 2016 was developed in January 2015, and provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

After a January 2016 reevaluation, her subsequent March 2015 IEP provided for the following specially designed instruction in an *“off campus public place”*:

- Math – 24 minutes 5 times weekly (provided by a special education teacher)
- Reading – 24 minutes 5 times weekly (provided by a special education teacher)
- Writing – 24 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 24 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 24 minutes 5 times weekly (provided by a special education teacher)

Student 6’s class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Read 180 – Language Arts
- Period 2: Read 180 – Social Studies
- Period 3: Math
- Period 4-6: Tutoring outside of school

Based on Student 6’s class schedule, she was scheduled to receive her specially designed instruction through tutoring sessions outside of school. Based on information

provided by the District, the tutoring was provided by a paraeducator under the supervision of a special education teacher. The Complainant did not provide additional information regarding the allegation that Student 6 did not receive the services in her IEP during the spring of 2016.

**Student 8** – In March 2016, Student 8 was not eligible to receive special education services. On June 6, 2016, the District completed an initial evaluation of Student 8 and developed his initial IEP which was in place for four school days until the 2015-2016 school year ended on June 10, 2016. The June 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Behavior (Organizational) – 55 minutes 5 times weekly (provided by a special education teacher)

Student 8's class schedule for the second semester of the 2015-2016 school year was:

- Period 1: History
- Period 2: Math 2
- Period 3: Language Arts
- Period 4: Foods
- Period 5: Geography
- Period 6: Biology 10-12

Despite his IEP not being in place until June 6, 2016, the District's documentation shows Student 8 was enrolled in a special education math class in March 2016. As discussed above, a student who is not eligible to receive special education services should not be placed in a special education class, as the student is not eligible for such services on a routine and regular basis, and cannot earn general education credits while in the course.

**Student 9** – Student 9's IEP in place in March 2016 was developed in March 2016, and provided for the following specially designed in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

After an April 2016 reevaluation, the subsequent May 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 9's class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Photography
- Period 2: Math 2
- Period 3: Teacher's Assistant
- Period 4: Open Class Period
- Period 5: Read 180 – Language Arts
- Period 6: Read 180 – Social Studies
- Period 7: Work Experience

Although inconsistent with the service location indicated on her IEP, Student's 9's class schedule shows that she was enrolled in a special education math class to receive her math instruction. Student 9's class schedule also shows she was enrolled in a general education language arts class. The District has not provided any information to show that Student 9 received her specially designed reading services in the general education language arts class. Additionally, Student 9 was not enrolled in a class to receive her writing instruction or her behavior instruction, and there was no documentation provided in this complaint to show that Student 9 received the instruction during another time period. It is also noted that if the District has determined through a reevaluation that a student is in need of services, then the District must provide the services. Here, the District recommended that Student 9 receive behavior (social) services, but then failed to offer a class in which she could receive those services. This is a failure to provide FAPE. The District has not substantiated that Student 9 received special education services consistent with her IEP during the spring of 2016.

**Student 14** – Student 14's amended IEP in place in March 2016 was developed in October 2015, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 14's class schedule for the second semester of the 2015-2016 school year was:

- |   |  |
|---|--|
| • Period 1: Art                             | • Period 4: <u>Read 180 – Social Studies</u> |
| • Period 2: Health                          | • Period 5: <u>Math 1</u>                    |
| • Period 3: <u>Read 180 – Language Arts</u> | • Period 6: Earth Science                    |

Although inconsistent with the service location indicated on her IEP, Student's 14's class schedule shows that she was enrolled in a special education math class to receive her math instruction, and a special education language arts class to receive her reading instruction. While Student 14 was also enrolled in a special education social studies class, it is unclear how Student 14 would receive her 55 minutes per day of writing services in a social studies class, and District staff have expressed that the Read 180 curriculum used in the social studies class does not focus on writing. This is a failure to provide Student 14 with specially designed writing instruction. Additionally, Student 14 was not enrolled in a class to receive her behavior instruction, and there is no documentation to show she received this instruction at another time. The District has not substantiated that Student 14 received special education services consistent with her IEP during the spring of 2016.

**Student 17** – Student 17's IEP in place in March 2016 was developed in February 2016, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 50 minutes 5 times weekly (provided by a special education teacher)

- Writing – 50 minutes 5 times weekly (provided by a special education teacher)

Student 17's class schedule for the second semester of the 2015-2016 school year was:

- Period 1: PE
- Period 2: Art
- Period 3: Read 180 – Language Arts
- Period 4: Read 180 – Social Studies
- Period 5: Math 1
- Period 6: Earth Science

Although inconsistent with the service location indicated on her IEP, Student's 17's class schedule shows that she was enrolled in a special education math class to receive her math instruction, and a special education language arts class to receive her reading instruction. While Student 17 was also enrolled in a special education social studies class, it is unclear how Student 17 would receive her 50 minutes per day of writing services in a social studies class, and District staff have expressed that the Read 180 curriculum used in the social studies class does not focus on writing. This is a failure to provide Student 17 with writing instruction. Additionally, Student 17 was not enrolled in a class to receive her behavior instruction and there is no documentation to show she received this instruction at another time. The District has not substantiated that Student 17 received special education services consistent with her IEP during the spring of 2016.

**Student 18** – Student 18's IEP in place in March 2016 was developed in January 2016, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 18's class schedule for the second semester of the 2015-2016 school year was:

- Period 0: Work Based Learning
- Period 1: Work Based Learning
- Period 2: Work Based Learning
- Period 3: Expert 21-Language Arts
- Period 4: Open Period
- Period 5: Career Choices
- Period 6: Metals/Manufacturing

Student 18's class schedule shows that he was not enrolled in any special education classes to receive his services. Additionally, his class schedule shows that he was not enrolled in a general education math class or writing class in which he could have received those services. While he was enrolled in a general education language arts class, the District has not provided any information to show that Student 18 received his special education reading services in this class. Further, Student 18 was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 18 received the instruction during another time period. The District has not substantiated that Student 18 received special education services consistent with his IEP during the spring of 2016.

**Student 19** – Student 19's IEP in place in March 2016 was developed in May 2015, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

After a May 2016 reevaluation, his subsequent May 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 30 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Student 19's class schedule for the second semester of the 2015-2016 school year was:

- |                                     |                                |
|-------------------------------------|--------------------------------|
| • Period 1: <u>Math 3</u>           | • Period 4: Floral Design      |
| • Period 2: History                 | • Period 5: Consumer-Economics |
| • Period 3: Expert 21 Language Arts | • Period 6: PE                 |

While Student 19 was enrolled in a general education language arts class, the District has not provided any information to show that Student 19 received his special education reading services in this class. Further, Student 19 was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 19 received the instruction during another time period. While Student 19 was enrolled in a special education math class to receive his math services, his second semester class schedule indicates that he was enrolled in the math class since January 2016, even though he did not qualify to receive special education math services until the end of May 2016. As discussed above, a student who is not eligible to receive special education services should not be placed in a special education class to receive services on a routine and regular basis, and the student cannot earn general education credits while in the course. Additionally, if the District believes that a student is in need of special education services, the District should take immediate steps to conduct a reevaluation and determine if the services are needed. Here, the District's action of enrolling Student 19 in a special education math class in January 2016, when the second semester began, indicates that the District was aware Student 19 may be in need of math services at that time. The District should have taken immediate steps to obtain the parent's consent for the reevaluation, instead of waiting until May 23, 2016 to complete his triennial evaluation. The District has not substantiated that Student 19 received special education services consistent with his IEP during the spring of 2016.

**Student 20** – Student 20's IEP in place in March 2016 was developed in January 2016, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 20's class schedule for the second semester of the 2015-2016 school year was:

- |                               |                             |
|-------------------------------|-----------------------------|
| • Period 1: <u>Math 3</u>     | • Period 5: Career Choices  |
| • Period 2: Open Class Period | • Period 6: Work Experience |

- Period 3: Read 180 – Language Arts
- Period 4: Read 180 – Social Studies
- Period 7: Earth Science

Although inconsistent with the service location indicated on her IEP, Student's 20's class schedule shows that she was enrolled in a special education math class to receive her math instruction, and a special education language arts class to receive her reading instruction. While Student 20 was also enrolled in a special education social studies class, it is unclear how Student 20 would receive her 55 minutes per day of writing services in a social studies class, and District staff have expressed that the Read 180 curriculum used in the social studies class does not focus on writing. This is a failure to provide Student 20 with writing instruction. Additionally, Student 20 was not enrolled in a class to receive her behavior instruction and there is no documentation to show she received this instruction at another time. The District has not substantiated that Student 20 received special education services consistent with her IEP during the spring of 2016.

**Student 21** – Student 21's IEP in place in March 2016 was developed in December 2015, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 21's class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Art
- Period 2: Algebra Prep
- Period 3: Expert 21 Language Arts
- Period 4: Earth Science
- Period 5: PE
- Period 6: Geography

Student 21's class schedule shows that he was not enrolled in any special education classes to receive his services. While he was enrolled in a general education language arts class and a general education math class, the District has not provided any information to show that Student 21 received his special education writing and math services in those classes. Further, Student 21 was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 21 received the instruction during another time period. The District has not substantiated that Student 21 received special education services consistent with his IEP during the spring of 2016.

**Student 23** – Student 23's IEP in place in March 2016 was developed in November 2015, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 23's class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Earth Science
- Period 4: Language Arts 9

- Period 2: Math 2
- Period 3: Geography
- Period 5: Microsoft Office
- Period 6: PE

Although inconsistent with the service location indicated on his IEP, Student's 23's class schedule shows that he was enrolled in a special education math class to receive his math instruction. While he was also enrolled in a general education language arts class, the District has not provided any information to show that Student 23 received his specially designed reading services in this class. Further, Student 23 was not enrolled in a class to receive his writing instruction or a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 23 received the instruction during another time period. The District has not substantiated that Student 23 received special education services consistent with his IEP during the spring of 2016.

**Student 24** – Student 24's IEP in place in March 2016 was developed in February 2016, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 30 minutes 5 times weekly (provided by a special education teacher)
- Writing – 25 minutes 5 times weekly (provided by a special education teacher)

Student 24's class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Health
- Period 2: Math 2
- Period 3: PE
- Period 4: Foods
- Period 5: Agriculture
- Period 6: Expert 21 Language Arts

Although inconsistent with the service location indicated on his IEP, Student's 24's class schedule shows that he was enrolled in a special education math class to receive his math instruction. While he was enrolled in a general education language arts class, the District has not provided any information to show that Student 24 received his special education reading or writing services in this class. Further, Student 24 was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 24 received the instruction during another time period. The District has not substantiated that Student 24 received special education services consistent with his IEP during the spring of 2016.

**Student 26** – Student 26's IEP in place in March 2016 was developed in June 2015, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 10 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

His subsequent June 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 10 minutes 5 times weekly (provided by a special education teacher)

Student 26's class schedule for the second semester of the 2015-2016 school year was:

- Period 0: Geography
- Period 1: Mythology (Language Arts)
- Period 2: Human Anatomy and Physiology
- Period 3: U.S. History
- Period 4: Pre-Vet Tech
- Period 5: Pre-Vet Tech
- Period 6: Pre-Vet Tech

Student 26's second semester class schedule shows he was not enrolled in either a special education writing class or a general education writing class to receive his writing services. This is a failure to provide Student 26 with writing services. Student 26 was also not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 26 received the instruction during another time period. The District has not substantiated that Student 26 received special education services consistent with his IEP during the spring of 2016.

**Student 27** – In March 2016, Student's 27's initial March 21, 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 27's class schedule for the second semester of the 2015-2016 school year was:

- Period 0: Student Store
- Period 1: German
- Period 2: Open Class Period
- Period 3: Biology
- Period 4: Geography
- Period 5: Geometry
- Period 6: Expert 21 Language Arts

Student 27's class schedule shows he was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 27 received the instruction during another time period. If the District has determined through an initial evaluation that a student is in need of services, then the District must provide the services. Here, the District recommended that Student 27 receive behavior (social) services, but then failed to offer a class or an opportunity in which he could receive such services. This is a failure to provide FAPE. The District has not substantiated that Student 27 received special education services consistent with his IEP during the spring of 2016.

**Student 28** – In March 2016, Student's 28's initial March 15, 2016 IEP was in place, and provided for the following specially designed instruction in a *general education setting*:

- Reading – 35 minutes 5 times weekly (provided by a special education teacher)
- Writing – 20 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 15 minutes 1 time weekly (provided by a special education teacher)

Student 28's class schedule for the second semester of the 2015-2016 school year was:

- Period 0: Student Store
- Period 1: Biology
- Period 2: Algebra Prep
- Period 3: Expert 21 Language Arts
- Period 4: Algebra 1B
- Period 5: Foods
- Period 6: Open Class Period

While Student 28's class scheduled shows he was enrolled in a general education language arts class, the District has not provided any information to show that Student 28 received his special education reading or writing services in this class. Further, Student 28 was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 28 received the instruction during another time period. As discussed above, if the District has determined through an initial evaluation that a student is in need of services, then the District must provide the services. The District has not substantiated that Student 28 received special education services consistent with his IEP during the spring of 2016.

**Student 30** – Student 30's IEP in place in March 2016 was developed in December 2015, and provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)

Student 30's class schedule for the second semester of the 2015-2016 school year was:

- Period 1: Math 3
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: Work Experience
- Period 5: Career Choices
- Period 6: Child Development

Although inconsistent with the service location indicated on her IEP, Student's 30's class schedule shows that she was enrolled in a special education math class to receive her math instruction. While Student 30's class schedule shows she was enrolled in a general education language arts class, the District has not provided any information to show that Student 30 received her specially designed reading instruction in this class. Further, Student 30 was not enrolled in a class to receive her writing instruction, or a class to receive her behavior instruction, and no documentation was provided in this complaint to show Student 30 received the instruction during another time period. The District has not substantiated that Student 30 received special education services consistent with his IEP during the spring of 2016.

### **2016-2017 School Year (First Semester: August 30, 2016 – January 20, 2017) –**

**Student 1** – Student 1's February 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed in a *general education setting*:

- Behavior – 15 minutes 1 time weekly (provided by a special education teacher)

Student 1's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Web Page Design
- Period 4: Microsoft Office

- Period 2: Geometry
- Period 3: U.S. History
- Period 5: TV Production/Broadcasting
- Period 6: American Literature

Student 1's class schedule shows he was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 1 received the instruction during another time period. The District has not substantiated that Student 1 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 2** – Student 2's January 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

His subsequent January 10, 2017 IEP provided for the following specially designed in a *general education setting*:

- Behavior (Social) – 10 minutes 2 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Student 2's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Digital Arts
- Period 2: Digital Arts
- Period 3: Digital Arts
- Period 4: Open Class Period
- Period 5: Algebra Prep
- Period 6: Expert 21 Language

Student 2's class schedule shows he was not enrolled in any special education classes during the first semester of the school year. While Student 2 was enrolled in a general education language arts class and a general education math class, the District has not provided any documentation to show that Student 2 received his special education reading and math services in those classes. Further, Student 2 was not enrolled in a class to receive his writing instruction, or a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 2 received the instruction during another time period. The District has not substantiated that Student 2 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 3** – Student 3's February 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 3's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Biology
- Period 2: History
- Period 4: Metals/Manufacturing
- Period 5: Algebra 1

- Period 3: Language Arts 10
- Period 6: Car Care

Student 3's class schedule shows he was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 3 received the instruction during another time period. The District has not substantiated that Student 3 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 4** – Student 4's May 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 30 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 4's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Algebra
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: Choir
- Period 5: Career Choices
- Period 6: Consumer Economics

Student 4's class schedule shows she was not enrolled in any special education classes during the first semester of the school year. While Student 4 was enrolled in a general education language arts class, the District has not provided any documentation to show that Student 4 received her special education reading services in that class. Further, Student 4 was not enrolled in a class to receive her behavior instruction, and no documentation was provided in this complaint to show Student 4 received the instruction during another time period. The District has not substantiated that Student 4 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Student 5** – Student 5's November 2015 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Her subsequent November 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 10 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)

Student 5's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Algebra
- Period 2: Language Arts 10
- Period 3: Biology
- Period 4: Microsoft Office
- Period 5: World History
- Period 6: Floral Design

Student 5's class schedule shows she was not enrolled in any special education classes during the first semester of the school year. While Student 5 was enrolled in a general education language arts class and a general education math class, the District has not provided any documentation to show that Student 5 received her special education reading and math services in those classes. Further, Student 5 was not enrolled in a class to receive her behavior instruction, and no documentation was provided in this complaint to show Student 5 received the instruction during another time period. The District has not substantiated that Student 5 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Student 6** – Student 6's March 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in an “*off campus public place*”:

- Behavior (Social) – 24 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 24 minutes 5 times weekly (provided by a special education teacher)
- Math – 24 minutes 5 times weekly (provided by a special education teacher)
- Reading – 24 minutes 5 times weekly (provided by a special education teacher)
- Writing – 24 minute 5 times weekly (provided by a special education teacher)

Based on the District's documentation, at some point Student 6's IEP team determined she would no longer receive services off-campus, but would attend the high school for four periods a day. The IEP team did not amend her IEP to reflect the change. Student 6's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Does not attend
- Period 2: Does not attend
- Period 3: Math 1
- Period 4: Career Choices
- Period 5: Ceramics
- Period 6: Work Based Learning

Although inconsistent with the service location and the amount of services indicated on her IEP, Student's 6's class schedule shows that she was enrolled in a special education math class to receive her math instruction. It is possible Student 6 also received some of her other special education services, such as behavior while in the special education class, but the District has not provided any documentation to show this. Student 6's class schedule also shows that she was not enrolled in either a special education or general education language arts class in which to receive her reading and writing services. The District has not substantiated that Student 6 received special education services consistent with her IEP during the first semester of the 2016-2017 school year. The District is reminded that it must either develop a new IEP or amend an existing IEP when a student's IEP team determines that changes in services are needed.

**Student 7** – Student 7's September 2015 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 53 minutes 5 times weekly (provided by a special education teacher)

His subsequent September 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 2 minutes 5 times weekly (provided by a special education teacher)

Student 7's class schedule for the first semester of the 2016-2017 school year was:

- Period 0: Choir
- Period 1: Algebra
- Period 2: Language Arts 9 (10-12)
- Period 3: U.S. History
- Period 4: Fire Science
- Period 5: Fire Science
- Period 6: Fire Science

Student 7's class schedule shows he was not enrolled in any special education classes during the first semester of the school year. While Student 7 was enrolled in a general education math class, the District has not provided any documentation to show that Student 7 received his special education math services in that class. Further, Student 7 was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 7 received the instruction during another time period. It is also noted, that based on the District's documentation, it appears the District reduced the amount of behavior services Student 7 would receive under his September 2016 IEP, due to the high school's lack of behavior class and its District adopted case manager model, not based on the Student's needs. This is evidenced by the Student's progress reporting regarding his behavior goal from the 2015-2016 school year, which shows he made "insufficient progress" for the majority of the school year, and his April 2016 evaluation report, which discusses the Student's insufficient progress and other behavioral struggles at school. Additionally, the District did document the reason for the reduction in the services in a prior written notice. Further, two (2) minutes per day is not enough time to provide specially designed instruction in any subject. If a student only requires a two minute "check-in" time with a teacher, this would be considered an accommodation, and not specially designed instruction. The District has not substantiated that Student 7 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 8** – Student 8's June 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Behavior (Organizational) – 55 minutes 5 times weekly (provided by a special education teacher)

Student 8's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Algebra
- Period 2: Language Arts 9 (10-12)
- Period 4: PE
- Period 5: U.S. History

- Period 3: Biology
- Period 6: Language Arts 10

While Student 8's class schedule shows he was enrolled in a general education math class, the District has not provided any documentation to show that Student 8 received his special education math services in that class. Further, Student 8 was not enrolled in a special education class to address his behavior instruction, and no documentation was provided in this complaint to show Student 8 received the instruction during another time period. The District has not substantiated that Student 8 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 9** – Student 9's May 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)

Student 9's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Culinary Arts
- Period 2: Culinary Arts
- Period 3: Culinary Arts
- Period 4: Career Choices
- Period 5: Read 180 – Language Arts
- Period 6: Work Based Learning

Student 9's class schedule shows she was not enrolled in any special education classes during the first semester of the school year. While Student 9 was enrolled in a general education language arts class, the District has not provided any documentation to show that Student 9 received her special education reading services in that class. Further, Student 9 was not enrolled in a class to receive her math, writing, or behavior instruction, and no documentation was provided in this complaint to show Student 9 received the specially designed instruction during another time period. The District has not substantiated that Student 9 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Student 10** – Student 10's amended October IEP in place at the beginning of the 2016-2017 school year provided for the following specially designed instruction in a *special education setting*:

- Communication – 30 minutes 3 times monthly (provided by a speech language pathologist (SLP))
- Communication (consult) – 1 time monthly (provided by an SLP)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minute 5 times weekly (provided by a special education teacher)
- Social – 20 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)

After a reevaluation, his subsequent October 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Communication – 30 minutes 3 times monthly (provided by an SLP)
- Reading – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minute 5 times weekly (provided by a special education teacher)
- Social – 2 minutes 5 times weekly (provided by a special education teacher)

Student 10's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Guitar
- Period 2: Algebra 1A
- Period 3: Physical Science
- Period 4: Read 180 – Language Arts
- Period 5: Read 180 – Social Studies
- Period 6: Health

Student 10's class schedule shows that he was enrolled in a special education language arts class to receive reading instruction consistent with his IEP. While Student 10 was also enrolled in a special education social studies class, it is unclear how Student 10 would receive his 55 minutes per day of writing services in a social studies class, and District staff have expressed that the Read 180 curriculum used in the social studies class does not focus on writing. This is a failure to provide Student 10 with writing instruction. Student 10 was also enrolled in a general education math class, but the District has not provided any documentation to show that Student 10 received his special education math services. Additionally, Student 10 was not enrolled in a behavior class to receive his behavior instruction and there is no documentation to show he received this instruction at another time. The District has provided some documentation to indicate Student 10 received his communication services. The District has not substantiated that Student 10 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 11** – Student 11's March 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior – 10 minutes 1 time weekly (provided by a special education teacher)
- Behavior (Social) – 10 minutes 1 time weekly (provided by a special education teacher)
- Reading – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 25 minutes 5 times weekly (provided by a special education teacher)
- Math – 35 minutes 5 times weekly (provided by a special education teacher)

Student 11's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Physical Science
- Period 2: Ceramics
- Period 3: Math 1
- Period 4: PE
- Period 5: Language Arts 9
- Period 6: Microsoft Office

On December 1, 2016, Student 11 transferred to another District high school.

Although inconsistent with the service location and the amount of services indicated on her IEP, Student's 11's class schedule shows that she was enrolled in a special education math class to receive her math instruction. It is possible Student 11 also received some of her other special education services, such as behavior while in the special education class, but the District has not provided any documentation to show this to be the case. Student 11's class schedule also shows that she was enrolled in a general education language arts class, but the District has not provided any documentation to show that Student 11 received her special education reading or writing services in that class. The District has not substantiated that Student 11 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Student 12** – Student 12's January 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 5 minutes 5 times weekly (provided by a special education teacher)
- Math – 90 minutes 5 times weekly (provided by a special education teacher)

After a December 2016 reevaluation, Student 12's subsequent January 3, 2017 IEP provided for the following specially designed instruction in a *general education setting*:

- Reading – 53 minutes 5 times weekly (provided by a special education teacher)

The IEP also provided for the following specially designed instruction in a *special education setting*:

- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 2 minutes 5 times weekly (provided by a special education teacher)

Student 12's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Health
- Period 2: Math 2
- Period 3: PE
- Period 4: Language Arts 9
- Period 5: Microsoft Office
- Period 6: Physical Science

Although inconsistent with the service location indicated on his IEP, Student's 12's class schedule shows that for the majority of the first semester, he was enrolled in a special education math class to receive 265 minutes of his required 450 minutes of weekly math instruction. However, Student 12 was not enrolled in another class to receive the remainder of his math instruction. For the last thirteen days of the first semester, Student 12 was enrolled in a special education math class consistent with his January 2017 IEP. Student 12's class schedule also shows that he was enrolled in a general education language arts class, but the District has not provided any documentation to show that Student 12 received his special education reading or writing services in that class. Additionally, Student 12 was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 12 received the instruction during another time period. The District has not substantiated that Student 12 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 13** – Student 13’s IEP in place at beginning of the 2016-2017 school year was developed in March 2016 when she attended school in another state. The out-of-state IEP included annual goals in the areas of speech, math, reading, and behavior. However, the goals were not measurable because they did not include baseline information. The out-of-state IEP provided for the following services in a *special education setting*:

- Reading – 45 minutes 5 times per week (provided by a special education teacher)
- Math – 45 minutes 5 times per week (provided by a special education teacher)

The out-of-state IEP also provided for the following related services:

- Speech Language Services – 15 minutes 4 times yearly (provided by an SLP)
- Counseling Services – 20 minutes 2 times monthly (provided by a counselor)

On August 30, 2016, Student 13 transferred into the District, and on September 16, 2016, the District agreed to adopt Student 13’s out-of-state reevaluation and her transfer IEP, even though the annual goals were not measurable. The District also amended the transfer IEP to provide for the following specially designed instruction in a *special education setting*:

- Behavior (social) – 10 minutes 3 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 110 minutes 5 times weekly (provided by a special education teacher)
- Communication – 15 minutes 1 time monthly (provided by an SLP)

Student 13’s class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Math 1
- Period 2: Read 180 – Language Art
- Period 3: Read 180 – Social Studies
- Period 4: Choir
- Period 5: Physical Science
- Period 6: PE

When a student eligible for special education transfers from a school district located in another state to a school district in Washington State and has an IEP in effect for the current school year, the new school district, in consultation with the student’s parents, must provide the student with FAPE, including services comparable to those provided in the IEP from the prior serving district, until the new school district: conducts an evaluation to determine if the student is eligible for special education services in this state if the district believes an evaluation is necessary to determine eligibility under Washington state standards; and, develops, adopts, and implements a new IEP. Here, Student 13 transferred from an out-of-state school district, but the District failed to develop a new IEP for Student 13. This is particularly concerning since Student 13’s out-of-state IEP did not contain measurable annual goals.

Student’s 13’s class schedule shows she was enrolled in a special education math class consistent with the location stated in her amended transfer IEP. However, Student 13 was not enrolled in two special education reading classes as stated in her District amended IEP. Instead, she was enrolled in a general education language arts class, and a general education Read 180 social studies class. Additionally, Student 13 was not enrolled in a class to receive her behavior instruction, and no documentation was provided in this complaint to show Student 13 received the instruction during another

time period. The District's documentation indicates Student 13 received communication services from an SLP. The District has not substantiated that Student 13 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Student 14** – Student 14's October 2015 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

After a September 2016 reevaluation, her subsequent September 26, 2016 IEP provided for the following specially designed instruction in a *special education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)

Student 14's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Biology
- Period 2: Math 2
- Period 3: World History
- Period 4: Human Development
- Period 5: Floral Marketing/Design
- Period 6: Expert 21 – Language Arts

Student 14's class schedule shows she was enrolled in a special education math class consistent with her September 2016 IEP. However, Student 14 was not enrolled in a class to receive her behavior instruction, and no documentation was provided in this complaint to show Student 14 received the instruction during another time period. It is also noted that prior to the development of her September 26 IEP, the District was responsible to provide services consistent with Student 14's October 2015. Student 14's class schedule does not show that she was scheduled to receive services consistent with the October 2015 IEP. The District has not substantiated that Student 14 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Student 15** – Student 15's October 2015 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Reading – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 45 minutes 5 times weekly (provided by a special education teacher)
- Math – 90 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 45 minutes 5 times weekly (provided by a special education teacher)

His subsequent October 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Reading – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 2 minutes 5 times weekly (provided by a special education teacher)

Student 15's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Read 180 – Language Arts
- Period 2: Read 180 – Social Studies
- Period 3: Physical Science
- Period 4: Health
- Period 5: Algebra Prep
- Period 6: PE

Although inconsistent with the service location indicated on his IEP, Student 15's class schedule shows that he was enrolled in a special education language arts class to receive his reading instruction. While Student 15's class schedule shows he was enrolled in a general education math class, the District has not provided any documentation to show that Student 15 received his special education math services in this class. It is also noted that for the first seven weeks of the school year, Student 15 should have been receiving 450 minutes a week of math services, not the 265 minutes he was scheduled to receive. While Student 15 was also enrolled in a special education social studies class, it is unclear how Student 15 would receive his 53 minutes per day of writing services in a social studies class, and District staff have expressed that the Read 180 curriculum used in the social studies class does not focus on writing. This is a failure to provide Student 15 with writing instruction. Additionally, Student 15 was not enrolled in a class to receive his behavior instruction and there is no documentation to show he received this instruction at another time. The District has not substantiated that Student 15 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 16** – In the summer of 2016, Student 16 enrolled in the District and the District began conducting an initial evaluation of Student 16 in August 2016. On September 29, 2016, Student 16's IEP team developed his initial IEP which provided for the following specially designed in a *general education setting*:

- Writing – 53 minutes 5 times weekly (provided by a special education teacher)
- Behavior (social) – 2 minutes 5 times weekly (provided by a special education teacher)

On December 13, 2016, Student 16 transferred out of the District.

Student 16's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Physical Science
- Period 2: Concert Band
- Period 3: Algebra
- Period 4: PE
- Period 5: Read 180 – Language Arts
- Period 6: Read 180 – Social Studies

Student 16's class schedule shows he was not enrolled in any special education classes during the first semester of the school year. While Student 16 was enrolled in a general education language arts class, the District has not provided any documentation to show that Student 16 received his special education reading services in that class. Further, Student 16 was not enrolled in a class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 16 received the instruction during another time period. Additionally, as discussed above, two (2) minutes per day is not enough time to provide specially designed instruction in any subject. If a student only requires a two minute "check-in" time with a teacher, this would be considered an accommodation, and not specially designed instruction. The

District has not substantiated that Student 16 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 17** – Student 17’s February 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 50 minutes 5 times weekly (provided by a special education teacher)
- Writing – 50 minutes 5 times weekly (provided by a special education teacher)

Student 17’s class schedule for the second semester of the 2016-2017 school year was:

- Period 1: Math 1
- Period 2: U.S. History
- Period 3: Expert 21 Language Arts
- Period 4: Digital Arts
- Period 5: Digital Arts
- Period 6: Digital Arts

Although inconsistent with the service location indicated on her IEP, Student 17’s class schedule shows that she was enrolled in a special education math class to receive her math instruction. While Student 17’s class schedule shows she was also enrolled in a general education language arts class, the District has not provided any documentation to show that Student 17 received her special education reading services in this class. Additionally, Student 17 was not enrolled in a class to receive her writing or behavior instruction and there is no documentation to show she received this instruction at another time. The District has not substantiated that Student 17 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Student 18** – Student 18’s January 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 18’s class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Read 180 – Language Arts
- Period 2: Read 180 – Social Studies
- Period 3: Work Based Learning
- Period 4: Work Based Learning
- Period 5: Career Choices
- Period 6: Math 2

Although inconsistent with the service location indicated on his IEP, Student 18’s class schedule shows that he was enrolled in a special education math class and a special education language arts class to receive his math and reading instruction. While Student 18 was also enrolled in a special education social studies class, it is unclear how Student 18 would receive his 55 minutes per day of writing services in a social studies class, and District staff have expressed that the Read 180 curriculum used in the social studies class does not focus on writing. This is a failure to provide Student 18 with writing instruction. Additionally, Student 18 was not enrolled in a class to receive

his behavior instruction, and there is no documentation to show he received this instruction at another time. The District has not substantiated that Student 18 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 19** – Student 19’s amended May 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 30 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by special education teacher)

Student 19’s class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Fire Science
- Period 2: Fire Science
- Period 3: Fire Science
- Period 4: Expert 21 Language Arts
- Period 5: International Problems
- Period 6: Math 2

Although inconsistent with the service location indicated on his IEP, Student 19’s class schedule shows that he was enrolled in a special education math class to receive his math instruction. While Student 19’s class schedule shows he was also enrolled in a general education language arts class, the District has not provided any documentation to show that Student 19 received his special education reading services in this class. Additionally, Student 19 was not enrolled in a class to receive his behavior instruction and there is no documentation to show he received this instruction at another time. The District has not substantiated that Student 19 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 20** – Student 20’s January 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Her subsequent January 12, 2017 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 27 minutes 5 times weekly (provided by a special education teacher)
- Writing – 26 minutes 5 times weekly (provided by a special education teacher)

Student 20’s class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Biology
- Period 2: Math 2
- Period 3: Expert 21 Language Arts
- Period 4: Culinary Arts
- Period 5: Culinary Arts
- Period 6: Culinary Arts

Although inconsistent with the service location indicated on her IEP, Student 20's class schedule shows that she was enrolled in a special education math class to receive her math instruction. While Student 20's class schedule shows she was also enrolled in a general education language arts class, the District has not provided any documentation to show that Student 20 received her special education reading and writing services in this class. Additionally, Student 20 was not enrolled in a class to receive her behavior instruction and there is no documentation to show she received this instruction at another time. The District has not substantiated that Student 20 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Student 21** – Student 21's December 2015 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

His subsequent December 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 2 minutes 5 times weekly (provided by a special education teacher)
- Math – 53 minutes 5 times weekly (provided by a special education teacher)
- Writing – 53 minutes 5 times weekly (provided by a special education teacher)

Student 21's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: World Geography
- Period 2: Automotive Tech
- Period 3: Biology
- Period 4: Photography
- Period 5: Algebra Prep
- Period 6: Expert 21 Language Arts

Student 21's class schedule shows he was not enrolled in any special education classes during the first semester of the school year. While Student 21 was enrolled in a general education language arts class and a general education math class, the District has not provided any documentation to show that Student 21 received his special education reading and math services in those classes. Further, Student 21 was not enrolled in a behavior class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 21 received the instruction during another time period. The District has not substantiated that Student 21 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 22** – Student 22's October 2015 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 10 minutes 2 times weekly (provided by a special education teacher)

His subsequent October 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Organizational) – 2 minutes 5 times weekly (provided by a special education teacher)

Student 22's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: PE
- Period 2: Spanish
- Period 3: Algebra
- Period 4: Biology
- Period 5: PE
- Period 6: Language Arts

Student 22's class schedule shows he was not enrolled in any special education classes during the first semester of the school year. Further, Student 22 was not enrolled in a behavior class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 22 received the instruction during another time period. The District has not substantiated that Student 22 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 23** – Student 23's October 2015 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

His subsequent November 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 23's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: World Geography
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: PE
- Period 5: Biology
- Period 6: Math 2

Although inconsistent with the service location indicated on his IEP, Student 23's class schedule shows that he was enrolled in a special education math class to receive his math instruction. While Student 23's class schedule shows he was also enrolled in a general education language arts class, the District has not provided any documentation to show that Student 23 received his special education reading services in this class. Additionally, Student 23 was not enrolled in writing or behavior class to receive his writing or behavior instruction, and there is no documentation to show he received this instruction at another time. The District has not substantiated that Student 23 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 24** – Student 24’s February 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 15 minutes 5 times weekly (provided by a special education teacher)
- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 30 minutes 5 times weekly (provided by a special education teacher)
- Writing – 25 minutes 5 times weekly (provided by a special education teacher)

Student 24’s class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Automotive Tech
- Period 2: Math 2
- Period 3: Biology
- Period 4: PE
- Period 5: Ceramics
- Period 6: Expert 21 Language Arts

Although inconsistent with the service location indicated on his IEP, Student 24’s class schedule shows that he was enrolled in a special education math class to receive his math instruction. While Student 24’s class schedule shows he was also enrolled in a general education language arts class, the District has not provided any documentation to show that Student 24 received his special education reading or writing services in this class. Additionally, Student 24 was not enrolled in a behavior class to receive his behavior instruction and there is no documentation to show he received this instruction at another time. The District has not substantiated that Student 24 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 25** – Student 25’s out-of-state transfer IEP was in place at the beginning of the 2016-2017 school year and provided for the following services in a *special education setting*:

- Specialized Academic Instruction – 50 minutes daily
- College Awareness: Preparation – 20 minutes weekly
- Career Awareness – 20 minutes weekly

His subsequent October 11, 2016 IEP developed by the District provided for the following specially designed instruction in a *special education setting*:

- Math – 53 minutes 5 times weekly (provided by case management)
- Reading – 53 minutes 5 times weekly (provided by case management)
- Behavior (Organizational) – 2 minutes times weekly (provided by case management)

Student 25’s class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Automotive Tech
- Period 2: Biology
- Period 3: Ceramics
- Period 4: Read 180 Language Arts
- Period 5: Read 180 Social Studies
- Period 6: Math 2

When a student eligible for special education transfers from a district located in another state to a district in Washington State and has an IEP in effect, the new district, in consultation with the student’s parents, must provide the student with FAPE, including services comparable to those provided in the IEP from the prior serving district, until the new district: conducts an evaluation to determine if the student is eligible for special

education services in this state if the district believes an evaluation is necessary to determine eligibility under Washington state standards; and, develops, adopts, and implements a new IEP. Here, the District has not provided any documentation to show Student 25 received comparable services until it developed and adopted a new IEP for Student 25 in October 2016. Consistent with his October 2016 IEP, Student 25's class schedule shows he was enrolled in a special education language arts class and math class to receive his reading and math services. However, his schedule also shows he is enrolled in a special education social studies class for 265 minutes per week which is not consistent with his IEP. Enrolling Student 25 in a special education social studies class does not allow him to earn required district or state general education social studies credits needed to graduate. Further, as discussed above, students should not be placed in a special education setting for more minutes than stated in their IEPs, without sufficient justification or a reevaluation to document the necessity of additional services.

**Student 26** – Student 26's June 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (organizational) – 45 minutes 5 times weekly (provided by a special education teacher)
- Writing – 10 minutes 5 times weekly (provided by a special education teacher)

Student 26's class schedule for the first semester of the 2016-2017 school year was:

- Period 0: American Literature
- Period 1: U.S. History
- Period 2: Consumer Economics
- Period 3: Expert 21 Language Arts
- Period 4: Pre-Nursing
- Period 5: Pre-Nursing
- Period 6: Pre-Nursing

Student 26's class schedule shows he was not enrolled in any special education classes during the first semester of the school year. While Student 26's class schedule shows he was also enrolled in a general education language arts class, the District has not provided any documentation to show that Student 26 received his special education writing services in this class. Further, Student 26 was not enrolled in a behavior class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 26 received the instruction during another time period. The District has not substantiated that Student 26 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 27** – Student 27's June 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 30 minutes 5 times weekly (provided by a special education teacher)

Student 27's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Open Class Period
- Period 2: Algebra
- Period 3: Expert 21 Language Arts
- Period 4: Radio Broadcasting
- Period 5: Radio Broadcasting
- Period 6: Radio Broadcasting

Student 27's class schedule shows he was not enrolled in a special education or general education behavior class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 27 received the instruction during another time period. The District has not substantiated that Student 27 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 28** – Student 28's June 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Reading – 35 minutes 5 times weekly (provided by a special education teacher)
- Writing – 20 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Organizational) – 15 minutes 1 time weekly (provided by a special education teacher)

Student 28's class schedule for the first semester of the 2016-2017 school year was:

- Period 0: Student Store
- Period 1: Biology
- Period 2: U.S. History
- Period 3: Expert 21 Language Arts
- Period 4: Geometry
- Period 5: Open Class Period
- Period 6: Consumer Economics

Student 28's class schedule shows he was not enrolled in any special education classes during the first semester of the school year. While Student 28's class schedule shows he was enrolled in a general education language arts class, the District has not provided any documentation to show that Student 28 received his special education reading and/or writing services in this class. Further, Student 28 was not enrolled in a behavior class to receive his behavior instruction, and no documentation was provided in this complaint to show Student 28 received the instruction during another time period. The District has not substantiated that Student 28 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 29** – Student 29's amended March 2016 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)
- Math – 90 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)

Student 29's class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Language Arts
- Period 2: Physical Science
- Period 3: PE
- Period 4: Drama
- Period 5: PE
- Period 6: Algebra

Student 29's class schedule shows he was not enrolled in any special education classes during the first semester of the school year. While Student 29's class schedule shows he was enrolled in a general education language arts class, the District has not

provided any documentation to show that Student 29 received his special education reading services in this class. Additionally, while Student 29 was enrolled in a general education math class, the District has not provided any documentation to show that Student 29 received his special education math services in this class, and the math class met for only 265 minutes per week, which is 185 minutes less than provided for in his IEP. Further, Student 29 was not enrolled in a writing class or behavior class to receive his writing and behavior instruction, and no documentation was provided in this complaint to show Student 29 received the instruction during another time period. The District has not substantiated that Student 29 received special education services consistent with his IEP during the first semester of the 2016-2017 school year.

**Student 30** – Student 30’s December 2015 IEP was in place at the beginning of the 2016-2017 school year, and provided for the following specially designed instruction in a *general education setting*:

- Math – 55 minutes 5 times weekly (provided by a special education teacher)
- Reading – 55 minutes 5 times weekly (provided by a special education teacher)
- Writing – 55 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 55 minutes 5 times weekly (provided by a special education teacher)

Her subsequent December 2016 IEP provided for the following specially designed instruction in a *general education setting*:

- Math – 50 minutes 5 times weekly (provided by a special education teacher)
- Reading – 50 minutes 5 times weekly (provided by a special education teacher)
- Writing – 50 minutes 5 times weekly (provided by a special education teacher)
- Behavior (Social) – 15 minutes 5 times weekly (provided by a special education teacher)

Student 30’s class schedule for the first semester of the 2016-2017 school year was:

- Period 1: Math 1
- Period 2: Read 180 – Language Arts
- Period 3: Read 180 – Social Studies
- Period 4: Work Based Learning
- Period 5: Career Choices
- Period 6: Foods and Nutrition

Although inconsistent with the service location indicated on her IEP, Student 30’s class schedule shows that she was enrolled in a special education math class to receive her math instruction. While Student 30’s class schedule shows she was also enrolled in a general education language arts class, the District has not provided any documentation to show that Student 30 received her special education reading services in this class. Additionally, Student 30 was not enrolled in a behavior class to receive her behavior instruction, and there is no documentation to show she received this instruction at another time. The District has not substantiated that Student 30 received special education services consistent with her IEP during the first semester of the 2016-2017 school year.

**Issue 2: Specially Designed Instruction** – Special education and related services must be provided by appropriately qualified staff. Other staff, including general education teachers and paraeducators, may assist in the provision of special education, provided that the instruction is designed and supervised by special education certificated staff. Based on the information provided in this complaint, the District has

adopted a case manager service delivery model at the high school, which assigns IEP case managers to design and supervise specially designed instruction for students who are scheduled to receive their IEP services in a general education setting. At the high school, Students 1-30, along with approximately ninety (90) other students, are to receive at least some of their specially designed instruction in a general education setting. However, the District has provided no documentation to substantiate that the students are receiving this instruction. While the three IEP case managers assigned to these 120 students provided information that they monitor student progress and do communicate with the students' general education teachers, they provided little information about how they design and supervise the students' specially designed instruction. Based on the information provided in this complaint, the failure to provide the specially designed instruction appears to be caused by several factors. These factors include a misunderstanding of what specially designed instruction is, an inability to deviate from the District's adopted curriculum due to the District's adopted RTI model, an inability to deviate from the high school's class scheduling practices, a lack of resource room and general education classes where students can access their IEP services, and a lack of special education teaching staff to both provide services and act as IEP case managers for a manageable number of students. The high school's currently adopted "case manager" service delivery model does not provide students with an adequate opportunity to receive specially designed instruction. Further, documentation provided in this complaint indicates that at least some of the rationale for this particular service model is that "LRE trumps specially designed instruction." This is incorrect. The provision of specially designed instruction is at the heart of a student's eligibility for special education services, and the provision of specially designed instruction in the least restrictive environment is a decision made by the IEP team, not the District. While the District is not prohibited from adopting a model, such as Response to Intervention (RTI), the adoption of such a model may not be used to delay, deny, or dilute the identification or provision of specially designed instruction.

The conclusions in this complaint also show that there were numerous instances in which students may have been claimed by the District for state special education apportionment purposes, and the District was unable to demonstrate that those students received the required specially designed instruction they were entitled to as a result of their eligibility determination. Students may only be counted for state special education and federal apportionment if the student has a current evaluation, a current IEP, AND is receiving special education services, which includes the provision of specially designed instruction. Therefore, the District needs to take immediate steps to review, and revise as necessary, the monthly count status for each of the students identified in this complaint prior to the end of the current fiscal year.

### **CORRECTIVE ACTIONS**

By or before **August 18, 2017, September 5, 2017, September 29, 2017, December 1, 2017, February 2, 2018, and April 2, 2018**, the District will provide documentation to OSPI that it has completed the following corrective actions.

## STUDENT SPECIFIC:

1. By the beginning of the District's 2017-2018 school year, the District will hold IEP meetings for Students 1-30, unless they no longer attend school in the District, to review the student's progress toward his/her IEP goals, and the grade level curriculum or methodology that is most appropriate to achieve those goals. The IEP team, *which must include a parent*, will then determine the appropriate amount of services the student should receive in each eligible service area, and also determine the student's appropriate placement against a full continuum of options within the District. Therefore, the District will allow each IEP team to consider a full continuum of placements, and will not limit the IEP team's options to the District adopted service delivery model. The placement options will include resource room instruction for math, reading, writing, and behavior classes. If the IEP team believes a significant change in placement is needed, the District will first conduct an *expedited reevaluation (within 30 calendar days)* to evaluate the student's needs. The District will also develop class schedules for each student to ensure the student is scheduled to receive his/her IEP services in the appropriate setting as determined by the IEP team during the 2017-2018 school year. All IEP services must be provided, starting the first week of the 2017-2018 school year, unless otherwise determined by a student's IEP team based on a student's individual need.
  - By **September 5, 2017**, the District will submit the following documentation regarding Students 1-30: 1) a copy of any meeting invitations; 2) a copy of any evaluation reports; 3) a copy of any new or amended IEP; 4) a copy of a prior written notice, clearly documenting the IEP team's reason for selecting the student's placement; 5) any other related prior written notices; and, 6) a copy of the student's class schedule.
2. During the 2017-2018 school year, the District will offer a tutoring program for Students 1-30, unless they no longer attend school in the District. The tutoring program will operate four days per week for 1.5 hours per day consistent with the high school's 2017-2018 school calendar, and will be offered after school. Students can elect to access the program on any of the offered days and times. The program will be staffed by a certificated special education teacher, with assistance from two paraeducators. The program must begin the second week of the school year and will run until May 1, 2018. The District may choose to extend the program until the end of the 2017-2018 school year. The District will also provide transportation for the students in the tutoring program.
  - By **August 11, 2017**, the District will notify the parents of Students 1-30 (unless the students no longer attend school in the district) informing them of this complaint decision and that compensatory services will be offered during the 2017-2018 school year. The letter must be in the parent's primary mode of communication, and will include the dates and times the after school compensatory services will be offered, as well as the location of the tutoring program.
  - By **August 18, 2017**, the District will submit copies of all letters sent to the parents of Students 1-30.

- By **August 18, 2017**, the District will submit documentation that it has entered into contracts with a certificated special education teacher(s) and paraeducator(s) to provide services from at least September 5, 2017 – May 1, 2018.
- By **September 29, 2017, December 1, 2017, February 2, 2018, and April 2, 2018**, the District will provide attendance records for the after school tutoring program.

**DISTRICT SPECIFIC:**

1. The District will review and revise the District's monthly count for state special education apportionment purposes based on the conclusions in this complaint, and submit the enrollment revisions to OSPI's School Apportionment and Financial Services on or before June 1, 2017, so that appropriate adjustments can be made to the District's annual special education enrollment reporting prior to the close of the current fiscal year on June 30, 2017.
2. In SECC 17-14, OSPI ordered that by September 15, 2017, the District provide all certificated special education staff, including educational staff associates (ESAs) with training regarding 1) procedures for determining placement; 2) procedures for changing a student's placement; and, 3) special education transfer procedures. The training will also address child find and referral procedures to ensure staff are referring students for special education without delay, and that staff are taking prompt steps to begin the evaluation process. The District will also provide the trainer with a copy of this decision for use in preparing the training materials.

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

Dated this \_\_\_\_ day of May, 2017

Douglas H. Gill, Ed. D.  
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.)