

SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 17-46

PROCEDURAL HISTORY

On June 5, 2017, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of two students (Student A and Student B) attending the Yelm School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student A and Student B's education.

On June 5, 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 June 23, 2017, OSPI received the District's response to the complaint and forwarded it to the Parent on June 26, 2017. OSPI invited the Parent to reply with any information she had that was inconsistent with the District's information.

On July 13, 2017, OSPI received the Parent's reply and forwarded that reply to the District on July 14, 2017.

OSPI considered all of the information provided by the Parent and the District as part of its investigation. The one-year timeline for this complaint began on June 6, 2016.

OVERVIEW

During the 2015-2016 school year, Student A and Student B attended a District elementary school and were eligible to receive special education services. In June 2016, the Student A's individualized education program (IEP) team developed Student A's annual IEP, which stated that a voice amplification system would be available in Student A's general education and special education classrooms. Also in June 2016, Student B's IEP team developed his annual IEP, which stated that a voice amplification would be used during instruction. During the 2016-2017 school year, the Students continued to attend the same elementary school and had voice amplification systems in place. In September 2016, the Parent requested that the District purchase new voice amplification systems for the Students based on the recommendation from their private audiologist. The District then agreed to purchase the new amplification systems, but there were delays in ordering the systems and then further delays in contracting with the private audiologist to set up the systems. In May 2017, Student B reported to the school counselor that he had been threatened by another student. In response, the school counselor addressed the situation with the other student.

The Parent alleged that the District failed to provide Student A and Student B with specially designed instruction at their level of achievement, but instead provided instruction at their current grade level. The Parent also alleged that the District failed to provide Student A and Student B with an appropriate voice amplification system. The Parent further alleged that Student A and Student B had been bullied at school. The District denied the allegations.

ISSUES

1. Did the District follow procedures for implementing Student A's individualized education program (IEP), including but not limited to any provision for accommodations/modifications?
2. Did the District follow procedures for implementing Student B's IEP, including but not limited to any provision for accommodations/modifications?
3. Did either Student A or Student B experience bullying that resulted in a denial of a free appropriate public education (FAPE)?

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.

Bullying, Harassment, and Intimidation: Each school district shall adopt a policy and procedure that prohibits the harassment, intimidation, or bullying of any student. RCW 28A.300.285. Bullying is defined as aggression used within a relationship where the aggressor has more or real perceived power than the target, and the aggression is repeated or has the potential to be repeated. (Dear Colleague Letter, 61 IDELR 263.) In addition, under the IDEA, school districts have an obligation to ensure that students who are the targets of bullying continue to receive a free appropriate public education (FAPE) in accordance with the student's IEP. As part of an appropriate response to bullying under the IDEA, districts should consider convening an IEP team meeting to determine whether the effects of bullying have caused the student's needs to change such that his/her IEP is no longer providing educational benefit. (Dear Colleague Letter, 61 IDELR 263.) If a teacher is deliberately indifferent to teasing of a disabled child and the abuse is so severe that the child can derive no benefit from the services that he or she is offered by the school district, the child has been denied FAPE. *In the Matter of Federal Way School*, OSPI Cause No. 2011-SE-0013 citing *M.L. v Federal Way Sch. Dist.*, 394 F3d 634, 105 LRP 13966 (9th Cir. 2005).

FINDINGS OF FACT

2015-2016 School Year

1. Student A and Student B are siblings.

2. During the 2015-2016 school year, Student A and Student B attended a District elementary school. Student A was eligible to receive special education services under the category of other health impairment. Student B was eligible to receive special education services under the category of hearing impairment.

Timeline for this Complaint Begins on June 6, 2016

3. On June 14, 2016, Student A's individualized education program (IEP) team met to develop his annual IEP. The June 2016 IEP stated Student A's reading ability was "between strategic and benchmark for 2nd grade". The IEP stated that Student A's math computation skills were "good enough to support him in participating in general education math", but also stated that he struggled in the area of math problem solving and reasoning. The IEP noted that Student A had the ability to write for a variety of purposes and to write sentences that were adequate in structure and length for a student his age, but that he struggled with spelling and the editing process. Student A's IEP included annual goals in the areas of math, reading, and writing, and provided for specially designed instruction to address those goals. Student A's IEP also provided for the following classroom accommodations:
 - Read class materials orally
 - Rephrase test questions and/or directions as needed
 - Chunk assignments
 - Extra time to complete assignments
 - Allow breaks (during work, between tasks, during testing)
 - Preferential seating: away from distractions
 - Preferential seating: away from traffic patterns
 - Cue to face the speaker
 - Visual of assignments posted daily
 - Check frequently for understanding /comprehension
 - Allow use of manipulatives as needed
 - Modified grading: math, reading, writing

The IEP also stated under the assistive technology section that Student A "will bring his own hearing aids. If battery is low, send him to the office to change his battery. Voice amplification system will be available in his general education classroom and in the Learning Center."

4. Also on June 14, 2016, Student B's IEP team met to develop his annual IEP. Student B's June 2016 IEP stated that his reading ability was "nearly up to grade level [4th grade] standard" and that he needed to focus on being able to read for understanding. His present level of performance in math indicated he had progressed to a 4th grade level. Student B's IEP included annual goals in the areas of math and reading, and provided for specially designed instruction to address those goals. Student B's IEP also provided for the following classroom accommodations:
 - Rephrase test questions and/or directions as needed
 - Visual example of work
 - Frequently check in on student to assure understanding of tasks
 - Extra time to complete assignments if needed

- Preferential seating: near peer model
- Provide individualized/small group instruction
- Read class material orally
- Use of an amplification system during instruction
- Utilize oral responses to assignments/test
- Hands on assignments
- Modified grading: reading and math

The IEP also stated under the assistive technology section hearing aids “as provided by family.”

5. The District’s 2015-2016 school year ended on June 16, 2016.

2016-2017 School Year

6. The District’s 2016-2017 school year began on September 7, 2016. At that time, Student A and Student B continued to attend the same District elementary school and their June 14, 2016 IEPs were in place.
7. The District’s response to this complaint included information provided by Student A’s general education teacher and Student B’s general education teacher, which stated that beginning the first day of the 2016-2017 school year, the teachers used voice amplification systems in classes in which Student A and Student B participated.
8. On September 8, 2016, Student A and Student B’s private pediatric audiologist wrote letters on behalf of the Students, stating that they would “greatly benefit from an FM system in the classroom which would help to hear the teacher’s voice above the background noise typical of most classrooms.” The audiologist included the names and contact information for two companies that sold FM systems. The audiologist also included the make and model of the Students’ hearing aids, so the District could provide this information to the companies in selecting an appropriate FM system.
9. Also on September 8, 2016, the District speech language pathologist (SLP) emailed the District “student support office personnel” and copied the District director of student support (director) and the assistant director of student support (assistant director). The SLP stated that Student A and Student B were both hearing impaired and had hearing aids. The SLP also stated that the Parent had requested two FM systems be provided by the District that would hook directly to the Students’ hearing aids. The SLP asked who the contact person was to get this set up, and stated that she was scheduled to meet with the Parent and wanted to have an answer and timeline for her. In response, the director asked that the SLP let the student support office know what equipment the District needed to order to connect to the Students’ hearing aids. The director stated that in the past, the Students had used classroom amplification systems, but it sounded like the family would now prefer a “director-to-hearing aid system”. The director stated that if that was the case, the District needed more information about the system recommended by the Students’ audiologist to ensure it properly connected to their hearing aids. The director said that the District

would get what the Students needed, but needed more information about what system would work for them.

10. On September 16, 2016, the SLP emailed the Parent, the elementary school principal, the school counselor, the school psychologist, Student A's general education teacher, another staff member, and the District student support office personnel. The SLP stated that she had "gotten the go ahead" to order the recommended FM systems for the Students, and stated that there would be two transmitters and four receivers. The SLP then listed the specific equipment to be ordered and stated that the District wanted the equipment sent to the Students' private audiologist, so the audiologist could set up the systems and show the Students "how to work them to maximize their benefit." The SLP then provided additional information about how the new FM systems worked. The SLP also asked that the Parent provide the private audiologist's name and address, and stated that she would "complete the requisition order."
11. On September 22, 2016, the SLP emailed the student support office personnel about the new FM systems, stating that the Student A wanted a green system and Student B wanted a red system. The SLP asked that the office personnel "go ahead and order" the FM systems with a note about color preference.
12. On October 25, 2016, the SLP emailed the student support office personnel, stating that the Students were wondering when their new FM systems were expected. The SLP asked for an update. In response, the office personnel stated that she was not sure when the FM systems would arrive, but that they had been ordered the prior week. The office personnel said she had misplaced the order, which was why it was late, and that the order would be shipped to the Students' audiologist.
13. On October 27, 2016, the SLP emailed the student support office personnel and the District director, stating that she had received the new FM systems early that day, and noted the FM systems had not been shipped to the Students' private audiologist as planned. The SLP had let the Parent know she would need to pick up the systems and that the audiologist would need to calibrate the systems before they could be used at school. The SLP also stated the FM systems would need to stay at the elementary school for charging each night.
14. On November 15, 2016, the District issued progress reporting towards Student A's annual goals. The progress reporting regarding Student A's math goal stated that he had made progress, "but not sufficient to meet goal", and he was developing the ability to work with decimals, but struggled with placement of the decimal in addition and subtraction. In the area of writing, the progress reporting stated that Student A made progress, "but not sufficient to meet goal", and stated:

[Student A] is developing his ability to write. He is able to write 1-2 paragraph texts. However, when it comes time for him to have guidance in correcting errors, he will melt down, shutting down and refusing to work especially when he knows that there is free time on the computer to play educational games for those who finish with their writing. He will usually come around and make corrections to his writing once he has time to process.

The progress reporting regarding the area of reading stated Student A made progress toward his goal, "but not sufficient to meet goal", and stated:

When given reading fluency assessments, [Student A] is able to fluently read at the 2nd grade reading fluency level with reading 49 words read within one minute with 4 errors placing at 45 correct words per minute and at the 3rd grade reading fluency level with 36 words read within one minute with 4 errors placing him at 32 words correct per minute.

15. Also on November 15, 2016, the District issued progress reporting toward Student B's annual goals. The progress reporting regarding Student B's math goals stated that he had made "little to no progress" toward the goals and also stated that Student B was "improving on adding and subtracting decimals", but had not been able to work on grid points at that time. In the area of reading, the progress reporting stated that Student B made "little to no progress" and stated:

When given reading comprehension passages and questions, [Student B] is able to read and answer comprehension questions at the first grade level at 67% accuracy independently and is able to read and answer comprehension questions at the second and third grade reading level at 0% accuracy.

16. On November 18, 2016, the Student's private audiologist emailed the SLP, stating that she understood the SLP was having issues getting the Students' new FM systems to work. The audiologist stated that she was not "as familiar" with the new FM systems, but had the user manual available and could look things up to assist the SLP. The audiologist asked what problems the SLP was having with the systems and stated that she was attaching a copy of the user manual. The SLP later responded, thanking the audiologist for her help. The SLP stated that she was unsure how to program the two FM systems on different channels in case the Students were in two separate groups/classes and then change back to one channel when they were in the same class. The SLP said that the directions said the systems could not be on the same channel within 100 feet of each other. Additionally, the SLP stated that she had given the FM systems to the Parent to bring to the audiologist. The SLP also stated that since the Students would attend another school during the 2017-2018 school year, she felt it was important that they knew the "ins and outs" of the new systems and could explain this to staff they encountered.

17. On December 13, 2016, the SLP emailed the student support office personnel and included the Parent, District director, school principal, and the Students' special education teacher. The SLP stated that she had received a note from the Parent, stating that she needed a purchase order for the FM system set-up appointment with the Students' private audiologist. The SLP asked if the office personnel could coordinate this and provided the contact information for the private audiologist.

18. The District was on break December 19, 2016 through January 2, 2017.

19. On January 4, 2017, the Parent emailed the SLP to check on the status of the purchase order. The Parent stated that she could not schedule the set-up appointment until the private audiologist received the purchase order.

20. On January 5, 2017, the SLP forwarded the Parent's email to the student support office personnel and copied the Parent. The SLP stated that the Parent was wondering about the purchase order, and stated that this step was needed in order to set up the new FM systems. The SLP also stated that the District director indicated that the private audiologist would be involved in setting up the FM systems.
21. On January 26, 2017, the Parent emailed the student support office personnel and included the SLP. The Parent stated that she could not make an appointment to set up the Students' new FM systems until the private audiologist received the purchase order. The Parent stated that she needed to know what was going on, as the process was taking far too long and she had not received a response from the office personnel. The Parent asked that the office personnel respond to her. In response, the SLP stated that she was also wondering what was taking so long, and asked if the District director needed to approve the purchase order. The office personnel later replied that it was her fault and that the director had approved the purchase order as soon as she had given it to him.
22. On February 5, 2017, the District issued progress reporting towards Student A's annual goals. The progress reporting regarding Student A's math goal stated that he had made progress, "but not sufficient to meet goal". In the area of writing, the progress reporting stated that Student A made progress, "but not sufficient to meet goal", and stated Student A "continues to improve on his writing being able to write 1-2 paragraphs, but will still shut down with it comes time for corrections to his writing." The progress reporting regarding the area of reading stated Student A made progress toward his goal, "but not sufficient to meet goal", and stated, "when given a reading fluency passage at the 3rd grade level, [Student A] is able to read 47 words within that minute with 7 errors which brings him to being able to read 40 words correct per minute (WCPM) on a 3rd grade text."
23. Also on February 5, 2017, the District issued progress reporting toward Student B's annual goals. The progress reporting regarding Student B's math goals stated that he had made progress, "but not sufficient to meet goal[s]". In the area of reading, the progress reporting stated that Student B made progress, "but not sufficient to meet goal[s]", and stated that Student B was "able to read and answer comprehension questions at 20% accuracy at the second grade reading level."
24. On March 24, 2017, the District issued progress reporting towards Student A's annual goals. The progress reporting regarding Student A's math goal stated that he had made progress, "but not sufficient to meet goal", was still improving his ability to work with decimals, and was starting to master the addition and subtraction of decimals. Student A struggled with "the multiplication and division of decimals". In the area of writing, the progress reporting stated that Student A made progress, "but not sufficient to meet goal", and stated:
- [Student A] continues to develop his writing. He is able to write 1-2 paragraph texts. However, when it comes time for him to have guidance in correcting errors, he still melts down at times. He will shut down and say that the[] way he spelled something or wrote something is correct.

The progress reporting regarding the area of reading stated Student A made progress toward his goal, “but not sufficient to meet goal”, and stated, “when given a reading fluency passage at the 3rd grade level, [Student A] is able to read 45 words correct per minute (83% accuracy) within one minute.”

25. Also on March 24, 2017, the District issued progress reporting toward Student B’s annual goals. The progress reporting regarding Student B’s math goals stated that he had made “sufficient progress” toward meeting one of the goals, and made progress toward the other goal “but not sufficient to meet goal”. In the area of reading, the progress reporting stated that Student B made “sufficient progress” toward meeting his goal, and stated that Student B was “able to read and answer comprehension questions at 67% accuracy at the 3rd grade reading level.”
26. On May 15, 2017, Student B completed a “student request for school counseling” slip to receive help from the school counselor due to a concern with a classmate (concerning classmate). Later that week, the school counselor met with Student B and another student to discuss the issue, and they relayed that the concerning classmate had been saying rude things to people and had threatened to “kill” Student B if he did not give the classmate food at lunch time. In response, the school counselor spoke with the concerning classmate, who expressed he was upset that Student B shared food with other students, but did not share with him. The counselor explained that using the term “I will kill” is not appropriate and advised the concerning classmate to avoid Student B, and spend time with other students. According to the Parent’s complaint, school staff did not inform her of the incident.
27. On May 23, 2017, another student sent the school counselor a note, expressing concern that someone was being bullied. According to a statement from the school counselor, the counselor then met with the student the next day, and she relayed that the concerning classmate was being bullied by two other students and Student B sometimes “joined in”. In response, the school counselor and the school principal spoke with the concerning classmate who clarified he was upset about another student, and not Student B.
28. According to statement from Student B’s general education teacher, during the 2016-2017 school year, all behavior issues involving Student B and other students were “addressed immediately” and were “non-continuing”. Student B was one of five students to have the word “die” written on their desk. The school counselor assisted in dealing with the issue and it was an “isolated incident”.
29. On May 31, 2017, Student A’s IEP team, including the Parent, met to develop Student A’s annual IEP. The May 2017 IEP stated that Student A was at a 2nd grade level in both reading and math. The May 2017 IEP included annual goals in the areas of math, reading, and writing, and provided for specially designed instruction to address those goals. The IEP also provided for the following classroom accommodations:
 - Read class materials orally
 - Rephrase test questions and/or directions as needed
 - Chunk assignments

- Extra time to complete assignments
- Allow breaks (during work, between tasks, during testing)
- Provide individualized/small group instruction
- Modify/repeat/model directions
- Preferential seating away from distractions
- Visual of assignments posted daily
- Cue to face the speaker
- Check frequently for understanding/comprehension
- Allow use a manipulative as needed
- Allow use of calculator
- Allow use of multiplication
- Modified grading

The IEP also stated under the assistive technology section that Student A “will bring his own hearing aids. If battery is low, send him to the office to change his battery. Voice amplification system will be available in his general education classroom and in the Learning Center.”

30. Also on May 31, 2017, Student B’s IEP team, including the Parent, met to develop Student B’s annual IEP. According to the Parent’s complaint, at the meeting she expressed concern about the bullying incident, which occurred around May 15, 2017, and was reportedly told that staff were “still looking into it.” The May 2017 IEP stated that Student B’s reading ability was “between the strategic and upper strategic level of 2nd grade reading level”. His present level of performance in math was also at a 2nd grade level. Student B’s IEP included annual goals in the areas of math and reading, and provided for specially designed instruction to address those goals. Student B’s IEP also provided for the following classroom accommodations:

- Rephrase test questions and/or directions as needed
- Visual example of work
- Frequently check in on student to assure understanding of tasks
- Extra time to complete assignments
- Allow breaks (during work, between tasks, during testing)
- Provide individualized/small group instruction
- Read class material orally
- Modify/repeat/model directions
- Preferential seating
- Allow the use of a calculator
- Allow the use of multiplication table
- Utilize oral responses to assignments/test
- Hands on assignments
- Modified grading

The IEP also stated under the assistive technology section hearing aids “as provided by family.”

31. In the District’s response to this complaint, the District included a statement from Student A’s general education classroom teacher, describing the accommodations

provided to Student A during the 2016-2017 school year. Student A's teacher stated that he provided the following accommodations:

- Preferential seating or "near sped push in support".
- Modified assignments and tests – Math tests were often shortened and a multiplication chart was allowed in certain situations. Only graded on shortened test sections. Allowed clarification on test questions by general education or special education teacher.
- In English Language Arts (ELA) – writing prompts were modified and sentence starters were used to help start writing. Large writing projects were shortened. Ex – most recent writing assignment required 4 paragraphs and Student A was only required to use 3. Student A was also given page numbers so the task of quoting from the story was easier to follow.
- Alternative testing location used for assessments, usually in either learning center.
- Student A allowed extra time on tests and quizzes for all subjects and content.
- Sound System – Student A had the "Redcat" microphone available to him from the beginning of the school year until conferences in March. From March onward Student A had a new sound system and a microphone that was available to him.

32. In the District's response to this complaint, the District included a statement from Student B's general education classroom teacher, describing the accommodations provided to Student B during the 2016-2017 school year. Student B's teacher stated that he provided the following accommodations:

- Test questions and directions were rephrased upon request. I regularly checked with Student B to assure understanding of tasks.
- Student B allowed extra time on tests and quizzes for all subjects and contents.
- Student B was provided breaks during work and between tasks.
- Preferential seating provided in front and to the side of the classroom to ensure the teacher's voice can be heard and for ease of "sped push in support".
- Alternative testing locations were used for assessments, either in the learning center, or at a quiet and private side table in the general education classroom.
- Math and ELA tests and assignments were often shortened. Multiplication charts have utilized in certain situations.
- Student B is allowed clarification on tests questions by the general education teacher and "sped push in support".
- In ELA, writing prompts were modified and sentence starters were used to help guide the writing process. Ex – most recent writing assignment required 4 paragraphs and Student B was only required to write 3. Student B was also provided page numbers in order to make the task of finding quotes from the text easier.
- Assistive Technology – Student B was provided access to the "Redcat" microphone system starting the first day of school. The microphone system was available until Spring conferences in March, at which time an updated microphone system was made available which allowed Student B to hear the amplified voice.

33. On June 5, 2017, the Parent filed this complaint.

CONCLUSIONS

Issue 1: IEP Implementation (Student A) – In her complaint, the Parent alleged that Student A was not receiving specially designed instruction at his level of functioning (2nd

grade level) as stated in his IEP, but was receiving instruction at his actual 5th grade level. The Parent has provided no documentation to substantiate this assertion, and based on Student A's progress reporting, Student A was being given reading passages at a 2nd and 3rd grade level. The Parent also alleged that Student A was not provided with the correct FM system, and that the District was aware of this for several years. Based on the documentation in this complaint, the District was made aware that Student A would "benefit" from a different FM system on September 8, 2016, and promptly agreed to order the new FM system. Despite the prompt agreement, due to an issue with a District staff person, there were delays in the ordering and the setup of the new FM system. However, during that time, Student A continued to have a voice amplification system in place consistent with his IEP. While it is acknowledged that the delays involving the new FM system were undoubtedly frustrating for the Parent, the District has substantiated that it implemented Student A's IEP in regard to the use of a voice amplification system.

Issue 2: IEP Implementation (Student B) – In her complaint, the Parent alleged that Student B not receiving specially designed instruction at his level of functioning (2nd grade level) as stated in his IEP, but was receiving instruction at his actual 5th grade level. The Parent has provided no documentation to substantiate this assertion, and based on Student B's progress reporting, Student B was being given reading passages at the 1st-3rd grade level. The Parent also alleged that Student B was not provided with the correct FM system, and that the District was aware of this for several years. Based on the documentation in this complaint, the District was made aware that Student B would "benefit" from a different FM system on September 8, 2016, and promptly agreed to order the new FM system. Despite the prompt agreement, due to an issue with a District staff person, there were delays in the ordering and the setup of the new FM system. However, during that time, Student B continued to have a voice amplification system in place consistent with his IEP. The District has substantiated that it implemented Student B's IEP in regard to the use of a voice amplification system. It is noted that Student B's May 2017 IEP does not reference his use of a voice amplification system, and it is recommend that Student B's IEP team review the IEP prior to the beginning of the 2017-2018 school year to determine if an accommodation for the amplification system is warranted.

Issue 3: Bullying Resulting in a Denial of FAPE – In her complaint, the Parent alleged that Student A and Student B have been subject to bullying at school. If a school district is deliberately indifferent to teasing of a student with a disability and the abuse is so severe that the student can derive no benefit from the services that he is offered by the school district, the student has been denied FAPE. In the District's response to this complaint, the District provided information about two instances of another student threatening Student B. In one instance, Student B reported the instance to the school counselor using the elementary school's process for reporting concerns, and the counselor met with Student B to discuss the issues. The counselor then spoke with the other student about the threatening behavior, which appeared to have resolved the situation. The school counselor was also involved in resolving the second incident, and Student B's general education teacher reported no additional issues. The District has substantiated that it promptly responded to Student B's concern about bullying from other students and took steps to address the situations. Neither the District nor the Parent had

provided additional information about other instances of bullying during the timeline for this complaint.

CORRECTIVE ACTIONS

STUDENT SPECIFIC:

None

DISTRICT SPECIFIC:

None

Dated this ____ day of August, 2017

Glenna L. Gallo, M.S., M.B.A.
Assistant Superintendent
Special Education
PO BOX 47200
Olympia, WA 98504-7200

THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS COMPLAINT

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