

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 22-24

PROCEDURAL HISTORY

On March 3, 2022, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from the parent (Parent) of a student (Student) attending the **[REDACTED]** School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, regarding the Student's education.

On March 4, 2022, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District superintendent on the same day. OSPI asked the District to respond to the allegations made in the complaint.

On March 16, 2022, OSPI received the District's response to the complaint and forwarded it to the Parent on the same day. OSPI invited the Parent to reply.

On March 31, 2022, the OSPI complaint investigator conducted an interview with the District's executive director of special services.

On April 1, 2022, OSPI received the Parent's reply. OSPI forwarded that reply to the District the same day.

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

SCOPE OF INVESTIGATION

This decision references the Student's 504 plan and communications regarding that plan. OSPI does not have authority in a special education community complaint investigation to evaluate 504 plans or the process and procedures surrounding those plans. Any references to the Student's 504 plan are to add context to the issues under investigation and are not intended to identify additional issues or potential violations.

ISSUES

1. Did the District make a decision about whether to evaluate the Student for special education eligibility within 25 school days as outlined in WAC-392-172A-03005?
2. Did the District follow procedures to determine the Student's eligibility for special education services as outlined in WAC 392-172A-03040 and WAC 392-172A-01035?
3. Since March 4, 2021, has the District followed child find procedures with respect to the Student?

LEGAL STANDARDS

Referral: Any person who is knowledgeable about the student may make a referral of a student suspected of having a disability. 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. 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.

Eligibility Under IDEA: A student eligible for special education means a student who has been evaluated and determined to need special education because he or she has a disability in one of the eligibility categories enumerated in regulations and who, because of the disability and adverse educational impact, has unique needs that cannot be addressed exclusively through education in general education classes with or without individual accommodations. 34 CFR §300.8(a)(1); WAC 392-172A-01035(1)(a).

Determination of Eligibility: Upon completion of the initial evaluation (assessments and other evaluation measures) a group of qualified professionals and the parent of the student determine whether the student is eligible for special education services and the educational needs of the student. A student must not be determined to be eligible for special education services if the student does not otherwise meet the eligibility criteria including presence of a disability, adverse educational impact and need for specially designed instruction. WAC 392-172A-03040.

Student Suspected of Having a Disability: A district's obligation to evaluate a student, either through its child find or referral processes, is triggered when the district has reason to suspect a disability and reason to suspect that special education services may be needed to address that disability. 34 CFR §300.111; WAC 392-172A-02040; *Kanongata'a v. Washington Interscholastic Activities Ass'n*, 46 IDELR 8 (W.D. Wash. 2006).

FINDINGS OF FACT

1. At the start of the 2021–2022 school year, the Student was a senior and attended a District high school. The Student was not eligible for special education services but did receive accommodations under a 504 plan.
2. In the fall of 2021, an independent educational evaluation (IEE) was conducted at the District's expense. The evaluator noted the Student's history of attention deficit/hyperactivity disorder (ADHD), anxiety, and 504 accommodations for "staying on top of his homework," without which can lead to "academic challenges, anxiety and depression." The evaluator diagnosed the Student with a secondary diagnosis of a specific learning disability in math, in addition to ADHD (inattentive presentation) and social and performance anxiety disorder. The evaluator recommended the report be reviewed for additional recommendations for the 504 plan and

for the “team...to review these additional recommendations and determine whether an Individualized Education Program would prove beneficial.” The report additionally listed recommendations in several areas, including executive functioning and learning strategies, academics—including reading, writing, and math (“[Student] will benefit from specialized instruction in math concepts”), mental and physical health, and employment.

3. The District was on winter break from December 20–31, 2021.
4. On December 23, 2021, the Parent emailed the District superintendent, stating that she had met with the private evaluator and reviewed the report. The Parent stated that, after reading the private report, the Student “might be in need of specialized instruction beyond what his 504 plan can accommodate” and that she hoped they could meet after break to discuss options for supporting the Student.

The Parent emphasized in her reply to the District’s response that this email was her initial request for an individualized education program (IEP) for the Student.

5. In speaking with the District’s executive director of special services (executive director), the executive director acknowledged the Parent’s December 23, 2021 email was sufficient to be a referral for special education. The executive director noted that this email was sent during winter break and thus only changed the beginning of the referral timeline by one day.
6. On December 24, 2021, the superintendent’s executive assistant forwarded the superintendent and District’s executive director the IEE report.
7. January 3, 2022 was the District’s first day back from winter break.
8. On January 4, 2022, the superintendent and Parent emailed regarding meeting about the Student’s 504 plan and reviewing the IEE report, findings, and recommendations. In one of the emails, the Parent stated she did not need to attend a meeting to discuss the report and 504 and that her “expectation is that [Student] be placed on an IEP, in particular due to his learning disability in math. I believe [Student] needs specialized instruction beyond what his 504 can accommodate.”

The superintendent responded that he understood her request to be a request for a special education evaluation and that he was including the executive director and school psychologist to assist with next steps.

9. On January 12, 2022, the Parent emailed the superintendent, asking if District staff had reviewed the IEE report and stating she wished to “be included in the IEP evaluation that I have requested.”

The superintendent responded to the Parent, stating they were “moving forward with the evaluation for special education” and that the Parent should have “received an email from [superintendent] stating that and the effective date of your request. I know that you’ll be

receiving something shortly from our Special Education Department with the specifics about what comes next.”

10. Also, on January 12, 2022, the school psychologist, executive director, and superintendent met to discuss next steps with respect to the Parent’s referral. The school psychologist “wanted some time to go through the report to see how it might impact our decision about whether to evaluate” and to see “how the information there might impact what evaluation tools and procedures to use.”
11. On January 13, 2022, the District mailed the Parent a letter, acknowledging the request for an IEP. The letter stated that January 4, 2022 was the referral date, based on the Parent’s email requesting an IEP. The letter enclosed a notice of special education referral and the procedural safeguards.
12. On January 26, 2022, the executive director emailed the Parent, proposing to discuss a few ideas related to the 504 in a meeting. The executive director stated that the 504 ideas did not impact the Parent’s referral for a special education evaluation and that was in progress.

The Parent replied she was happy to meet with the 504 team if they had reviewed the IEE and were “ready to move forward with implementing [the private evaluator’s] recommendations.” The Parent also asked, “Where are we at with the IEP referral? It would be really great to get that in place before [Student] graduates in June.”

The executive director responded to the Parent with more information about the 504 plan, 504 accommodations, and noted that he anticipated “the next step in the IEP process to happen next week.”

Subsequent emails on January 26, 2022 discussed scheduling a meeting regarding the 504 and indicated there was some confusion over whether a meeting was needed.

13. On January 28, 2022, the District was closed and there was no school.
14. On February 4, 2022, the District mailed the Parent the evaluation paperwork, including a prior written notice recording the decision to evaluate and the consent form for the evaluation.

A guidance team record/special education referral document, dated February 4, 2022, noted the referral had been made January 4, 2022 and that the District proposed initiating an initial special education evaluation.

15. Also, on February 4, 2022, the executive director left the Parent a voicemail and the Parent responded via email that she preferred to communicate via email or schedule a meeting.

The Parent stated in her reply to the District’s response that “consent to evaluate was never mailed on February 4, 2022” and the “only correspondence from the school district on February 4th was the voicemail from [executive director]...which has no mention of the decision to evaluate.”

16. On February 8, 2022, according to the Parent's complaint, she received the District's evaluation paperwork.
17. Also, on February 8, 2022, the executive director emailed the Parent with several questions. In relevant part, these questions included:
 - 4) We need to get your signature on the consent to evaluate form. That is attached here. Your signature is needed on page 5. [School psychologist] has listed the activities she wants to complete in order to write her evaluation. Would you like to go over those? There will be some extra measures she'll have to undertake for this evaluation.
 - 5) I think it's a good time to talk about what your vision of special education services would be – if he qualifies.
 - 6) I want to be sure that you and [Student] know that an IEP does not carry forward after high school. A 504 does. I want to be sure we decide our actions based on what will be most helpful to him. I want to discuss what benefits we're hoping to see with an IEP in his final semester of high school.

The Parent responded, stating, in part, that she did not know why she would "be expected to give consent for [the Student] to be reevaluated" as the Student had already had an external evaluation done. The Parent further stated that her "vision for special education would be for [the Student] to receive the accommodations recommended by [private evaluator], specifically in regards to his learning disability in math." The Parent asked what the next steps were for "the IEP I requested on 12/23/21 and again on 1/4/22."

18. February 8, 2022 was 25 school days after December 23, 2022—if that is considered the referral date—and February 10, 2022 was 25 school days after January 4, 2022—if that is considered the referral date.
19. On February 15, 2022, the executive director emailed the Parent and continued the February 8, 2022 email discussion, stating that the IEE would be considered as part of the special education evaluation and that other information was needed, such as "transition, observation, additional math data, and other items listed on the consent to test page." The executive director stated they could not proceed without consent from the Parent and that the evaluation needed to be completed before they could consider an IEP. The executive director further stated that the evaluation would be looking at whether specially designed instruction was required for math (or other areas) rather than just accommodations, and that they were following the special education process. The executive director suggested they meet to discuss as he felt like "there are many points here that would benefit from discussion rather than emails back and forth."

The Parent replied that the Student was not willing to "participate in an evaluation through [District] in any capacity" and that she would not be signing the consent form.

20. Also, on February 15, 2022, a meeting was scheduled for February 18, 2022 to “check in about IEP process for [Student].” The Parent responded that she was unavailable, and the executive director asked if there were other dates and times the Parent was available to meet.
21. On February 18, 2022, the executive director emailed the Parent a notice of special education referral and associated prior written notice, which noted the Parent had not given consent to evaluate. The executive director also included a letter from the school psychologist with information about the special education referral process and the procedural safeguards. The executive director stated he was emailing as the Parent stated she preferred email communication, but also suggested meeting as he believed much of the information could be communicated during a conversation.

The school psychologist’s letter provided some clarification about the special education process, noting that the private evaluation was “thorough. However, it only provided a diagnosis of Specific Learning Disability.” The school psychologist went on to describe that to be eligible for special education services, a student needed to have a disability, the disability must adversely affect the student’s educational performance, and the student must require specially designed instruction. The psychologist noted that, “So far, we have indeed established that there is evidence of a disability that interferes with his performance – that is the basis for [Student’s] Section 504 Plan,” but that an evaluation was needed to determine whether specially designed instruction was needed versus accommodations.” The school psychologist also noted that an evaluation should not use a single measure or assessment as the sole criterion for determine special education eligibility and that a District evaluation was necessary to gather additional data and information.

The Parent responded, stating she wanted to move forward as the Student needed support in math. The Parent shared questions and some confusion about why an evaluation was needed. The Parent also stated that the private evaluation showed the Student was eligible for special education as:

- 1.[Student] has a diagnosed disability.
2. The disability does adversely affect his educational performance (brush up on his history of failing out of math last year).
3. [Student] does require ‘specially designed instruction,’ beyond the use of a calculator...[and then listed recommendations from the private evaluation].

The executive director replied that they “cannot move forward without doing a district evaluation for special education services” and again suggested they meet to have a conversation. The Parent responded, agreeing that an evaluation was needed and reiterating her request that the evaluation be “expedited” and conducted by an “independent provider” and restated that she did “not give consent for district staff members to work with [Student] directly in evaluating.”

22. A prior written notice, dated February 18, 2022, indicated the District proposed to conduct an initial evaluation to determine possible eligibility for special education services and that the Parent had declined to give consent to evaluate. The notice stated, “This stops the special

education process from going forward. Should the parent decide to consent to the evaluation the process can be restarted.”

23. A letter dated February 22, 2022 from the executive director to the Parent summarized the process so far, including that the Parent requested an IEP and that to get an IEP, a “student must go through the referral and evaluation process.” The letter stated:

You have referred [the Student], and now the district is offering to conduct an evaluation. Should the team find him eligible at the conclusion of this evaluation, he would qualify for an IEP. The team would then determine what specially designed instruction to provide [Student]. However, there is not guarantee that [Student] would be found eligible for special education services at the end of the evaluation process.

We can only proceed with a district evaluation if we have your signature showing your consent for this process. The only way to move towards a possible IEP is to complete this evaluation. To possibly expedite this process, we have included a copy of the consent to evaluate form with this letter...It may be worth meeting to discuss exactly what will be done during our district evaluation.

Of course we have the evaluation from [private provider]. There is valuable information in the report, but it is not complete in itself to constitute an evaluation to qualify for special education services...

24. On February 24, 2022, the Parent emailed the executive director and superintendent, stating she had signed and attached the consent form for a special education evaluation, and that she wanted “any additional assessments to be administered by an independent provider, which the consent form reflects.” The Parent stated, “this can be an independent evaluator or an evaluator from a different district.” The Parent further stated:

I do not need to meet for an evaluation planning meeting. Please move forward immediately. I initiated a request for referral on Dec. 23, when I emailed and asked for specialized instruction as a result of [private evaluator’s] evaluation. Your Prior Written Notice indicated Jan. 4, which is not correct. The decision on evaluation was not completed within 25 days.

The executive director responded on February 28, 2022, stating the District sent the Parent a proposal to initiate the special education evaluation on February 4, 2022, “within the 25 school day limit.” The executive director stated that they would not be using an outside provider because the “evaluation tasks that need completing can be done within district with minimal impact to [Student’s] school day.” The executive director attached a prior written notice, documenting the District’s decision. The executive director stated the District remained open to completing the evaluation, and again suggested a meeting to discuss what the evaluation would look like—“much of it can be done through file review—the Parent’s goals, overlap with the 504 plan, next steps in the special education process, other items related to transition to post high school, and any other items the Parent would like to discuss.”

25. A prior written notice, dated February 28, 2022, indicated the District was “proposing to not move forward with an initial evaluation. District will not be paying a second outside evaluator as parent has requested...We can complete the work within the district.” The prior written

notice indicated, "the tasks we need to undertake for this evaluation can easily be accomplished within district with minimal impact...District remains open to doing an initial evaluation if we can find an agreeable way to complete it. This does not guarantee [Student] will qualify for special education services."

26. On March 1, 2022, the Parent emailed the executive director with a list of concerns and questions, summarized as follows:

- The Parent reiterated her belief that the referral timelines were not met. And the Parent stated she was concerned the District was "prolonging this process."
- Concerns about District staff conducting the evaluation and noting a lack of trust in the District.
- Questions about what the evaluation:
 - "What will your evaluation look like?"
 - "What areas are you going to assess that were not already done in the external evaluation?"
 - "What cannot be accomplished as part of your file review?"
 - "Will you be using current work products and classroom assessments?"
 - "What parts, if any, would need actual participation from [Student] in which he must peak with a person? Are you desiring an interview? Is this part of a transition assessment?"
- The Parent reiterated that she had sent emails regarding what service she hoped the Student would receive and noted she wanted the supports detailed by the private evaluator on pages 15 and 16 of the evaluation report. The Parent also stated she wanted "compensatory education in mathematics to address the lack of support he has received up to this point."
- The Parent noted she believed the District's statements that the Student may not qualify was predetermination as it went against the results of the private evaluation.

The executive director responded to the Parent's March 1, 2022 email on March 15, 2022, noting the following with respect to the Parent's above concerns and questions:

- The District stated, "We believe we have not missed the timeline since the WAC states we have 25 school days."
- The District stated they believe the evaluation concerns were resolved as they "found a mutually acceptable way to conduct the evaluation."
- The District stated the evaluation questions had largely been addressed via email.
- Regarding services, the District stated, "A suggestion I had was to talk about wrapping at least some of these accommodations into his 504, rather than waiting for the evaluation and IEP process to wind its way through. This would involve some discussion, since [private evaluator's] suggestions are general. At this point I do not believe compensatory education is warranted. [Student] is on track to graduate, has a very respectable GPA, and his eligibility for special education is still in question."
- Regarding the concern of predetermination, the District stated, "It's possible that an evaluation would result in a conclusion that the student doesn't qualify. [Private evaluator's] evaluation has great information; however, a district is not obligated to accept an external evaluation. We've communicated our reasons for not fully accepting all of [private evaluator's] conclusions. [School psychologist is working on his evaluation and we've sent you a meeting invitation for March 31 to discuss results."

27. On March 3, 2022, OSPI received the Parent's request for this complaint investigation.

28. On March 9, 2022, the Parent gave consent for the evaluation.

An email from the executive director and the prior written notice documented that the District proposed an initial evaluation for special education that would consist of a file review for math (IEE and cumulative file), discussions with the counselor and review the Student's high school and beyond plan for transition, and teacher questionnaires and classroom observations. There would be no additional testing. The prior written notice documented that the Parent requested an IEP and that the "last attempt to conduct the evaluation within the district was denied by the parent. District is offering another way to get the evaluation underway."

The District stated the evaluation was underway and that they have a proposed meeting date of April 13, 2022 to review the results. The District noted the Parent has not yet responded that she can attend the evaluation meeting.

29. The District is closed for spring break from April 4–8, 2022.

30. May 4, 2022 is 35 school days after the Parent signed consent on March 9, 2022.

31. In her complaint, the Parent alleged the District:

- Failed to follow the referral timeline by not making a decision within "25 days of my request;"
- Predetermined the Student's eligibility for special education services; and,
- Committed a child find violation because the Student "had a learning disability that was missed."

32. Regarding child find, the District stated that "screening tests and [S]tudent performance did not give us a reason to consider measures other than his 504. We had no reason to undertake a special education evaluation until [private evaluator's] report and [Parent's] request."

CONCLUSIONS

Issue One: Referral Timeline – The Parent alleged the District failed to make a decision about her request for a special education evaluation within 25 days. Once a parent, or other person knowledgeable about a student, makes a referral for special education services, the district must document the referral and determine whether to conduct a special education evaluation by considering parent input and other existing school, medical, and other records. The district must determine within 25 school days after receipt of the referral whether it will evaluate the student.

Here, there was initially some disagreement about when the Parent made a referral for special education. OSPI finds that the Parent made a referral on December 23, 2021 when she emailed the District superintendent and stated that after reading a recently completed private evaluation report that the Student "might be in need of specialized instruction beyond what his 504 plan can accommodate" and that she hoped they could meet after break to discuss options for supporting the Student. During the investigation, the District acknowledged that this email was sufficient to constitute a referral for a special education evaluation.

December 23, 2021 was during the District's winter break; thus, February 8, 2022 was 25 school days after December 23, 2021.

On February 4, 2022, the District mailed the Parent the evaluation paperwork, including written notice recording the decision to evaluate and a consent form for the evaluation. The Parent stated she did not receive evaluation paperwork until February 8, 2022. Regardless, the District's executive director of special education also emailed the Parent on February 8, 2022 questions related to the evaluation and attached the consent form to the email, explaining that they needed the Parent's consent to move forward with the evaluation. Overall, OSPI finds the District met the referral timeline as it mailed the evaluation paperwork on February 4 and subsequently provided the relevant paperwork, including the consent form again on February 8, 2022—the final day of the 25-school day timeline. OSPI finds no violation.

Issue Two: Special Education Eligibility – The Parent alleged the District predetermined the Student's eligibility for special education services. Based on the investigation, it appears the Parent had two primary concerns. First, that the District was requiring that an evaluation be conducted despite the recently completed, District funded private evaluation. Second, the Parent raised concerns about the District's statements that the Student may not be eligible for special education.

A student eligible for special education means a student who has been evaluated and determined to need special education because he has a disability in one of the enumerated eligibility categories, and who, because of the disability and adverse educational impact, has unique needs that cannot be addressed exclusively through education in general education classes with or without individual accommodations.

Need for an Evaluation: Once the District agreed to initiate an initial evaluation for special education eligibility, the District attempted to obtain the Parent's consent for the evaluation. On February 8, 2022, the executive director emailed the Parent the consent form, noting consent was needed to start the evaluation. The Parent responded that she did not know why she would "be expected to give consent for [the Student] to be reevaluated" as the Student had already had an external evaluation done. The District explained on February 15, 18, and 22, 2022 that the District had to follow the special education process and that while the private evaluation contained valuable information (and would be considered as part of the District's evaluation), the District was required to conduct an evaluation to determine whether the Student was eligible for special education. On February 15, 2022, the Parent stated the Student was not willing to "participate in an evaluation through [District] in any capacity" and that she would not be signing the consent form. On February 18, 2022, the District noted in a prior written notice that the Parent had not provided consent, provided information about the special education process, and noted the evaluation could be initiated if and when the Parent provided her consent.

The Parent continued to communicate that she did not understand why an evaluation was needed as she believed the private evaluation established the Student's eligibility. The executive director replied that they "cannot move forward without doing a district evaluation for special education services" and again suggested they meet to have a conversation. The Parent then requested a private provider do the initial evaluation, and the District declined. After continued email

discussions in early- to mid-March 2022, the District and Parent worked out a plan to conduct the initial evaluation and the Parent provided consent on March 9, 2022. The District stated it has proposed a meeting date of April 13, 2022—although the Parent has not yet confirmed her attendance—well before the 35-school day deadline to complete the evaluation, which would be May 4, 2022.

Overall, OSPI finds the District followed proper procedures to begin the process of determining whether the Student is eligible for special education services. The District is required, by special education regulations, to conduct an initial evaluation and obtain the Parent's consent. Here, the District made several attempts to explain the process and obtain consent. The Parent declined to provide her consent until March 9, 2022. While OSPI understands the Parent's desire to solely use the private evaluation, the District is correct that it must follow their required special education processes—in this case—following the referral and determination an initial evaluation is warranted, obtaining the Parent's consent, and then following the evaluation procedures. OSPI finds no violation.

Statements About Eligibility: The Parent also expressed concern about the District's statements that the Student might not qualify for special education services and alleged this amounted to predetermination. OSPI notes that some of these statements were made in the context of explaining why the private evaluation alone could not establish special education eligibility and other statements were made to explain that doing an evaluation is not a guarantee of eligibility.

While OSPI notes that districts should generally be careful about statements like this, there is no indication that predetermination has occurred here regarding the Student's potential eligibility. The District has not yet completed its evaluation and has, up to this point, followed all required special education processes. OSPI notes it is possible that the Student will not be eligible for special education services, or the Student may be eligible—this is exactly what the special education evaluation process is designed to find out.

Again, while OSPI understands the Parent's concerns and recommends the District consider how such statements could be perceived, OSPI notes there has been no predetermination and all special education processes have been followed. OSPI finds no violation.

Issue Three: Child Find – The Parent alleged the Student has a learning disability that was missed by the District and thus the District committed a child find violation. A district's obligation to evaluate a student, either through its child find or referral processes, is triggered when a district has reason to suspect a disability and reason to suspect that special education services may be needed to address that disability.

Here, the District stated that "screening tests and [S]tudent performance did not give us a reason to consider measures other than his 504. We had no reason to undertake a special education evaluation until [private evaluator's] report and [Parent's] request." The private evaluation, which was funded by the District, was completed in the fall of 2021 and diagnosed the Student with attention deficit/hyperactivity disorder (ADHD), anxiety, and a specific learning disability in math. The evaluation report made several recommendations, including that the Student would benefit

from specialized instruction in math concepts. The Parent noted the Student had a history of struggling with math and “[failed] out of math last year.”

Overall, the documentation does not support a child find violation. It is clear the Student had a disability and needed accommodations per his 504 plan. While it appears there were concerns with the 504 plan, these concerns are outside the scope of a special education complaint investigation. OSPI finds that it is credible that the private evaluation was the first indication that the Student might need more than accommodations and following this, as discussed above, the District followed initial evaluation procedures to determine if the Student was eligible for special education services. The documentation does not conclusively support that there was a known need for special education services prior to the private evaluation. OSPI finds no violation.

CORRECTIVE ACTION

STUDENT SPECIFIC:

None.

DISTRICT SPECIFIC:

None.

Dated this ___ day of April, 2022

Glenna Gallo, M.S., M.B.A.
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Special Education
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THIS WRITTEN DECISION CONCLUDES OSPI’S INVESTIGATION OF THIS COMPLAINT

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