

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 23-102

PROCEDURAL HISTORY

On June 29, 2023, the Office of Superintendent of Public Instruction (OSPI) received and opened a Special Education Community Complaint from the parent (Parent) of a student (Student) attending the Seattle School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, regarding the Student's education.

On June 29, 2023, 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 July 13 and 20, 2023, OSPI received the District's response to the complaint and forwarded it to the Parent on July 21, 2023. OSPI invited the Parent to reply.

On August 3, 2023, OSPI received the Parent's reply. OSPI forwarded that reply to the District on August 8, 2023.

On August 8, 2023, OSPI requested additional information from the Parent. OSPI received the information on August 18, 2023 and forwarded it to the District on the same day.

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

SCOPE OF INVESTIGATION

This decision references events that occurred prior to the investigation period, which began on June 30, 2022. These references are included to add context to the issues under investigation and are not intended to identify additional issues or potential violations, which occurred prior to the investigation period.

ISSUES

1. Did the District ensure that the Student's teachers and providers were informed of their responsibilities and had access to the March 2023 individualized education program (IEP) according to WAC 392-172A-03105?
2. Did the District implement the accommodations in conformity with the Student's IEP according to WAC 392-172A-03105 during the 2022–23 school year?

LEGAL STANDARDS

Provider Responsibility for Implementation: 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. Each teacher and

provider must be informed of their responsibilities under the IEP. 34 CFR §300.323(d)(1); WAC 392-172A-03105(3)(a).

IEP Implementation: A district must ensure it provides all services in a student’s IEP, consistent with the student’s needs as described in that IEP. 34 CFR §300.323; WAC 392-172A-03105. “When a school district does not perform exactly as called for by the IEP, the district does not violate the IDEA unless it is shown to have materially failed to implement the child’s IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a [student with a disability] and those required by the IEP.” *Baker v. Van Duyn*, 502 F. 3d 811 (9th Cir. 2007).

FINDINGS OF FACT

Background: 2021–22 School Year

1. During the 2021–22 school year, the Student¹ was a ninth grader who was eligible for special education services under the category of other health impairment.
2. In May 2022, the District reevaluated the Student. On May 22, 2022, the evaluation group met to review the evaluation report. The report, in part, stated:
[Student’s] disability of health impairment (typical migraines and atypical abdominal migraines) impacts her involvement and progress in the general education curriculum. During the periods of migraines, she can’t function as well, including missing months of school, unable to communicate well, including being nonverbal in the past. In addition to missing school, [Student] struggles with confidence, social skills, self-advocacy, anxiety, and perfectionism. Her disability adversely impacts her ability to commit basic functions in addition to attending school when migraines are present. Even when migraines are not present, she continues to require specially designed instruction in social/behavior skills.
3. On May 31, 2022, the team met to review the Student’s IEP. The IEP provided for an annual goal and specially designed instruction in the area of social/behavior. The IEP provided the following accommodations and modifications:
 - Access to directions in verbal and written form
 - Access to medications
 - Access to space to store classroom materials in classrooms
 - Access to water/food
 - Break larger assignments into smaller parts
 - Create a learning plan with case manager/sped staff upon reentry
 - Planner check ins with special education staff
 - Preferential seating
 - Provide copy of notes and/or study guides
 - Quiet area for sensory breaks
 - Quiet place to lay down when feeling unwell
 - Reduced lengths of assignments upon return to school
 - Rephrase test questions and/or directions

¹ The complaint decision references “they” and “their” when discussing the Student, which are the Student’s preferred pronouns. There are also uses of the pronoun “her,” utilized when quoting documents.

- Shortened assignments when shown Student’s understanding
 - Student selected break available
 - Utilize oral responses to assignments/tests when requested by Student
 - Modify assignments when Student is absent longer than 3 days
 - Take tests in a separate location
 - Allow breaks (during work, between tasks, during testing, etc.)
 - Extra time on tests/quizzes
 - Extra time to complete assignments (extended due date agreed by Student and teacher)
4. On June 22, 2022, the Student’s team met to discuss online options for the Student to re-learn missed instruction when the Student was absent from school for more than two consecutive weeks. The prior written notice that accompanied the meeting stated the IEP team tried to have the Student make up missed work at home with “modified assignments and independent learning using texts and videos.” The Student would take online classes to make up work. Their dual enrollment in an online program would continue during the 2022--23 school year.

2022–23 School Year

5. At the beginning of the 2022–23 school year, the Student was a 10th grader who attended a District high school. The Student continued to be eligible for special education services under the category of other health impairment and the May 2022 IEP was in effect at the time. The Student also had an individual health plan.
6. The Student’s schedule included the following courses:
- Focus (special education class)
 - Ethnic studies/world history 2
 - World literature
 - Advanced placement (AP) physics
 - AP computer science
 - Pre-calculus

According to the District, the Student was also enrolled in geometry as an online course. The online program was used for credit recovery and other needs.

7. According to the Parent, the Student’s team met on September 6, 2022, to discuss graduation requirements, the specially designed instruction the Student was receiving, and course load. The Parent stated that there was agreement to ensure regular contact with the Student, access to the curriculum during periods of absences, and a reentry plan to make up work. No prior written notice was found in the documentation.
8. On September 14, 2022, the 2022–23 school year began.
9. On October 26, 2022, the Parent emailed the Student’s case manager about the Student’s ongoing migraine and fatigue. The email stated, in part, “Thank you for having her teachers provide guidance on how to stay current in her learnings...”
10. On November 8, 2022, the Student’s case manager emailed the Parent that the Student was attending the special education class to “make some plans” when transitioning back to school.

The Parent replied, "We've been trying to do partial days, under the assumption she's improving, but this thing has a holding pattern, and now she's getting worse..."

11. On December 2, 2022, the Student emailed the language arts teacher, requesting more time to turn in an assignment that was completed. The teacher responded, stating where to submit the assignment.
12. From the end of October to mid-December 2022, the Student missed many days of school and when she did attend, she would sometimes need to go to the nurse's office to lie down because of migraines.
13. On December 16, 2022, the academic interventionist emailed the Student about how to make up assignments during winter break.
14. From December 19, 2022 to January 2, 2023, the District was closed for winter break.
15. On January 5, 2023, the Student emailed the language arts teacher about an assignment. The teacher responded about prioritizing new work as it came in and checking for new assignments. Throughout the 2022–23 school year, the Student regularly emailed the teachers about assignments and the teachers responded what the Student needed to make up.
16. On January 13, 2023, the IEP team met to discuss the Student's assignments, grades, and accommodations. The prior written notice that accompanied the meeting stated the Student's attendance had improved since last school year. She came to school during the first and second period but would have to rest in the nurse's office due to headaches. According to the notice, the Student had 20-plus absences in some classes and as a result, the Student had "missed some new learning concepts and therefore, her grade was affected." The team discussed the following proposals and outcomes:

Proposal	Decision
Regular communication regarding assignments and prioritizing when Student is out of school.	Not rejected. Her case manager sent out an email to her teachers for more regular communication and prioritizing when Student is out.
More assignments need to be exempt.	Not rejected. It is communicated to her teachers.
Investigate online physics course.	Contact academic dean and AP physics teacher. Waiting for response.
Learning materials are difficult to locate.	Communicated to teachers for better directions.
Needs communicated to substitute teacher.	Communicated to teachers.
Student encouraged to rest when needed.	Not rejected.

17. According to the District, after the IEP meeting, the case manager contacted the Student's teachers regarding the supports that were discussed. The case manager learned there was no online AP physics course, and the regular physics course was insufficient. The school offered tutoring in physics at school to the Student.
18. During the first two weeks of February 2023, the Student missed school because of their migraines. On February 14, 2023, the Parent emailed the case manager and each of the

Student's teachers, asking for a plan for reintegration. The language arts teacher responded with a list of assignments.

19. On February 15, 2023, another student requested an extension for an assignment for the Student and herself, which was approved by the language arts teacher. On the same day, the science teacher emailed the Student's case manager about the Student's plan to make up tests. The teacher stated:

[Student] and I discussed a plan to make up the unit tests and quizzes that are the most significant part of the course grade. The content is located on our One note Page and I am not receiving any kind of information or feedback about how [Student] is progressing with their preparation for taking any of the exams. I am not equipped to come up with a new plan without additional information. [Student] is receiving an I (incomplete) for first semester.

20. On February 16, 2023, the Student emailed the teachers "three things about me that can support my engagement and learning in your class." The Student stated knowing whether to do old or new work was both a trigger to feeling overwhelmed and a way to address it. The Student also stated that learning with context for the real world is helpful. The math teacher responded, asking if the Student had any concerns about the class and if there were any supports that the teacher could provide. The Student responded, "I don't have any concerns about your class, this was mostly just an assignment for Focus classroom with a template I filled in."

21. For the next week, the Student and teachers exchanged emails about assignments.

22. According to the District, the Student missed a significant amount of school in February and March because of migraines. The teachers provided the Student with some school work and suggestions on what to work on while the Student was at school.

23. On March 3, 2023, the Parent emailed the Student's case manager, stating, in part:

Based on how they looked last night, I don't anticipate [Student] will be in class today. This is to get them recovered over the weekend and try to get back on Monday. [Student] has been trying to do their coursework in bed, but has been struggling with some material. They have communicated with some of their teachers, and have made some progress with this, but more help is needed..

The Parent asked for assistance in the following areas:

- Language arts – "[Student] has been working on their essay, but word-finding is difficult in a migraine, and it's probably not the most productive use of their time when they're unwell."
- Physics – "They need help with some concepts that preventing them from progressing. We would like to get some kind of Teams meeting with teacher or tutor today. I understand that the tutor has library hours, but that doesn't help when you're stuck in bed."
- Pre-calculus – "They've done as much as they can, and have reviewed the Khan Academy materials, but are still stuck. We would like to get some kind of Teams meeting with teacher or tutor today."

On the same day, the case manager replied that the Student would need to contact the tutor directly. The history teacher also replied, stating the Student was excused from the week's assignments.

24. On March 7, 2023, the math teacher and Student exchanged emails about scheduling a meeting time.

25. On March 8, 2023, the Parent emailed the case manager and science teacher about the possibility of tutoring at home. The case manager replied:

This is a unique situation and I'm not exactly sure what a sustainable and appropriate solution is. As outlined below, online resources have been provided as well as lesson Power Points and practice worksheets with keys in One Note. Also, other teachers post assignments in either Schoology or One Note.

I have emailed you and [Student] about our tutor, [tutor] and provided his email address. Since we don't know when they are well enough to be online, they will need to reach out to him directly to set up a time to receive support during school hours. I have reached out to the district supervisor and College Board to seek guidance. [Science teacher] will create alternative assignments in lieu of missed lab items for them.

Please let me know if you would like to have a meeting to discuss this further.

26. On the same day, the Parent replied, "...We need help getting access to a teacher/tutor. Pointing her to the materials and telling her to teach herself on her own is not sufficient."

27. On March 9, 2023, the case manager emailed the Parent and stated she contacted all of the Student's teachers to "shorten priority assignments." When the Student was at school, the Student could work with the tutor. While at home, the Student could email the tutor directly to see if the tutor was available.

28. On March 26, 2023, the Parent emailed the case manager that the six-week timeline to complete assignments was impossible because of subsequent absences.

29. On April 20, 2023, the Student's team met to review the IEP. The "Team Considerations" in the IEP stated the strengths of the Student were completes work, asks questions, and prioritizes work when present at school. The IEP stated that tutoring at school was "working well so far" and the Student had private tutoring for the AP physics course. The IEP indicated that the Parent had concerns about the communication with District staff.

Regarding the progress toward the May 2022 social/behavior goals, the IEP stated:

For both goals, [Student] continued to make 'some progress.' In terms of self-advocating to see a school nurse, [Student] has been doing well monitoring her stamina level and checking in with the nurse to take a rest for a couple of periods in the middle of a day.

[Student's] teachers report that they have not been in class often, but when present, they are great. Teachers have been flexible with due dates and excusing daily work. It would be nice to hear from [Student] themselves to practice self-advocacy instead of emails from

their parents. All the learning materials including supplementary sources are posted on One Note and/or Schoology.

In AP Physics, [Student] has attended twice in semester 2 so far and it is very difficult to replicate in-person learning through online learning materials. [Student] reported 1 incomplete work so far but they need to start prioritizing semester 2 work.

The feedback from two of the Student’s general education was as follows:

Teacher	IEP Goal Feedback	Strengths	Recommended Supports/What worked and didn’t work when supporting [Student] after days of absences to catch them up
History teacher	[Student] has not checked in with me consistently since she has been out; like was stated by [science teacher], most communication came through parents. I did reach out to [Student] via email but did not hear back. Since returning to school, [Student] has engaged with the content as best as they can and engages with class discussion.	[Student] loves talking about things that interest them and they are very passionate about asexual identity and history within our queer world history class. They share out well in class discussions and work well in groups too.	Frankly, I have excused a significant amount of work for [Student] this year and have focused on engaging them in class when they are able to attend. I have prioritized major assignments that show skills, rather than smaller classwork that does not really matter grade-wise in the long run. I would say [Student] is better able to engage when that pressure is taken off them upon return.
Science Teacher	I have not heard from [Student] about completing the incomplete contract or about current work for the new semester. Most contact is coming through parents. I am unaware of what work is being completed due to lack of updates and no scheduling has occurred to complete the missing 1st semester assessments and the missing 2nd semester assessments.	When present, [Student] does complete work and asks questions they have about the content and prioritizing work.	I have yet to see [Student] in Second semester. I am unaware of what work from the priority list I have created is being attempted as I have limited to no contact about progress.

The team developed the following annual goal for the Student:

By 04/23/2024, when given an opportunity to advocate for themselves upon returning to school and/or when they are not feeling well [Student] will check-in with a teacher by asking clarifying questions (priority assignments, modify assignments, other resources to catch-up/where to find the resources, key learning targets) to create a learning plan/check-off sheet improving self-advocacy from 2 out of 5 opportunities as measured by gradebook, systematic observations.

The Student's IEP provided the following accommodations and modifications to the Student:

Accommodations

- Access to directions in verbal and written form
- Access to medications
- Access to space to store classroom materials in classrooms
- Access to water/food
- Break larger assignments into smaller parts
- Create a learning plan with a case manager/special education staff upon re-entry
- Planner check-ins with special education staff
- Preferential seating
- Provide copy of notes and/or study guides
- Quiet area for sensory breaks
- Quiet place to lay down when feeling unwell
- Reduce the length of assignments upon return to school
- Rephrase test questions and/or directions
- Shortened assignments when shown student's understanding
- Student-selected break available
- Utilize oral responses to assignment/tests when requested by [Student]

Modifications

- Response: Modify assignments when [Student] is absent longer than three days
- Setting: Take test in separate location
- Timing/Scheduling: Allow breaks (during work, between tasks, during testing, etc.)
- Timing/Scheduling: Extra time on tests/quizzes (50% more)
- Timing/Scheduling: Extra time to complete assignments (extended due data agreed by [Student] and teacher)

The Student's IEP provided specially designed instruction in the area of social/behavior for 280 minutes a week in a special education setting provided by the special education staff.

30. The prior written notice that accompanied the IEP meeting included the following concerns and decisions:

Proposals	Decisions
Student communicating with teachers.	Student will practice self-advocacy through email templates.
Missing most of AP physics and six weeks to make up work.	Longer time to make up incomplete assignments and date agreed to by Student and teacher.
Still taking the AP physics test.	Can take the test without participating in class.
No services hours completed.	Student will check out counselor's resources.
Interest in Running Start.	Student encouraged to find course not lab heavy and asynchronous course.
Student prefers taking elective over Focus (special education) class.	Team strongly encouraged Student to take Learning Lab where specially designed instruction is provided.

31. Regarding the six weeks to make up work, the District stated that "generally, students have six weeks to turn in missing work..." But the Student was granted extra time beyond the six weeks.

32. According to the District, the Student's teachers had access to the IEP and were informed of their responsibilities according to the Student's IEP. The Student's case manager stored the Student's IEP in a SharePoint folder that was available to all the Student's teachers. In addition, the case manager (for the 2022–23 school year) emailed the teachers about the IEP and the need for the IEP to be reviewed.
33. On May 4, 2023, the Parent emailed the case manager, requesting the Student's time in the special education classroom be devoted to catching up on assignments since the Student had a "significant backload of work." The Parent requested an explanation of how the specially designed instruction was helping the Student achieve her annual goals. The case manager responded by proposing a meeting with the Parent.
34. On May 22, 2023, the team met to discuss supplemental summer services for the Student. The prior written notice that accompanied the meeting stated the District offered assistance from a teacher to complete missing assignments one hour a day for four weeks during the summer 2023.
35. On June 19, 2023, the Student emailed the math teacher, requesting to meet to receive assistance in prioritizing assignments after the Student received them from the math teacher.
36. On June 20, 2023, the math teacher replied:
- I would love to meet with you and help you to get on task. However, I want you to show responsibility and submit your plan for missing work on your own by the end of the 6th period today. That's the only way that I would give you an "I" (incomplete). Unfortunately, I did not see that you make enough effort this semester and I have high expectation for my kids. I know you have very good conceptual understanding, and then I needed to see more effort since math is not a hard concept for [Student].
- I met with you even online which I was not supposed to do in a regular year; I did only to help you! I helped you one on one in class, but I need to see that you do care about your own learning as well.
37. The Student had an undated "[high school]-Incomplete Contract" for AP physics that stated the Student received a grade of "incomplete" for the first semester. The contract listed four assignments that needed to be completed within six weeks. The Parent responded that six weeks was "impossible" because of subsequent absences.
38. On June 29, 2023, the Parent emailed the case manager regarding the planning meetings with the Student and teachers. The Parent expressed concern about the quantity of information and the short time to consider it. The Parent stated, "It would be helpful if we can all agree that [Student's] agreement for each class is provisional because it may be once they have adequate time to assess the plan that further information or adjustments may be needed...."
- On June 29, 2023, the Parent filed the complaint with OSPI. The complaint alleged "the school has not been reliably providing accommodations as discussed in the IEP meetings and written plan...."

The complaint alleged the District failed to implement the IEP accommodations, specifically the accommodations for creating a learning plan and prioritization of assignments. The Parent pointed to the math teacher's June 20, 2023 email to the Student as evidence that the teachers did not know their IEP responsibilities and did not implement the accommodations.

39. The Parent later stated that other accommodations were not consistently implemented from October 2022 to early June 2023, but the Parent did not provide any specific incidents when the accommodations were not provided. The Parent stated home communications about directions were "erratic" and broken-down assignments were not "routinely" given. No learning plans with the Student and staff occurred or weekly check-ins with special education staff. Reduced assignments were "rarely provided" and test questions and directions were not rephrased because the Parent was the proctor at home. Shortened assignments and extra time to complete assignments were "not consistently done."

40. The Student's percentage of attendance at school during the 2022–23 school year was as follows:

- September 2022: 100%
- October 2022: 62.3%
- November 2022: 51.8%
- December 2022: 48.6%
- January 2023: 71.7%
- February 2023: 18.9%
- March 2023: 21%
- April 2023: 37.8%
- May 2023: 50.8%
- June 2023: 26%
- Overall: 48%

CONCLUSIONS

Issue One: Notification of IEP Responsibilities – The complaint alleged the Student's teachers were not notified of their responsibilities under the Student's IEP. A district is required to ensure that each teacher and provider has access to the student's IEP and are informed of their specific responsibilities related to implementing the IEP. The District denied the allegation.

The District stated the Student's IEPs was in a SharePoint folder that all the Student's teachers had access to. Regarding the April 2023 IEP, the Student's case manager emailed the teachers that the IEP should be reviewed. Although it is best practice that the District document that the teachers actually reviewed the IEP, the documentation, including the emails, showed the teachers were informed of their responsibilities under the Student's IEP. No violation is found.

Issue Two: Implementation of Accommodations – The complaint alleged the District failed to implement the Student's accommodations. A district must implement the special education services and accommodations in conformity with the student's IEP.

Here, the Student's May 2022 and April 2023 IEPs provided 21 accommodations and modifications, including a learning plan when returning to school, reduced assignments, planner check-ins, and extended time agreed to by the Student and teacher. Given the Student's circumstances, the need for accommodations was continual. The documentation showed that the District mostly implemented the accommodations as demonstrated by the emails, but there were also indications that the accommodations that were implemented by the teachers were not always

consistent with the IEP. The Student's "Incomplete Contract" for physics, for example, limited extended time to six weeks, which was not apparently agreed to by both the teacher and Student as called for in the IEP. Another example is the math teacher's June 2023 email to the Student that requested the Student come up with a plan for the teacher to approve. The accommodation in the IEP called for the plan to be done together with the Student and teacher or the case manager. Although the accommodations that were not implemented consistent with the IEP were exceptions, these instances had an impact on the Student and amount to a violation. The District will be required to ensure that the accommodations provided are consistent with the Student's IEP by providing written guidance to the Student's teachers and providers.

It should still be noted that the District made a considerable effort in addressing a difficult situation. Though no fault of the Student, the Student attended less than half of the school days during the 2022–23 school year (48%). The Student not only missed many assignments from the six rigorous courses the Student took, but also missed the instruction that the assignments were based on. The Student's absences were unpredictable as well as the Student's ability to do work at home. Even when attending school, the Student would spend time in the nurse's office because of the migraines, which led to missed instruction. The District attempted to provide general education instruction with accommodations. However, the accommodations do not appear to be well suited for the large number of absences. The District considered other ways that the Student could participate and complete her coursework, including providing a tutor and online classes. The Parent requested a tutor for the Student at home, but because of the prevalence of the migraines, a tutor would need to be on-call, ready to work with the Student when the Student was capable of receiving instruction, which presents a challenging situation for staffing. No doubt the Parent and the Student were frustrated with missing instruction and assignments, but even if the accommodations were perfectly executed, it is doubtful that the Student could learn all the necessary concepts in each of her six courses and keep up with all assignments given the number of absences caused by the Student's medical condition. OSPI recommends the Student's IEP team explore further ways the Student could engage with instruction and whether different accommodations and modifications are needed.

The Parent also alleged the teachers were not regularly contacting the Student to help with accessing and organizing materials and providing teacher support while the Student was at home with migraines. It was not unreasonable for the teachers to assume that if the Student was not attending school because of migraines, the Student would not always be capable of receiving assistance from the teachers while at home. Thus, it was reasonable that teachers were not always communicating with the Student and placing increasing demands on the Student. At times, the Student did communicate with the teachers about her capability to do some work at home and the teachers responded, although the April 2023 IEP showed there was not regular communication between the teachers and the Student. OSPI recommends the Student's IEP team reconsider additional options available to the Student, such as a reduced load, that may better meet the Student's abilities and needs in accessing the general education curriculum.

CORRECTIVE ACTION

By or before **September 8, 2023** and **September 29, 2023**, the District will provide documentation to OSPI that it has completed the following corrective action.

STUDENT SPECIFIC:

Written Guidance

By **September 22, 2023**, the District will ensure that the following individuals receive written guidance on the implementing the Student's accommodations: the school's special education staff and the Students general education teachers.

By **September 8, 2023**, the District will submit a draft of the written guidance to OSPI for review. OSPI will approve the guidance or provide comments by as necessary.

By **September 29, 2023**, the District will submit documentation that all required staff received the guidance. This will include a roster of the required personnel. This roster will allow OSPI to verify that all required staff members received the guidance.

DISTRICT SPECIFIC:

None.

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.

RECOMMENDATION

OSPI recommends the Student's IEP team explore further ways the Student could engage with instruction and whether different accommodations and modifications are needed and recommends the Student's IEP team reconsider additional options available to the Student, including a reduced load, that may better meet the Student's abilities and needs in accessing the general education curriculum.

Dated this 28th day of August, 2023

Dr. Tania May
Assistant Superintendent of 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.)