

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 24-37

PROCEDURAL HISTORY

On March 14, 2024, the Office of Superintendent of Public Instruction (OSPI) received and opened a Special Education Community Complaint (SECC) from the parent (Parent) of a student (Student) attending the Bethel School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or regulations implementing the IDEA.

On March 14, 2024, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District superintendent. OSPI asked the District to respond to the allegations made in the complaint.

On March 22, 2024, the District requested an extension of time to respond to the complaint, which was granted and extended to April 12, 2024.

On April 12, 2024, OSPI received the District's response to the complaint and forwarded the response to the Parent the same day.

On April 24, 2024, the Parent provided OSPI a written reply by email to the District response. OSPI forwarded the Parent's reply to the District on April 25, 2024.

On May 3, 2024, the District sent an additional response and documentation to OSPI. OSPI forwarded the response to the Parent on the same day.

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

ISSUES

1. Whether the District followed excusal procedures and/or had all required attendees at the December 4, 2023 individualized education program (IEP) meeting?
2. Whether, since December 2023, the District provided the Parent prior written notices in a reasonable time prior to the initiation of an action?
3. Whether the District appropriately responded to the Parent's requests for an IEP meeting in February 2024?
4. Whether, during the 2023–24 school year, the District followed restraint/isolation procedures if restraint or isolation was used as alleged by the Parent?

LEGAL STANDARDS

IEP Team Member Excusal: Parents and districts can agree in writing that an IEP team member's participation is not necessary and that the team member may be excused from attending an IEP meeting, in whole or part, if the team member's area of curriculum or related services is not being modified or discussed in the meeting. If the meeting involves a modification to or discussion of the team member's area of the curriculum or related services and the parties both consent in writing to the excusal of the team member, the excused team member must submit written input

into the development of the IEP in prior to the meeting. 34 CFR §300.321(e); WAC 392-172A-03095(5). As provided in 34 CFR §300.321(a)(2), the public agency must ensure that the IEP team includes “[n]ot less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment).” Neither the IDEA nor its implementing regulations require that an IEP team include more than one regular education teacher. Therefore, if an IEP team includes more than one regular education teacher of the child, the excusal provisions of 34 CFR §300.321(e)(2) would not apply if at least one regular education teacher will be in attendance at the IEP team meeting. *Questions and Answers on IEPs, Evaluations, and Reevaluations* (OSERS June 2010) (Question C-3).

Parent Request for IEP Meeting: When a parent or district believes that a required component of a student’s IEP should be changed and requests an IEP meeting, the district must conduct an IEP meeting if it believes that the change may be necessary to ensure the provision of FAPE. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,475, 12,476 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 20). The District must schedule the meeting at a mutually agreeable time and place, and appropriately invite the parent to the meeting. 34 CFR §§300.322 and 300.328; WAC 392-172A-03100. If a parent requests an IEP meeting because the parent believes that a change is needed in the provision of FAPE to the student or the educational placement of the student, and the school district refuses to convene an IEP meeting because no change is necessary for the provision of FAPE, the district must provide written notice to the parents of the refusal, including an explanation of why the district has determined that conducting the meeting is not necessary to ensure the provision of FAPE to the student. IDEA (Appendix A to 34 CFR Part 300, Question 20).

Prior Written Notice Timing: Prior written notice must be given to the parent within a reasonable time before the district initiates or refuses to initiate a proposed change to the student’s identification, evaluation, educational placement or the provision of a free appropriate public education. The Office of Special Education Programs (OSEP) has interpreted a “reasonable time” to be “at least 10 calendar days, although some fact situations were justify a more extended period of time.” OSEP has not addressed whether a shorter prior of time would be acceptable. *Letter to Winston*, 213 IDELR 102 (OSEP 1987). The purpose of providing prior written notice a reasonable time before the proposed or refused action is to “provide sufficient information to protect the parent’s rights under the Act.” *In re the Matter of Mercer Island School District*, OSPI Cause No. (WA SEA 2020) (quoting *Kroot v. District of Columbia*, 800 F. Supp. 976, 982 (D.D.C. 1992) (finding that “providing [prior written notice] and the final IEP proposing changes to be implemented the following school day, were not issued a reasonable time before the proposed initiation of the changes to the IEP. They were not issue before implementation except in the most minimal sense” and that the “virtual impossibility of filing a request for due process hearing in time to be legally entitle to stay-put (prior to the date of proposed implementation) underscores the inappropriateness of the issuance of the [prior written notice] and final IEP after 5:00 PM on the day before the proposed implementation date.”)

Isolation: Isolation as defined in RCW 28A.600.485 means: Restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include

a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavioral intervention plan. WAC 392-172A-01107.

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

Follow-up and Reporting Requirements: School districts must follow the documentation and reporting requirements for any use of isolation or restraint consistent with RCW 28A.600.485. Following the release of a student from the use of restraint or isolation, the school must implement follow-up procedures. RCW 28A.600.485; WAC 392-172A-02110.

FINDINGS OF FACT

1. At the start of the 2023–24 school year, the Student was eligible for special education services under the autism category. The Student was in the third grade, attended a District elementary school, and the Student's December 2022 IEP was in place.
2. The District's school year began on August 30, 2023.
3. On November 27, 2023, the District sent a meeting invitation to the Parent for an IEP meeting scheduled for December 4, 2023.
4. On November 29, 2023, the Parent accepted the IEP meeting time as indicated in the District contact log.
5. On December 4, 2023, the District provided the Parent an excused team member notice, stating the general education teacher would not be present at the IEP meeting with the stated reason as "no general education teacher available at the time", and stating the Parent approved of this prior to the meeting. The notice also stated that the speech language pathologist (SLP) did not attend the meeting with the stated reason as a "missed calendar invite". The excusal stated that the SLP contacted the Parent separate from the IEP meeting and entered draft goals into the IEP.
6. On December 4, 2023, the Student's IEP team met and developed a new annual IEP for the Student. The IEP included annual goals in adaptive behavior, communication, math, reading, social/emotional, writing, and communication as a related service, with progress reporting at the trimester. The Student's December 2023 IEP (and later February 6, 2024 IEP amendment) provided the Student with the following specially designed instruction and related services in a *special education setting*:
 - Adaptive: 300 minutes a week (to be provided by special education staff)
 - Communication: 300 minutes a week (to be provided by special education staff)
 - Math: 300 minutes a week (to be provided by special education staff)

- Reading: 300 minutes a week (to be provided by special education staff)
- Social/emotional: 300 minutes a week (to be provided by special education staff)
- Writing: 250 minutes a week (to be provided by special education staff)
- Communication: 30 minutes a week (to be provided by SLP)

The December 2023 IEP included 1,780 minutes per week of instruction in a special education setting out of 1,825 minutes per week of instructional time, and 2.47% in the general education setting. A general physical education (PE) class was added in February 2024 with the IEP amendment.

The December 4, 2023 IEP did not include an emergency response protocol (ERP), nor did the Student have a behavioral intervention plan (BIP).

7. On December 5, 2023, the District staff that missed the IEP meeting emailed the Parent with an apology and offer to meet online or by phone to discuss progress and goals for the IEP.
8. On January 3, 2024, the Parent requested a copy of the updated IEP and prior written notice (PWN). The District staff sent a copy, stating that they meant to send the IEP and PWN previously.
9. Also, on January 3, 2024, according to the District, District staff made first mention of an "isolation" of the Student in the sensory room for "escalated behavior". The District response included email communication between the Parent and District, detailing incidences and strategies used during break times in the sensory room and a statement from the District staff that a communication log will reflect if isolation is used.
10. A communication log, provided in the District response to this complaint, demonstrated communication between the school and Parent related to the Student's behavior. The log also included a handwritten request from the Parent for a copy of the current IEP dated the week of January 2, 2024, and District staff responding, "yes, totally meant to send it."
11. The communication log indicated references of "isolation" between January 3 and February 6, 2024, and frequent incidences of escalating behavior as follows:
 - January 3: The Student was in "isolation" due to escalated behavior after asking for two lunches.
 - January 22: The Student was in isolation with principal after escalation.
 - February 6: The Student was in isolation for fifteen minutes for not following directions.
12. In a January 3, 2024 email, the teacher explained the self-harming behaviors the Student had been exhibiting since coming back from winter break and stated that if the Student was highly escalated, she "will tell her its break time in the sensory room where I will sit with her while she tries to self harm, and a para will hold up a mat so other students don't watch. These usually last about fifteen minutes." The teacher stated she or other staff would place their hand between the wall or floor and the Student's head to provide a cushion and prevent the Student from hitting her head against the hard surface. Staff also utilized calming techniques, such as squeezing the Student's hands to provide pressure stimulation.

13. On February 14, 2024, the Parent emailed the District school level staff and requested restraint and isolation documentation for the Student for the current school year. The Parent sent a separate email, same day, requesting an IEP meeting to address changes to the IEP, behavioral concerns, and accommodations and supports.
14. The District response to this complaint stated that aside from the communication log, which references "isolation" in reference to the sensory break room, the District did not have any restraint and isolation documentation and notices to send to the Parent, in reference to the February 14, 2024 inquiry from the Parent.
15. On February 15, 2024, the District school staff responded and proposed a meeting for February 21, 2024.
16. On February 16, 2024, the Parent responded to the District email, proposing two dates for the IEP meeting and requesting that all mandatory IEP team members to be present. The IEP meeting was scheduled for February 27, 2024, and the Parent provided an online parent input form to the District staff.
17. On February 16, 2024, the Parent emailed the District a summary of a phone conversation with school staff, requested behavioral documentation, requested a functional behavioral assessment (FBA), and asked for specific information around when, why, and how often the Student is using the sensory room and how she is taken to that space.
18. On February 25, 2024, the District emailed the Parent an agenda for the IEP meeting scheduled for February 27, 2024, and invited recipients of the email to add to the agenda.
19. On February 27, 2024, the IEP team met to discuss the Parent's concerns and requests for an evaluation and safety plan. The team agreed to the Parent requests and suggestions and proposed to move forward with a FBA, BIP, and safety plan.
20. On February 29, 2024, the District provided the Parent a prior written notice, which outlined the conversations and decisions made in the IEP meeting.
21. On March 1, 2024, the Parent signed the consent form for the FBA.
22. The April 12, 2024, the District response to this complaint stated that failures on the part of the District have been related to new staff navigating IDEA timelines, procedures, or formal reporting requirements, but that these failures have not caused any deprivation of educational benefits for the Student, nor impacted the Parent's opportunity to participate in the decision-making process.
23. Regarding staff at the IEP meeting, the District stated, in the April 12, 2024 response, that the unscheduled absence of a general education teacher at the December 4, 2023 IEP meeting was permitted "when the parent and the district agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting, citing CFR 34 300.321(e)(1)." The District

stated that the then-current IEP provided no services in the general education setting, except for recess, lunch, and assemblies.

The District stated that the related-service provider was a required member of the IEP team and admittedly missed the meeting accidentally, following up with the Parent to update the IEP after the scheduled meeting, and in the summary of the District, rectifying any harm caused.

The District stated it could have prepared for the December 4, 2023 IEP meeting more effectively and communicated more clearly with the Parent regarding IEP member participation; however, the Student's services and goals were established by those responsible for the curriculum and instruction and the Parent agreed with the goals and accommodations established.

24. The District stated, regarding the prior written notices, that in some instances, the Parent did not receive a copy of the written prior written notice until "later". The District stated that the Parent participated in the IEP decision making process and the procedural errors around prior written notice has not deprived the Student of any educational benefit.

The District noted it has scheduled additional training for staff related to timelines and other IEP compliance issues, with the District concluding, no further remedy is necessary.

25. The District stated, in its response to issue three, regarding scheduling IEP meetings, that the Parent requested an IEP meeting on February 14, 2024, and the District responded the next day to schedule. The District and Parent agreed to meet and did meet on February 27, 2024. The District cited that although there is no formal requirement in state or federal law to convene an IEP meeting upon the request of a parent, a district is required to consider the "concerns of the parents for enhancing the education of their student" when developing an IEP. The District cited WAC 392-172A-03110(3)(a) and stated that there is no specific timeline to review and address lack of progress or information in an IEP with a parent. The District stated that it held the requested IEP meeting, incorporated the Parent input, and agreed to an IEP amendment and an FBA.

26. On issue four (isolation), the District stated, in the April 12, 2024 response, per the definition of isolation and behavior management techniques that here, utilizing the sensory room for brief periods of time and in a non-locked setting, which may include removing the Student from her peers, to prevent harm to the Student and others, are generally not considered isolation events.

The District stated that the strategies utilized by District staff refer to "blocking techniques utilized to prevent the student from hitting her head on the walls or floors, and to block and prevent physical violence towards other students, within the classroom" and stated, "These are events that last around 10-15 minutes until staff are able to distract or calm the student, and then the Student is able to return to instruction. At all times the Student has been with one or more adults."

At the same time, the District acknowledged the importance of providing formal notice of restraint and isolation events, and that if isolation or restraint techniques were used, it would be necessary to provide further process according to state law. Therefore, the District stated that while the District provides regular training or isolation and restraint for any staff member who may be required to engage in restraint or isolation, the District has already scheduled an additional training for staff related to isolation and restraint, including reporting and documentation requirements.

27. On April 24, 2024, the Parent provided a reply to the District response. The Parent alleged, in part, that the District did deny the Student educational benefit in that the Student was removed from class and placed in the "sensory room" with a mat blocking the exit or sent to an administrator's office. The Parent also stated that staff put hands on the Student while moving her to the isolation room, implying some sort of restraint was used.

CONCLUSIONS

Issue One: IEP Team Member Excusal – The Parent questioned whether the District followed excusal procedures and/or had all required attendees at the December 4, 2023 IEP meeting; the Parent alleged that the District did not provide a general education teacher at the IEP meeting.

State special education regulations require a district to ensure that the IEP team includes "[n]ot less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)." Districts must also follow excusal procedures, which note that parents and districts can agree in writing that an IEP team member's participation is not necessary and that the team member may be excused from attending an IEP meeting, in whole or part, if the team member's area of curriculum or related services is not being modified or discussed in the meeting. If the meeting involves a modification to or discussion of the team member's area of the curriculum or related services and the parties both consent in writing to the excusal of the team member, the excused team member must submit written input into the development of the IEP in prior to the meeting.

At the time of the December 4, 2023 IEP meeting, the Student was receiving all educational services in the special education setting. The District provided the Parent with the December 4, 2023 excusal document, on the morning of the IEP meeting. The District stated the Parent approved the absence of a general education teacher. And while the Parent appeared to agree at the time of the meeting, the Parent challenges this approval herein this complaint.

While the District included the general education teacher on the excusal form, per WAC 392-172A-03095, OSPI finds that the general education teacher may not have been a mandatory team member at this time as the Student was not participating in general education classes and the Student's classroom teacher (special education teacher) was present for the IEP meeting. And regardless, the documentation demonstrates that the District provided an excusal form to the Parent—albeit the same day just before the meeting—noting that a general education teacher and the SLP would not be present at the meeting. The SLP should have attended the IEP meeting; however, the Parent, at the time, did agree to excuse the SLP and the SLP contacted the Parent

separate from the IEP meeting and entered goals into the IEP. Overall, OSPI finds the District did follow excusal procedures and thus finds no violation.

Importantly though, the District acknowledges in the April 12, 2024 conclusion to issue one, that it could have prepared for the December 4, 2023 IEP meeting more effectively and communicated more clearly with the Parent regarding IEP member participation. Thus, OSPI strongly encourages the District to include this topic in the training ordered below.

Issue Two: Prior Written Notice – The Parent alleged the District failed to provide prior written notice in a reasonable time period prior to the initiation of an action. The District does not fully contest the factual allegations in this section and the District response concluded that the Parent did not receive a copy of the prior written notice until after the initiate date of the action, but stated that these errors did not deprive the Student of educational benefit.

Prior written notice must be given to the parent within a reasonable time before the district initiates or refuses to initiate a proposed change to the student's identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE).

OSPI finds that the District did not follow prior written notice procedures, providing prior written notice 30 days past the date of the IEP meeting and initiation date of the IEP and only at the request of the Parent, in violation of a reasonable time period prior to the initiation of the action.

The communication log demonstrated communication between school and the Parent on Student behavior, and included the Parent's handwritten request for a copy of the current IEP on the log dated week of January 2, 2024, with District staff responding, "yes, totally meant to send it." Following this, the District provided the Parent with the IEP and a copy of the prior written notice.

Here, the Parent participated and was involved in the development of the IEP, and thus there is no negative impact on the Parent's ability to participate. At the same time, procedural safeguards, including prior written notice procedures, as well as the excusal procedures discussed above, are a required and important section of IDEA. Even if there is no denial of FAPE, the District's failure to provide the prior written notice after the meeting but before the initiation of the action is in violation of special education regulations. The District will conduct training on this topic.

Issue Three: Parent's request for an IEP meeting – The Parent alleged the District did not appropriately respond to the Parent's requests for an IEP meeting in February of 2024. When a parent or district believes that a required component of a student's IEP should be changed and requests an IEP meeting, the district must conduct an IEP meeting if it believes that the change may be necessary to ensure the provision of FAPE. Documentation demonstrates that the Parent requested an IEP meeting on February 14, 2024, and the District responded the next day to schedule. The District and Parent agreed to meet on February 27, 2024, and an IEP meeting was held.

OSPI finds that the District appropriately responded to the Parent's request for an IEP meeting as the District held the requested IEP meeting, incorporated the Parent input, and agreed to an IEP

amendment and to conduct an FBA. Shortly thereafter, consent was obtained for the FBA. OSPI finds the District has appropriately considered the concerns of the Parent, resulting in a formal IEP amendment, and thus OSPI finds no violation.

Issue Four: Restraint/isolation procedures – The Parent alleged the District improperly used restraint and isolation when staff involuntarily “guided” the Student into a sensory room or principal’s office.

Isolation, as defined in RCW 28A.600.485 means: Restricting the student alone within a room or any other form of enclosure, from which the student may not leave. It does not include a student’s voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavioral intervention plan.

The District stated there was no restraint or isolation documentation or report forms because neither were used with the Student. The District stated it was using behavior management techniques and that using the sensory room for brief periods of time and in a non-locked setting, which may include removing the Student from her peers, to prevent harm to the Student and others was generally not considered isolation events. The District stated that while the special education teacher did use the term “isolation” in the communication logs, this was an incorrect use of the word “isolation.”

However, the Parent stated the Student was removed from class and placed in the “sensory room” with a mat blocking the exit or sent to an administrator’s office. The Parent also stated that staff put hands on the Student while moving her to the isolation room, implying some sort of restraint was used. In contrast, the District stated the staff used “blocking techniques utilized to prevent the student from hitting her head on the walls or floors, and to block and prevent physical violence towards other students, within the classroom.” The District also stated, “These are events that last around 10-15 minutes until staff are able to distract or calm the student, and then the Student is able to return to instruction. At all times the Student has been with one or more adults.” Emails from the teacher also supported that the teacher or other staff remained with the Student and that various strategies were used to help with calming and de-escalation. For example, the teacher would “tell her its break time in the sensory room where I will sit with her while she tries to self harm, and a para will hold up a mat so other students don’t watch.” The teacher stated she or other staff would place their hand between the wall or floor and the Student’s head to provide a cushion and prevent the Student from hitting her head against the hard surface. Staff also utilized calming techniques, such as squeezing the Student’s hands to provide pressure stimulation.

It is difficult to tell exactly what occurred during these incidents from the documentation as there are no behavior incident reports. It is clear that the Student was not voluntarily using a quiet space for self-calming. At this point, the Student did not have a BIP so the use of the sensory room was not “for purposes of carrying out an appropriate positive behavioral intervention plan”; although, the teacher and staff were trying various de-escalation and calming behavior strategies. Importantly, it is not clear that the Student was isolated as defined in the regulations as it does

appear staff were always with the Student and she was not “alone within a room or any other form of enclosure, from which the student may not leave.”

While an isolation may not have occurred, OSPI notes several concerns. First, it is not clear the staff understand what constitutes isolation, and perhaps restraint if they were moving the Student to the sensory area, given the teacher’s use of the term isolation in the communication logs. The communication logs, provided by the District list “isolation” on the log on multiple dates. This situation illustrates why this is important: isolation has a specific, regulatory defined meaning and can only be used when there is an imminent likelihood of serious harm and there are certain reporting and follow up requirements that must be carried out. If isolation is not used, then the use of that term can be confusing and potentially alarming to a parent, as it was here. The use of the term here also appears to have contributed to the Parent’s confusion over what behavior strategies were being used and whether these were meeting the Student’s needs.

Second, following winter break, the Student’s behaviors were escalating and that there were potentially new and unmet behavior needs. While the IEP team did agree to initiate an FBA and develop a BIP, this did not occur until the end of February 2024, only after the Parent requested an IEP meeting and an FBA. OSPI finds that the District likely should have scheduled an IEP meeting as early as late January, given the increased escalations and behavior needs.

The District acknowledged the importance of providing formal notice of restraint and isolation events, and that if isolation or restraint techniques were used, it would be necessary to provide further process according to state law. The District stated that while the District provides regular training or isolation and restraint for any staff member who may be required to engage in restraint or isolation, the District has already scheduled an additional training for staff related to isolation and restraint, including reporting and documentation requirements.

Thus, OSPI finds a violation based on the delay in addressing the Student’s behavior needs. OSPI also notes that there appeared to be a failure to clearly communicate to the Parent regarding whether isolation was used as evidenced by the communication logs. As corrective action, the District will provide OSPI documentation of the proposed training related to restraint and isolation, and the Student’s IEP team will meet to discuss and address her behavior needs, discuss the completed FBA—if not already discussed—and develop a BIP.

CORRECTIVE ACTIONS

By or before **May 24, 2024, June 14, 2024, August 9, 2024, and September 20, 2024**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC

IEP Meeting

By or before **June 7, 2024**, the Student’s IEP team, including the Parent, will meet. At the meeting, the IEP team must address the following topics:

- Review the Student’s FBA.

- Develop a BIP.
- Amend the IEP as needed to address any other behavior needs, strategies, supports, or services.

By or before **June 14, 2024**, the District will provide OSPI with the following documentation: a) any relevant meeting invitations, b) a prior written notice, summarizing the IEP team's discussion and decisions; c) the IEP if amended; d) the FBA and BIP; and e) any other relevant documentation.

DISTRICT SPECIFIC:

Training

The District, in cooperation and collaboration with a non-District employee (e.g., the ESD or other trainer), will develop and conduct training on the below topics. The District will provide the trainer with a copy of this decision, SECC 24-37.

The training will cover the following topics:

- IEP meeting procedures, including team membership requirements and IEP meeting excusal procedures.
- Prior written notice, including timing requirements, prior written notice purpose, and District process and procedures around sending prior written notice.
- Restraint/isolation: Including imminent likelihood of serious harm, procedures, documentation and reporting/follow-up requirements, and behavior management strategies to reduce or avoid the need for restraint or isolation.

Note: The District indicated it had already scheduled restraint and isolation training; thus, if this portion is already scheduled as a separate training, the District is welcome to either combine all the topics into one training or procedure with two separate trainings.

The following District staff will attend the training: the principal, assistant principal, special education certified staff (teachers) and special education paraeducators at the Student's school.

The training will include examples.

By or before **May 24, 2024**, the District will notify OSPI of the name of the trainer and provide documentation that the District has provided the trainer with a copy of this decision for use in preparing the training materials.

By or before **August 9, 2024**, the District will submit a draft of the training materials for OSPI to review. OSPI will approve the materials or provide comments by August 23, 2024.

By **September 13, 2024**, the District will conduct the training regarding the topics raised in this complaint decision.

By **September 20, 2024**, the District will submit documentation that required staff participated in the training. This will include 1) a sign-in sheet from the training, and 2) a separate official

human resources roster of all staff required to attend the training, so OSPI can verify that all required staff participated in the training.

The District will submit a completed copy of the Corrective Action Plan (CAP) Matrix, documenting the specific actions it has taken to address the violations and will attach any other supporting documents or required information.

Dated this 13th day of May, 2024

Dr. Tanya 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.)