

SPECIAL EDUCATION COMMUNITY COMPLAINT (SECC) NO. 24-73

PROCEDURAL HISTORY

On May 23, 2024, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Community Complaint from the parent (Parent) of a student (Student) attending the Rochester 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 May 23, 2024, OSPI placed the complaint investigation in abeyance pending the outcome of due process No. 2024-SE-0070, filed by the Parent regarding the same issues alleged in the complaint.¹

On July 2, 2024, OSPI received notice that 2024-SE-0070 was dismissed and restarted the complaint investigation. OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District superintendent on July 3, 2024. OSPI asked the District to respond to the allegations made in the complaint.

On July 3, 2024, the District requested an extension of time to respond to the complaint. OSPI granted the extension to July 26, 2024.

On May 30 and July 10, 2024, OSPI received additional information from the Parent, raising an additional complaint issue. On July 11, 2024, OSPI added the issue to the investigation, notified the District, and asked the District to respond.

On July 25, 2024, 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 August 8, 2024, OSPI interviewed the Parent.

On August 9, 2024, OSPI requested that the District provide additional information, and the District provided the requested information on August 12, 2024. OSPI forwarded the information to the Parent 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 interviews.

¹ If a written complaint is received that is also the subject of a due process hearing under this chapter or contains multiple issues, of which one or more are part of that hearing, OSPI must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. WAC 392-172A-05035.

ISSUES

1. Whether the District provided the Student a free appropriate public education (FAPE), specifically whether the District implemented the Student's individualized education program (IEP) during the 2023–24 school year?
2. Whether, during the 2023–24 school year, the District followed discipline procedures outlined in WAC 392-172A-05140?
3. Whether the District follow IEP development procedures and allowed the Parent an opportunity to participate in IEP meetings during which accommodations were removed from the IEP?

LEGAL STANDARDS

IEP Implementation: At the beginning of each school year, each district must have in effect an individualized education program (IEP) for every student within its jurisdiction served through enrollment who is eligible to receive special education services. A school district must ensure it provides all services in a student's IEP, consistent with the student's needs as described in that IEP. 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 student'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).

Disciplinary Removal Generally: When a district removes a student from school for disciplinary reasons, it must make sure that the removal is consistent with state laws and regulations governing discipline for all students. 34 CFR §300.530; WAC 392-172A-05140. The procedural rules for the discipline of students who are eligible for special education are based on four general principles: (1) a student eligible for special education's placement should not be changed through discipline for behavior that is a result of his or her disability; (2) a student eligible for special education may be disciplined for behavior that is not a result of his or her disability, but only in a manner that is consistent with the discipline imposed on nondisabled students without disabilities; (3) during a period of discipline, a student eligible for special education should continue to receive services that will allow him or her to progress in his or her education; and (4) when a student's disciplinary removal from school is significant enough to amount to a change in educational placement, additional procedural requirements apply. *See generally* WAC 392-172A-05140 through 05175.

Disciplinary Removals – No Change of Placement: School districts may remove a student eligible for special education who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten consecutive school days to the extent those alternatives are applied to students without disabilities, or for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under WAC 392-172A-05155. 34 CFR §300.530(b)(1); WAC 392-172A-05145(2)(a).

IEP Development: When developing each student's IEP, the IEP team must consider the strengths of the student, the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, and the academic, developmental, and functional needs of the student. 34 CFR §300.324(a). WAC 392-172A-03110.

IEP Development for a Student with Behavioral Needs: In developing, reviewing, and revising each student's IEP, the team must consider the use of positive behavioral interventions and supports and other strategies to address the student's behavior. 34 CFR §300.324(a)(2); WAC 392-172A-03110(2). This means that in most cases in which a student's behavior impedes his or her learning or that of others, and can be readily anticipated to be repetitive, proper development of the student's IEP will include positive behavioral interventions, strategies, and supports to address that behavior. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,475, 12,479 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 38). If an IEP team determines that they would be appropriate for a child, a functional behavioral assessment (FBA) and behavioral intervention plan (BIP) must be used proactively. *Questions and Answers on Discipline Procedures* (OSERS June 2009) (Question E-1 and E-2).

Parent Participation in IEP Development: The parents of a student with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their student. This is an active role in which the parents: (1) provide critical information regarding the strengths of their student and express their concerns for enhancing the education of their student; (2) participate in discussions about the student's need for special education and related services and supplementary aids and services; and (3) join with the other participants in deciding how the student will be involved and progress in the general curriculum and participate in State and district-wide assessments, and what services the agency will provide to the student and in what setting. IDEA, 64 Fed. Reg. 12,472, 12,473 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 5).

Parent Participation in IEP Meetings: A school district must ensure that one or both of the parents of a student eligible for special education are present at each IEP team meeting or are afforded the opportunity to participate, including: (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) Scheduling the meeting at a mutually agreed on time and place. The notification must: (a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and (b) Inform the parents about the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student. If neither parent can attend an IEP team meeting, the school district must use other methods to ensure parent participation, including video or telephone conference calls. 34 CFR §300.322; WAC 392-172A-03100.

Parental participation in the IEP and educational placement process is central to the IDEA's goal of protecting the rights of students with disabilities and providing each student with a FAPE. The regulatory framework of the IDEA places an affirmative duty on agencies to include parents in the IEP process. When a public agency is faced with the difficult situation of being unable to meet two distinct procedural requirements of the IDEA, in this case parental participation and timely annual review of the IEP, the Supreme Court and the 9th Circuit have both repeatedly stressed the vital

importance of parental participation in the IEP creation process. Delays in meeting IEP deadlines do not deny a student FAPE where they do not deprive the student of any educational benefit. *Doug C. v. State of Hawaii*, 61 IDELR 91 (9th Cir. 2013); *Shapiro v. Paradise Valley Unified Sch. Dist.*, 317 F.3d 1072, 1078 (9th Cir. 2003); *Amanda J. v. Clark Cnty. Sch. Dist.*, 267 F.3d 877, 887 (9th Cir. 2001).

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. 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).

FINDINGS OF FACT

1. At the start of the 2023–24 school year, the Student was eligible for special education services under the category of other health impairment, was in the sixth grade, and his April 2023 individualized education program (IEP) was in effect.
2. The District's 2023–24 school year began on September 5, 2024.
3. The Student's April 2023 IEP indicated the Student's behaviors impeded his learning and the learning of others, and included behaviors such as, "screaming, loud and continuous exaggerated laugh, elopement, being unsafe with materials near others, throwing chairs, etc." The IEP included annual goals in math (showing work), social skills (identify the frustration and coping strategies), and behavior (on task behaviors), with progress reporting at the quarter. The IEP provided the Student with the following specially designed instruction:
 - Math: 15 minutes, 4 times a week (to be provided by a special education teacher in the general education setting)
 - Social Skills: 15 minutes, 4 times a week (to be provided by a special education teacher in the general education setting)
 - Behavior: 15 minutes, 4 times a week (to be provided by a special education teacher in the general education setting)
 - Behavior: 15 minutes, 4 times a week (to be provided by a special education teacher in the special education setting)
4. The Student's class schedule was as follows:
 - Period 1: Special education setting based on Student need; taught by the special education teacher/case manager with paraeducator support; "[Student] received the following minutes of

- specially designed instruction in behavior and social skills 60 minutes per week (as well as one to one support for other classes)."
- Period 2: General education setting; taught by the general education teacher with support from the case manager; no specially designed instruction provided in this class.
 - Period 3: General education setting; taught by the general education teacher with support from the special education teacher and paraeducator; "[Student] received the following minutes of specially designed instruction in Math subject 272 minutes."
 - Period 4-7: General education setting; taught by the general education teacher with some paraeducator support; no specially designed instruction provided in these classes.

The District clarified that in first period, the Student received 60 minutes of specially designed instruction in a special education setting per week and that 120 minutes of specially designed instruction in social skills and behavior was provided in the Student's other classes, which were co-taught classes in a general education setting.

5. In her complaint, the Parent alleged the Student was "constantly removed from his learning environment" and sent to "P5 [a portable], given lunch detention, or suspended." The Parent alleged the Student was not receiving instruction and is "failing almost all of his classes."
6. From September through December 2023, the Student had the following disciplinary incidents:
 - September 27 and October 2: Lunch detention for inappropriate language
 - October 10: Lunch detention for being disrespectful and disruptive
 - October 16: Lunch detention for unsafe behavior
 - October 17: In school suspension for being disrespectful to another student
 - October 25: Lunch detention for being disruptive and using inappropriate language
 - November 2: Lunch detention for not following instructions
 - November 3: Lunch detention for being disruptive
 - November 6 and 8: Lunch detention for being disruptive and not following instructions
 - November 9: Lunch detention for failure to cooperate and not following directions
 - November 16: Lunch detention for not following cellphone rules
 - November 17: Lunch detention for being disruptive
 - November 21: Lunch detention for disrespectful language and in school suspension for failure to cooperate and being disruptive
 - December 6: Lunch detention for inappropriate language
 - December 7: Lunch detention for not being safe
7. The District was on break from December 15, 2023 through January 2, 2024.
8. Text messages from between January 19 and 25, 2024, indicate the case manager and school counselor attempted to connect with the Parent and schedule a meeting. Ultimately, a meeting was scheduled for January 31, 2024.
9. Emails from January 29 and 30, 2024, indicate the Parent asked about therapy and the District stated the school counselors would follow up.

10. On January 30, 2024, the principal emailed the Parent, noting the Parent had requested an IEP meeting, that the annual IEP meeting would be in April 2024, and stating he would check in with the case manager about scheduling a meeting sooner.

The Parent responded and stated in a further email that the Student's IEP was not being implemented and that a few teachers "ignoring" the IEP. The principal responded that if concerns arose, the Parent could let him or the case manager know and they would look into it.

In further emails, the Parent raised the following concerns, in part:

- The Student being "constantly" removed from classes due to talking.
- That the goals were not being met and "extra attention" was not being provided in math.
- That the school was not meeting the Student's emotional needs or needs in social situations.
- The Parent expressed concern with the Student's English teacher, and stated she did not want the Student to be in that English class.
- The Parent stated that teachers had reached out to her and did not know how to work with a Student with ADHD, which was how she knew the "[IEP was] not being met."

11. On January 31, 2024, according to District documentation, there was a "[S]tudent concern meeting" with the Parent, following the Parent's requests for a meeting. According to documentation, the Parent "wanted to talk about why [the Student] was getting kicked out of class from one teacher. She requested a document that would show what was happening in class" and the case manager "set up a document that explained what he does in each class." The District stated that teachers filled out this document and the case manager sent it to the Parent. Notes from the meeting indicate they discussed concerns with the Student being sent out of class and his work refusal behaviors.

12. Regarding concerns about the Student's social/emotional well-being, the District's response included a letter to the Parent from the "Student Support Team," which described concerns and in part discussed interventions being provided, such as frequent check-ins, specially designed instruction in social and behavior, learning about expected versus unexpected behaviors, and "ongoing support throughout the day to reinforce positive and expected behaviors." The letter recommended referring the Student for mental health counseling services through an organization the District had a partnership with.

A later email indicated that one of the mental health counseling providers met with the Student and the Student declined the support, saying "nah, I'm good."

In additional information, the District provided:

[Mental health provider] is provided free of charge for families that qualify and the staff are housed in the school buildings. If this [S]tudent did not qualify for free services, we would have worked with the family to determine alternative options...

[Mental health counseling]...was discussed by a student concern team (including Mom-see notes) to see if there were additional supports that would benefit this [S]tudent. The team was looking at factors to determine how to provide the best support for the student prior

to a Functional Behavior Assessment. The team felt reviewing mental health was an important step. Mom and Grandma said it would be the student's decision as to whether or not he would participate in [provider's] support.

13. Following the meeting on January 31, 2024, the case manager emailed the Parent regarding scheduling an IEP meeting, which was ultimately scheduled for April 24, 2024. The case manager stated the Parent was okay with the April meeting date.
14. In January 2024, the Student had the following disciplinary incidents:
 - January 8: Lunch detention for being disrespectful to another student
 - January 16: Lunch detention for inappropriate language
 - January 29: Classroom removal for being disruptive
 - January 30: In school suspension for being disrespectful and disruptive
15. On February 23, 2024, the Parent emailed the principal and stated that she missed the Student's IEP meeting "due to the fact I was given a day but not a solid time."
16. In an interview, the Parent stated that she made multiple requests for an IEP meeting and at one point was offered an IEP meeting on February 7, 2024. The Parent stated that she was never provided confirmation of that date or what time the meeting would be at; however, on February 7, 2024, the school called her and stated they were holding the IEP meeting and wanted to know where she was. The Parent stated she did not attend this meeting, as it was too late to attend at that point, and she did not know if the District staff proceeded.
17. On February 27, 2024, the Student was involved in a verbal altercation. The Parent expressed concern that the other student faced no repercussions, while the Student received a lunch detention.

The principal stated he would look into the situation and call the Parent. In a further email, the Parent expressed concern that "nothing has changed" since the earlier meeting they had, although the Parent acknowledged that the English teacher "stopped kicking [Student] from her classroom." The Parent expressed concern that the Student had been trying to catch up on missed work, but his grades had not changed, his "mental health is suffering," and his "IEP needs aren't being met."

18. On February 28, 2024, the special education teacher emailed the Parent and asked if April 24, 2024 would work for the Student's annual IEP meeting.
19. In February and March 2024, the Student had the following disciplinary incidents:
 - February 6: Lunch detention for "inappropriate language"
 - February 27 and 29: In school suspension for one period and lunch detention for "inappropriate language"/being disrespectful to another student
 - March 4: Lunch detention for "failure to cooperate"
 - March 6: In school suspension for "inappropriate language"
 - March 13: In school suspension for one period for "inappropriate language"
 - March 15: In school suspension for "misconduct"
 - March 20: Classroom removal for disruption

20. Emails from April 16, 2024, indicate the Student was having some behavior challenges on the bus. The Parent expressed concern that this was the first she was hearing of this and expressed concern that the Student was not being treated fairly.

In an interview, the Parent provided more information related to her concerns around the Student's behavior needs. The Parent stated that frequently, the District reported concerns to her after the fact and did not seem to want to work with her to come up with solutions. The Parent stated she requested IEP meetings, but that the team never really discussed behavior strategies and supports. The Parent stated she felt like the District was just punishing the Student and removing him from his learning environment instead of providing behavior support and instruction. The Parent stated she did not recall anyone from the District mentioning doing a functional behavioral assessment (FBA) or developing a behavioral intervention plan (BIP).

21. On April 23, 2024, the District emailed the Parent a draft copy of the Student's annual IEP.
22. On April 24, 2024, the Student's IEP team met. The District stated the IEP team discussed accommodations and that the Parent had the opportunity to provide input into and feedback on the IEP. The District response included a "parent input form" the parent filled out. In part, the form included strengths and Parent concerns, which included "grades and lack of support and follow through from the school."

Meeting notes indicated the team discussed the Student's iReady testing scores (sixth grade in reading and fifth grade level in math) and discussed goals. The notes indicated the group "unanimously" agreed on goals, and then stated the "accommodations and modifications page is covered next."

The prior written notice from the email indicated the Parent "was able to attend" and that the "IEP team agreed on all Goals, Accommodations, and Modifications." The notice indicated the Parent shared concerns about the Student's grades and that the team talked about the Student being on time for class and using time in his first period class to get missing work done.

23. The April 2024 IEP included annual goals in math (correctly solving math problems), behavior (start work and stay on task), and social skills (identifying and using strategies to cope with frustration), with progress reporting at the quarterly. The IEP indicated the Student's behaviors, at times, impede his learning and the learning of peers. The Student's IEP provided the Student with the following specially designed instruction in a *general education setting*:
- Math: 272 minutes a week (to be provided by a general education teacher)
 - Social Skills: 30 minutes a week (to be provided by a special education teacher)
 - Behavior: 30 minutes a week (to be provided by a special education teacher)

The IEP included the following accommodations:

- Encourage student to let adult know when they need additional time
- Graphic organizer to organize work for math problems
- Multiplication table

- Preferential seating per teacher request
- Separate setting
- Shortened assignments (half the amount of problems) if effort is shown
- Special transportation is required
- Staff will monitor on task behavior in class and redirect if loss of focus
- Staff will provide reminders of behavioral expectations and school safety rules
- Structured and consistent classroom routine

The IEP indicated the Student would spend 100% of his time in the general education setting; however, also stated the Student was enrolled in a "special education math and social class due to his need for specially designed instruction in this area."

24. The Parent alleged that the District removed accommodations from the Student's IEP, without the IEP team discussing the accommodations.

In an interview, the Parent stated she does not remember what all was discussed during the meeting because she was sick, but does remember that the meeting felt very rushed and that the case manager would make statements and ask if the Parent agreed, "yes or no." The Parent stated she did try to ask questions, but that the team never discussed the accommodations.

The Parent stated she was concerned that the accommodation for noise canceling ear buds were removed because the Student gets easily distracted and overstimulated. Additionally, she was concerned that the accommodation for "Preferential seating to limit auditory/visual distractions and to receive reminders and only became preferential seating for the teacher."

25. Based on a comparison of the April 2023 and April 2024 IEP accommodations page, the accommodation for "noise reducing ear buds when classroom environment is too loud or overstimulating" was removed and changes were made to the preferential seating accommodation. The April 2023 IEP included "preferential seating with frequent reminders for task completion" and "preferential seating: quiet work space/or space to limit visual & auditory (noise) distractions during instruction and independent work times," in addition to "Preferential seating per teacher request."

26. Regarding the length of the IEP meeting and Parent participation, the District stated in its response that the Parent was given the opportunity to participate and did participate in developing the Student's IEP, and that the Parent did not state "when she called about not coming in that she was ill or wanted to reschedule" the IEP meeting. The District stated that the Parent telephoned the school and stated she could not attend the IEP meeting and in response, the District gave her the option to participate via Zoom or reschedule the meeting. The District stated the Parent participated via Zoom and provided a Zoom log, showing the Parent's attendance.²

² The Parent, in an interview, stated that she told the District she was sick and that she wanted to reschedule and that the District stated they would either proceed without the Parent or that the Parent could join via Zoom. The Parent stated she felt pressured into attending via Zoom.

The IEP meeting lasted approximately 16–17 minutes, and the District stated that this was “definitely not typical for IEP meetings,” although the meeting length can depend on parent participation. The District stated, “Mom was asked questions multiple times throughout the meetings but did not have much input.”

27. In April and May 2024, the Student had the following disciplinary incidents:

- April 8: Classroom removal for disruption
- April 11: Lunch detention for leaving class without permission
- April 15: In school suspension for one period and lunch detention for “misconduct”
- April 22: Lunch detention and a write up for “failure to cooperate” (follow instructions, expectations)
- April 23: Lunch detention for “failure to cooperate”
- April 24: In school suspension one period for classroom disruption, disrespectful to other students, failure to follow instructions
- April 29: In school suspension/lunch detention for “failure to cooperate”
- April 30: In school suspension
- May 6: In school suspension for “misconduct,” lunch detention/classroom removal for “not being safe”
- May 8: Lunch detention for “not being safe”
- May 9: Lunch detention
- May 13: In school suspension for inappropriate language
- May 16: Half-day suspension/classroom removal for classroom disruptions, not following expectations (notes indicate staff worked with the Student on a math assignment during the classroom removal)

28. On June 7, 2024, the District emailed the Parent to clarify which accommodations she was concerned about. The District stated no response was received. In addition, regarding the Parent’s allegation that the IEP was not being followed, the District stated that it attempted to get more information from the Parent regarding her concerns and the Parent did not provide clarity.

29. The District provided statements from the case manager, describing how she worked with the Student and various supports provided, including:

- “To help with homework completion we tried a reward system. For every assignment, he completed he would get a...point that he could spend in the...store. He also had 1:1 help, one to two times a week in his first-period class to help with any assignment. He would not get his work out or his Chromebook out most of the time (complied approximately 1x per month). He said he would do the work at home.”
- “Every Wednesday he was given a printed progress report for all academic content areas with a list of the missing assignments. He was to give it to his mom to look at. He was to bring it back the next day; I [case manager] have not received one back. I also sent out a Remind message letting the parent know that the student was given a progress report and to please sign it...[For example] ‘Progress Reports were sent home today. Please sign them and have your student bring them in tomorrow. Tomorrow we will be doing missing work in 1st period class. Please talk to your student about using this time to catch up on missing work.’”
- “In his service area in Math, he is given a weekly progress report and missing assignments listed on the paper. In his Math class, he has four staff members in the class that help him. Two of the

staff members are certificated and one of those certificated staff members is a Special education teacher. In that class, he is also given all the supplies he needs to do his work. Direct instruction is given on how to organize math steps."

- "We have encouraged the [S]tudent to let the adult know when they need time. (Student has not requested additional time)."
- "We redirected focus when he was not focused on the work...I see him in two class periods and have to redirect between 1-10 times per class period."
- "We have provided reminders written and verbal of classroom expectations and safety rules."
- "In his first class, our focus has been on how to handle social and academic settings. The class has done individual work as well as group work on these items. We have worked through how to handle different emotions and strategies to help in different settings."
- "At the beginning of the year (trial ran for...approximately 8 weeks) a reward system that was connected to behavior...The system was successful for approximately 2 weeks and then he told me that he did not like a reward system. We then tried multiple other systems and he said that he would not do it."
- "We have a check-in system each morning which entails talking about any write-up(s) that happened the day before and problem-solving a better way to handle situations. [Student] tends to actively listen for a short period of time; The typical response received is 'My bad.' The other items that may be included in the discussion are gauging his willingness to learn for the day and giving him the opportunity for him to voice if there are questions/concerns."
- "Multiple redirection in class so that he would stay in class. Redirects for [Student] look like 'Do you need help with the assignment?...Does the assignment make sense?' If [Student] has his head down then we might tap the desk first (non-verbal) and if that doesn't work then we might verbally try to get his attention. A redirect might be a reminder of classroom expectations or requesting that he take a break (this might include a walk)."

In addition, the District provided documentation of dates throughout the school year that the Student received 1:1 support in classes; information about social emotional and behavior lessons and instruction; works samples of the Student's work on social-emotional lessons; documentation from an observation the assistant principal did of the case manager's classroom and the math class; a detailed description of instruction and support provided in the Student's math class, including accommodations provided, such as preferential seating, check-ins, 1:1 instruction, small group instruction, multiplication chart, separate settings for tests, prompting, use of visuals, and reteaching of foundational concepts. The information about the math class noted that generally, the Student was able to give correct answers verbally and that his goal was to work on showing his work on paper, which he made progress on.

Documentation from the Student's first period class indicated the Student received instruction on:

- Managing emotions, specifically dealing with anger and various strategies
- Happiness, positive aspects of situation
- Sadness and coping mechanisms
- Fear, sources and physical reactions, overcoming fears, celebrating courage and bravery
- Strategies for maintaining calmness, managing emotions
- Unit on frustration, grounding techniques to manage frustration, mindfulness and calming, practicing positive responses

- Goal setting, personal growth
- Studying big and small problems, problem solving
- Confidence
- Jealousy and feelings of exclusion, reframing
- Anxiety, coping strategies, relaxation techniques
- Flexible thinking
- Responding to mistakes
- Accountability, consequences, responsibility, personal growth

30. In an interview, the Parent clarified that she felt like the Student's needs were not being met and that the IEP was not being implemented when the District removed the Student from his classroom for being a "distraction" and sent him to a "portable unit."

31. The District response contained documentation of messages from the case manager, notifying the Parent when progress reports were sent home (weekly). These progress reports included information about grades and missing work.

District provided grade reports, which included the following, for Quarters 1–4 respectively:

- Period 1 (Warrior Way): A, C, B+, F
- Period 2 (English): F, F, F, F
- Period 3 (Math): C+, D, F, F
- Period 4 (History): C, D, F, F
- Period 5 (Science): A, C-, D, F
- Period 6 (PE): B, C, F, F
- Period 7 (Art, Tech): C+, D, D+, C

Comments indicated off task behaviors in English and PE, grades based on modified curriculum in math and history, that the Student generally participated in science, and noted work refusal or lack of work completion in classes.

With respect to progress on his IEP goals, the District provided the progress reports, which stated with respect to the April 2023 goals between June 2023 and April 2024:

- Math: Student made emerging skill and insufficient progress
- Behavior: Student made emerging skill and insufficient progress
- Social Skills: Student made emerging skill and insufficient progress

With respect to progress on his April 2024 goals, a June 2024 progress report indicated the Student made either insufficient progress or was at the emerging skill level on all goals.

32. There were references throughout the documentation provided in this investigation to the Student refusing to engage in work. The description of instruction and support provided in math class noted the Student was absent "quite a bit" and that he did not make up work, despite assignments with video instruction being available on Google classroom.

Attendance records indicate the Student had 36.42 absences (27.14 excused and 8.28 unexcused) during the school year and was late to 13 periods.

33. Regarding the Student being removed from class, the District stated in its response that the Student was “removed from class when he was extremely disruptive to the learning of others or extremely inappropriate in his words or actions.” The Student was provided the opportunity to go to another location at school to complete work and work on his social and behavior skills.

The District stated the Student received less than eight days of suspension and received significant support with his behavior. The District also provided the following information about addressing the Student’s behaviors:

- “Any time there is a disruption in class, it was encouraged that staff talks to him directly which looks like: 1st time- a quiet prompt, 2nd time - asked to step outside class to take a break (teacher check-in), 3rd time- requested to work in portable 5 (alternate location).”
- “If it was a minor disruption he was talked to at his desk and refocused. If it was a major behavior he would be asked to step outside the classroom or go to the reset room...The protocol has been, that if he is sent to the alternate location, his work goes with him. He is given instructions on how to do the work. If I [case manager] have a concern about something he has said or written I have talked to the school counselor...and we determined if she needs to do a check-in or call mom to do a follow-up. We have done the check-ins and phone calls to mom and grandma.”

In additional information, the District noted that the team discussed conducting an FBA and planned to start one in the fall of 2024. The District stated the Student had “regular one to one support, behavior instruction in his [first period] class, a daily tracking form with feedback, and additional support.” In response to a question from OSPI regarding the regularity of lunch detention, in school suspension, and being removed from class, the District stated the “school team regularly considered additional strategies to support the student. Administration worked on positive interactions, check-ins, relationship building, support with schoolwork, and resolution related to behavior.”

34. The District’s school year ended on June 13, 2024.

35. In an interview, the Parent stated that she had enrolled the Student in an online school for the 2024–25 school year and did not plan to have the Student attend school in the District. The District confirmed that the Student had been withdrawn from the District.

CONCLUSIONS

Issue One: IEP Implementation – The Parent alleged the District was not implementing the IEP and meeting the Student’s needs, particularly when the Student was removed from class for being a “distraction” and sent to a “portable unit.”

A district must ensure it provides all services in a student’s IEP, consistent with the student’s needs as described in that IEP. 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 student’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.

April 2023 IEP: The Student's April 2023 IEP included the following special education services, weekly: 60 minutes per week of math and 120 minutes of social skills/behavioral in the general education setting and 60 minutes of behavior instruction in the special education setting.

The Student's schedule included that he received 60 minutes of specially designed instruction in behavior and social skills, in his first period class, which was taught by a special education teacher in a special education setting. Documentation provided by the District included information about the social emotional and behavior lessons and instruction, and work samples, including information indicating the Student received specially designed instruction on managing emotions (anger, fear, jealousy, anxiety, frustration) and learned about problem solving and various strategies (overcoming, celebrating courage/bravery, calming, mindfulness, positive response, grounding techniques). All of these topics related to the Student's goal areas in social skills (identify the frustration and coping strategies) and behavior (on task behaviors). The Student received his behavior instruction in the special education setting.

Regarding social skills and behavior instruction in the general education setting, the schedule initially provided by the District did not reflect that the Student received specially designed instruction in behavior/social emotional in his general education setting classes. However, in clarifying information, the District stated that the 120 minutes of specially designed instruction were provided in the Student's other classes, which were co-taught classes in a general education setting. However, the provision of specially designed instruction in these other classes is more difficult to assess. The Student received the more direct specially designed instruction in behavior and social emotional in his first period class (special education setting), discussed above. However, the District did provide documentation of dates the Student received 1:1 instruction (although the class or subject matter was not specified) and the District noted that in the Student's second and third (math) period classes, the case manager provided support, and in periods four–seven, some paraeducator support was provided.

The District also provided descriptions of how behavior/social emotional instruction was provided; however, not all of the information reflected the provision of specially designed instruction. For example, the reward system appears to be a behavior support; assignment completion support could potentially involve some specially designed instruction, but it is unclear on how that included the provision of behavior/social emotional instruction; and reminders and redirections appear to be accommodations. Only the daily check-in system, with working through problem solving, reflects the provision of instruction. Thus, overall, OSPI finds that it is likely the Student was provided some social emotional and behavioral instruction in the general education setting, the investigation does not show the Student was provided 120 minutes of social emotional and behavioral instruction in the general education setting weekly. Over the course of the year, this amounts to a material failure to implement this part of the IEP and thus, OSPI finds a violation. The District will provide the Student with compensatory education.

Regarding math, the Student's schedule reflected enough class time for the Student to receive 60 minutes period week of specially designed instruction. In addition, the District provided a detailed description of instruction and other support provided in the Student's math class, including accommodations provided, such as preferential seating, check-ins, 1:1 instruction, small group

instruction, multiplication chart, separate settings for tests, prompting, use of visuals, and reteaching of foundational concepts. The information about the math class noted that generally, the Student was able to give correct answers verbally and that his goal was to work on showing it work on paper, which he made progress on. Thus, OSPI finds the Student received specially designed instruction in math.

April 2024 IEP: The Student's annual IEP was developed in April 2024, and provided the Student with the following specially designed instruction in a *general education setting*:

- Math: 272 minutes a week (to be provided by a general education teacher)
- Social Skills: 30 minutes a week (to be provided by a special education teacher)
- Behavior: 30 minutes a week (to be provided by a special education teacher)

OSPI notes that, here, regarding social skills and behavior instruction, this could be accomplished in the first period class and as discussed above, the District provided detailed documentation supporting how specially designed instruction was provided in that class.

However, OSPI does note one concern that indicates the April 2024 IEP was not being implemented as *written*. The IEP indicates that services will be provided in a general education setting and that the Student will spend 100% of his time in the general education setting; however, the Student's first period class was in the special education setting and the IEP also noted the Student had a "special education math and social class." So, while specially designed instruction in social skills and behavior were provided, they were not being provided in the setting outlined in the IEP. Further, regarding the math class, all of the other documentation in the complaint indicates this was a general education setting class; so again, while specially designed instruction in math was being provided, the IEP was internally inconsistent. As such, OSPI finds a violation as the April 2024 IEP was not being implemented in the setting outlined in the IEP.

Educational Benefit & Compensatory Education: In her complaint, the Parent alleged the Student was "constantly removed from his learning environment" and thus, the Student was "failing almost all of his classes." Based on the Student's grades and progress reports, the Student was struggling despite receiving specially designed instruction—the Student's grades steadily declined over the school year and his progress reports indicated he made insufficient progress or remained at the emerging skill level on all goals.

Documentation throughout the complaint indicated the Student struggled with off-task behaviors, work refusal, and lack of work completion. Concerns were also raised about inconsistent attendance. All of this likely negatively impacted the Student's grades and progress. However, as discussed further below, it is not clear these concerns were timely or fully addressed by the IEP team. The IEP team did not meet before the annual IEP meeting in April 2024 to address concerns. And while the District describes how redirections and check-ins were provided to help the Student focus, given the consistent lack of progress, it does not seem as though the staff considered changing instructional strategies or behavior supports, whether a reevaluation or FBA was necessary, or whether different or increased specially designed instruction and/or related services would have been beneficial.

Thus, given the violations here and the clear impact on the Student's progress, even considering the Student's off-task behavior and work refusal, compensatory education is warranted. The Student likely received some but not the full weekly 120 minutes of social emotional and behavior instruction in a general education setting between September 2023 and April 2024. Accounting for school breaks, dates the Student had excused absences, and the fact the Student likely received some instruction in these areas in general education, OSPI orders the District to provide 20 hours of compensatory education in behavior and social emotional.

Issue Two: Discipline Procedures – The Parent alleged the Student was regularly removed from class and not provided instruction.

When a district removes a student from school for disciplinary reasons, it must make sure that the removal is consistent with state laws and regulations governing discipline for all students. The procedural rules for the discipline of students who are eligible for special education are based on several general principles, including that a student eligible for special education's placement should not be changed through discipline for behavior that is a result of his or her disability; and, that during a period of discipline, a student eligible for special education should continue to receive services that will allow him or her to progress in his or her education. Districts may remove a student eligible for special education who violates a code of student conduct from his or her current placement to another setting or suspension, for not more than ten consecutive school days to the extent those alternatives are applied to students without disabilities, or for additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.

The documentation provided and reviewed in the complaint indicated the Student exhibited a pattern of behavior, including being disruptive, using inappropriate language, being disrespectful, and at times unsafe. Discipline documentation showed that the Student largely received lunch detentions, "classroom removals," and in-school suspensions. There was one instance of a half-day suspension/classroom removal, but otherwise, the removals generally were for a class period or two. The District stated that the Student was only removed from class when he was "extremely disruptive to the learning of others or extremely inappropriate in his words or actions." And the District stated, and disciplinary documentation showed, that the Student was provided the opportunity to go to another location at school to complete work and work on his social and behavior skills. Based on the District's response and documentation, the Student received less than eight days of suspension; thus, the Student's placement was not changed via discipline. The District followed discipline procedures and OSPI finds no violation.

Issue Three: IEP Development & Parent Participation – The Parent stated that the IEP team removed accommodations from the Student's IEP at the April 2024 IEP meeting without discussion, that the IEP team did not address her concerns regarding the Student's behavior and needs, and that generally, she was prevented from fully participating in the development of the Student's IEP.

IEP Meeting Requests: 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. The District must schedule the meeting at a mutually agreeable time and place, and appropriately invite the parent to the meeting. 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.

In January 2024, the Parent requested that the IEP team meet; for example, the principal emailed the Parent, noting the Parent had requested an IEP meeting, that the annual IEP meeting would be in April 2024, and stating he would check in with the case manager about scheduling a meeting sooner. Ultimately, a meeting was scheduled for January 31, 2024; however, the District noted this was not an IEP meeting, it was "Student concern meeting". At the January 31, 2024 meeting, the Parent and District staff did discuss the Student getting removed from class and discussed setting up a daily communication to communicate about the Student's needs, behaviors, and progress. According to the District, they discussed potential mental health counseling for the Student at this meeting.

According to the District, the IEP meeting was ultimately scheduled for April 24, 2024. The case manager stated the Parent was okay with the April meeting date. However, the Parent stated that an IEP meeting was offered on February 7, 2024, but that the Parent was not provided confirmation of that date or what time the meeting would be held. And then, on February 7, the Parent stated the school called her and said they were holding the IEP meeting and wanted to know where she was. The Parent stated she did not attend this meeting, as it was too late to attend at the point they called her. There was no documentation provided by the District of a meeting held on this date.

Overall, it appears that there was some confusion about the February meeting and an IEP meeting was eventually scheduled for April 2024. However, given the Parent's requests for an IEP meeting in January and the concerns about behavior, progress, and mental health the Parent was raising, the IEP team likely should have met earlier than April 2024. While it is important to note the District was responsive to the Parent's concerns with the January 2024 "Student concern meeting;" given the concerns raised, this merited a discussion by the Student's full IEP team or the District should have provided the Parent with prior written notice as to why it believed an IEP meeting was not necessary at that time.

April 2024 IEP Development: When developing each student's IEP, the IEP team must consider the strengths of the student, the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, and the academic, developmental, and functional needs of the student. The team must also consider the use of positive behavioral interventions and supports and other strategies to address the student's behavior. This means that in most cases in which a student's behavior impedes his or her learning or that of others, and can be readily anticipated to be repetitive, proper development of the student's IEP will include positive behavioral interventions, strategies, and supports to address

that behavior. If an IEP team determines that they would be appropriate for a child, an FBA and BIP must be used proactively.

Here, OSPI notes several concerns with the April 2024 IEP. First, the IEP decreased the Student's instruction in social skills and behavior from three hours a week to one hour a week despite the fact that the Student's progress reports reflected the Student making insufficient progress on all his goals and the clear pattern of behaviors that was emerging, that as discussed above, seemed to be largely addressed through pulling the Student out of class and by discipline (lunch detention, in-school suspension). There was no explanation of the decision to decrease the social skills and behavior instruction by two thirds, and this does not seem to be supported by the Student's specific data and needs.

Aside from the decrease in specially designed instruction, it was not clear that the team timely considered conducting an FBA or BIP. The Student's April 2023 IEP indicated that the Student had behavior needs that impact his learning and the learning of others. Between September 2023 and May 2024, the Student exhibit consistent behavior challenges and received discipline for inappropriate language, being disrespectful and disruptive, failing to cooperate/follow directions, and for being unsafe on at least 41 days. As discussed above, these disciplinary actions did not ultimately result in a change of placement via discipline as the majority were lunch detentions and some in-school suspensions/classroom removals. The District was trying to address the Student's behaviors: the Student was provided 1:1 support, morning check-ins and problem solving with the case manager, prompts, and redirections and the District described that:

- "Any time there is a disruption in class, it was encouraged that staff talks to him directly which looks like: 1st time- a quiet prompt, 2nd time - asked to step outside class to take a break (teacher check-in), 3rd time- requested to work in portable 5 (alternate location)."
- "If it was a minor disruption he was talked to at his desk and refocused. If it was a major behavior he would be asked to step outside the classroom or go to the reset room...The protocol has been, that if he is sent to the alternate location, his work goes with him. He is given instructions on how to do the work. If I [case manager] have a concern about something he has said or written I have talked to the school counselor...and we determined if she needs to do a check-in or call mom to do a follow-up. We have done the check-ins and phone calls to mom and grandma."

And the District stated in additional information provided to OSPI that the "team" discussed conducting an FBA and planned to start in the fall of 2024; however, the Parent stated she did not recall this ever being discussed. It is not clear whether the IEP team discussed this, but regardless, given the clear pattern of behaviors that emerged throughout the 2023–24 school year, it is surprising that the IEP team did not see the need to conduct an FBA sooner, even given the behavior supports being provided to the Student. The FBA could have taken a more detailed look and collected data on what impact the current behavior supports were having and informed a potentially stronger behavior plan for the Student. Overall, the IEP developed does not appropriately address the Student's behavior needs.

Second, as discussed above, the IEP is internally inconsistent, stating that the Student will spend 100% of his time in the general education setting and then also stating that the Student's math and social classes are special education settings. This may have just been a typo or an error but

given the Parent's concerns around the length of the meeting and her opportunity to participate, it does not seem like this IEP was thoroughly reviewed.

Overall, given the decrease in behavior/social emotional instruction in the April 2024 IEP, which does not align with the data about the Student's needs; the other inconsistencies in the IEP; and the delay in both holding an IEP meeting and considering an FBA and BIP, even given the clear pattern of behavior, OSPI finds the April 2024 IEP was not properly developed and did not provide the Student a FAPE.

April 2024 IEP Meeting & Parent Participation: Finally, the parents of a student with a disability are expected to be equal participants along with school personnel, in developing, reviewing, and revising the IEP for their student. This is an active role in which the parents: (1) provide critical information regarding the strengths of their student and express their concerns for enhancing the education of their student; (2) participate in discussions about the student's need for special education and related services and supplementary aids and services; and (3) join with the other participants in deciding how the student will be involved and progress in the general curriculum and participate in state and district-wide assessments, and what services the agency will provide to the student and in what setting. Parental participation in the IEP and educational placement process is central to the IDEA's goal of protecting the rights of students with disabilities and providing each student with a FAPE. The regulatory framework of the IDEA places an affirmative duty on agencies to include parents in the IEP process.

OSPI notes several concerns regarding Parent participation and the April 2024 IEP meeting. First, while there is some disagreement over what was communicated and when, the Parent stated she was sick on the day of the IEP meeting, that she telephoned the school, and stated she would not be able to attend the meeting. The District gave the Parent the option to participate via Zoom or reschedule the meeting. The Parent stated she was told that she could attend via Zoom or they would proceed with the meeting without her, and the Parent stated she felt pressured to attend via Zoom. Ultimately, the Parent did attend the meeting via Zoom and thus had the opportunity to participate to some degree. OSPI reminds the District that if a parent is sick and unable to attend an IEP meeting, the team should consider rescheduling and notes that when a public agency is faced with the difficult situation of being unable to meet two distinct procedural requirements of the IDEA, in this case parental participation and timely annual review of the IEP, the Supreme Court and the 9th Circuit have both repeatedly stressed the vital importance of parental participation in the IEP creation process. Delays in meeting IEP deadlines do not deny a student FAPE where they do not deprive the student of any educational benefit. So, while this alone does not represent a violation since the Parent attended the meeting, there are other concerns.

Given the discussion above regarding the concerns with the substance of the IEP, the fact that the IEP meeting was only about 16 minutes long, is also concerning. Even the District stated that this was "definitely not typical for IEP meetings," although the meeting length can depend on parent participation. Given the inconsistencies within the IEP and the decrease in behavior supports that do not seem to be supported by Student need—and the fact that the Parent had been raising concerns related to the Student's behavior needs for several months—the fact that the IEP

meeting was so short indicates the team did not thoroughly discuss the Student's present levels, goal areas, services, and needed supports, accommodations, and modifications. The District argued that the Parent had the opportunity to participate and "was asked questions multiple times throughout the meetings but did not have much input." Again, while the Parent may have been present in the meeting, as discussed above, the IEP was not appropriately developed regardless.

Finally, the Parent raised a concern that accommodations were removed from the Student's IEP without team discussion. The meeting notes stated the "accommodations and modifications page" was covered during the meeting and the prior written notice stated, "that the "IEP team agreed on all Goals, Accommodations, and Modifications." In an interview, the Parent stated she does not remember what all was discussed during the meeting because she was sick, but does remember that the meeting felt very rushed and that the case manager would make statements and ask if the Parent agreed, "yes or no." It is likely that the IEP team at least mentioned the accommodations and modifications but given the overall length of the meeting and the lack of in depth discussion on other areas of the IEP, it is not clear how detailed the discussion of accommodations was. Importantly, the Parent did not seem to notice that accommodations had been removed until after the IEP meeting when the Parent raised concerns. Thus, it is likely these accommodations were removed from the IEP without the IEP team fully discussing removing accommodations.

Overall, OSPI finds that the April 2024 IEP meeting, while it afforded the Parent the opportunity to be present, did not sufficiently ensure the Parent could fully participate given the length and rushed nature of the meeting. And further, the April 2024 IEP was not properly developed and did not provide the Student a FAPE. As corrective action, the District will undergo training. Related to this violation, no Student specific corrective actions are warranted as the Student is no longer enrolled in the District; however, if the Student reenrolls, OSPI expects the District to promptly schedule an IEP meeting and develop an IEP for the Student that provides FAPE.

CORRECTIVE ACTIONS

By or before **September 20, 2024, October 11, 2024, November 22, 2024, December 2, 2024, February 21, 2025, and April 25, 2025**, the District will provide documentation to OSPI that it has completed the following corrective actions.

STUDENT SPECIFIC:

Compensatory Education

By or before **September 13, 2024**, the District and Parent will develop a schedule for 20 hours of compensatory education in social emotional and behavioral.

Unless otherwise agreed to by the District and Parent, services will be provided by a certified special education teacher or related service provider. Services may be provided in a 1:1 setting or a group setting, if appropriate. Services will be provided outside the Student's school day and can be schedule on weekends, over District breaks, or before or after school. The compensatory services can be provided through a District program or a community program like a camp that

addresses behavior and social skills. The District will provide OSPI with documentation of the schedule for services by or before **September 20, 2024**.

If the District's provider is unable to attend a scheduled session, the session must be rescheduled. If the Student is absent, or otherwise does not attend a session without providing the District or provider with at least 24 hours' notice of the absence, the session does not need to be rescheduled. The services must be completed no later than **April 18, 2025**.

The District must provide OSPI with an update on the amount of compensatory services provided to the Student by providing documentation on **December 2, 2024** and **February 21, 2025** of the compensatory services provided to the Student at that point. This documentation must include the dates, times, and length of each session, and state whether any of the sessions were rescheduled or missed by the Student. By or before **April 25, 2025**, the District must provide OSPI with documentation that it has completed compensatory services for the Student.

The District either must provide the transportation necessary for the Student to access these services or reimburse the Parent for the cost of providing transportation for these services. If the District reimburses the Parent for transportation, the District must provide reimbursement for round trip mileage at the District's privately-owned vehicle rate. The District must provide OSPI with documentation of compliance with this requirement by **April 25, 2025**.

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 24-73.

The following District staff will receive training: District special education administrators and the following at the Student's 2023–24 school year school: principal, assistant principal, special education certified staff (teachers), general education teachers who have students with IEPs in their classes, and paraeducators. The training will cover the following topics:

- IEP Meeting Scheduling: Responsibility to respond to parent requests for meetings, prior written notice when IEP meetings are not scheduled, and best practices around considerations for rescheduling IEP meetings or providing alternative avenues for participation.
- Parent participation: Legal requirements and best practices for facilitating parent participation.
- IEP Development: Requirements to address behavior needs with proactive positive behavior interventions and supports; Requirement to base IEP decisions on student need and student-specific data.

The training will include examples.

By or before **September 20, 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 **October 11, 2024**, the District will submit a draft of the training materials for OSPI to review. OSPI will approve the materials or provide comments by October 18, 2024.

By **November 15, 2024**, the District will conduct the training regarding the topics raised in this complaint decision.

By **November 22, 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.

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 29th day of August, 2024

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.)