

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Bellevue School District

Docket No. 11-2024-OSPI-02412

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND FINAL ORDER**

Agency: Office of Superintendent of
Public Instruction

Program: Special Education

Cause No. 2024-SE-0165

SUMMARY OF DECISION

This is a summary of the decision. Please read the entire decision to fully understand the result. The right to appeal this decision is explained near the end.

1. The Bellevue School District did not violate the Individuals with Disabilities Education Act and did not deny the Student a free appropriate public education.
2. The Parent is not entitled to any relief. His requests for relief are DENIED.

STATEMENT OF THE CASE

Due Process Hearing

A due process hearing was held before Administrative Law Judge (“ALJ”) Marek E. Falk by videoconference on March 25, 2025, and in person on July 10, 2025 and October 13, 2025 through October 15, 2025, at the Bellevue School District. The Parent of the Student whose education is at issue¹ appeared and represented himself. The Bellevue School District (“District”) appeared and was represented by Shannon McMinnimee, attorney at law, on March 25, 2025, and by Lynette Baisch, attorney at law, on all later hearing dates. Also present for the District on all dates were Kristin Lierheimer, District Director of Special Education, and Maureen Lutz, District paralegal. On July 10, 2025, Jack Haskins, Porter Foster Rorick law clerk observed the hearing. On October 13, 2025 through October 15, 2025, Kalina Spasovska, Porter Foster Rorick associate attorney, observed the hearing.

¹ To ensure confidentiality, names of parents and students are not used.

Procedural History

Mr. Parent filed a due process hearing request (“Complaint”) on November 15, 2024. The case was assigned to ALJ Donald Dowie at the Washington State Office of Administrative Hearings (“OAH”). The District filed a response on November 18, 2025.

ALJ Dowie held prehearing conferences on December 11, 2024; January 3, 2025; and February 3, 2025. On February 11, 2025, ALJ Dowie issued a prehearing order that stated the issues for hearing, the Parent’s requested remedies, the hearing dates, and the exchange deadline.

On March 11, 2025, the case was transferred to ALJ Falk. The hearing was held on March 25, 2025; July 10, 2025; and from October 13, 2025 through October 15, 2025. An order setting the due date for the District’s post-hearing brief was issued on October 16, 2025.²

Due Date for Written Decision

At the District’s request, the deadline for a written decision was extended to 30 days after the record of the hearing closed. The record of the hearing closed on November 14, 2025, at 5:00 p.m., the deadline for the District to submit its post-hearing brief. The due date for a written decision is December 14, 2025.

EVIDENCE RELIED UPON

Exhibits Admitted:

District’s Exhibits: D1–D17; D19; D23–D25; D28–D29;
Declaration of Kamila Tomaszewski.³

Parent’ Exhibits: P1–P8; P11.⁴

Witnesses Heard:

Mr. Parent (the Student’s Father)
Amy Trescott, District Speech Language Pathologist

² At the close of the hearing, Mr. Parent chose to give an oral closing statement, with the knowledge that giving an oral closing statement would replace his option to file a post-hearing brief.

³ D23 and D24 were admitted only for the limited purposes of providing background and context.

⁴ Citations to the exhibits of record are by party (P for Mr. Parent and D for the District), exhibit number, and page number. For example, a citation to “P6, p1” refers to page 1 of Parent’s Exhibit 6. Citations to the transcript of record are to “T” followed by the page number and the witness’s last name (or Parent for Mr. Parent). For example, “T214 (Parent)” refers to the Parent’s testimony from page 214 of the transcript.

Kristen Lierheimer, District Special Education Director
Sarah “Sally” Sue McDonald, District Special Education Director
Jocelyn Alexander, Principal, Bellevue High School
Baily Cornell, District Special Education Teacher
Kamila Tomaszewski, District Special Education Teacher
Breanna Werth, District Occupational Therapist
Maureen Wilbert, District Special Education Teacher
Kathryn Haasch, District Speech Language Pathologist

ISSUES

The issues for hearing, as set forth in the Prehearing Order Setting Hearing and Other Deadlines, dated February 11, 2025, are as follows:

1. Whether the District violated the Individuals with Disabilities Education Act (“IDEA”) and denied the Student a free appropriate public education (“FAPE”) during the 2023–24 and 2024–25 school years by failing to:
 - a. Provide at least 60 minutes per week of services from a speech language pathologist;
 - b. Provide occupational therapy services to the Student;
 - c. Inform the Parent about implementation of modifications contained within the Student’s individualized education program (“IEP”) and the reasons therefore;
 - d. Allow the Parent control over implementation of modifications contained within the Student’s IEP;
 - e. Provide instruction designed to allow the Student to make meaningful progress toward social emotion goals in problem solving;
 - f. Provide specially designed instruction in socialization and communication skills (including problem solving and interpersonal conflict);
 - g. Provide specially designed instruction in adaptive, communication, and social emotional skills;
 - h. Deliver all of the adaptive, communication, and social emotional services called for in the Student’s IEP;

- i. Provide speech language pathologist services as required by the IEP;
 - j. Provide specially designed instruction in math in a general education setting;
 - k. Provide specially designed instruction in math to allow the Student to make meaningful progress toward math goals; and
 - l. Provide the Parent with a full and fair opportunity to participate in the drafting of the IEP.
2. And, whether the Parent is entitled to his requested remedies:
- a. That any modifications within the Student's IEP be implemented only with the Parent's consent.
 - b. A third-party audit of how the District has taught math to the Student and recommending improvements.
 - c. A revision to the Student's IEP eliminating personal hygiene as a subject to be taught and increasing emphasis on problem-solving, communication and conflict skills throughout the school year.
 - d. Compensatory education in math.
 - e. Speech language pathology services throughout the school year.
 - f. Instruction throughout the school year in adaptive living and social-emotional skills, including problem-solving.
 - g. Requiring the provision of occupational therapy be added to the IEP.
 - h. To the extent necessary, a reevaluation of the Student by the District.

FINDINGS OF FACT

In making these findings of fact, the logical consistency, persuasiveness, and plausibility of the evidence have been considered and weighed. Where a finding of fact adopts one version of a matter on which the evidence is in conflict, the evidence adopted has been determined to be more credible than the conflicting evidence.

Background

1. The Student is [REDACTED].⁵ He lives with both his parents.⁶ Mr. Parent is a [REDACTED]
[REDACTED]⁸ Mr. Parent has no training in kindergarten through twelfth grade education, speech language pathology (“SLP”), or occupational therapy (“OT”).⁹
2. The Student is currently in twelfth grade at Bellevue High School in the District, during the 2025–2026 school year.¹⁰ During the two school years of 2023–2024 and 2024–2025, the Student attended Bellevue High School for tenth and eleventh grades, respectively.¹¹
3. The Student has received special education services since he was in preschool.¹² When he transferred to the District in 2017, while he was in the third grade, the District found him eligible for special education services under the category of autism.¹³ The District has continued to find the Student eligible under the same category through to the 2025–2026 school year.¹⁴
4. The Student is a learner who is hard working, respectful, well-behaved, and wants to do well.¹⁵ His teachers and District administrators describe him as kind, polite, sweet, positive, delightful, and wonderful to work with.¹⁶
5. The Student has “significant cognitive and language deficits.”¹⁷ He “struggles with communication with peers, comprehension of the class material, and multi step directions. He requires frequent reminders and prompts to stay on task, starting an assignment, and with more open-ended tasks.”¹⁸ The Student is not consistently able

⁵ D1, p5.

⁶ T84–86 (Parent).

⁷ T79.

⁸ T79, T81 (Parent).

⁹ T83 (Parent).

¹⁰ T390 (McDonald); T921 (Parent).

¹¹ D13; D15.

¹² D1, p5.

¹³ D1, p5.

¹⁴ D1, p5; D2, p3; D3, p3; D4, p3; D5, p3; D7, p2; D10, p3.

¹⁵ T257 (Trescott); T891 (Haasch); D1, p42; D6, p16.

¹⁶ T707 (Werth); D7, p16; T257–58 (Trescott); T891 (Haasch); T389–90 (McDonald).

¹⁷ T257 (Trescott).

¹⁸ D6, p16.

to report events from the recent past accurately.¹⁹ His media interests tend to be items geared at younger children, such as Peppa Pig, Sophia the First, and Kidz Bop.²⁰

The District's January 2022 Reevaluation of the Student

6. In November and December 2021 and in January 2022, when the Student was [REDACTED] and in the eighth grade, the District conducted a reevaluation of the Student.²¹ The District evaluated him in the areas of cognitive ability; reading; writing; math; communication; social and emotional behavior; adaptive skills; and executive functioning.²² The District also considered input from the Student's teachers, as well as from the Student's Parents in many ways.²³

7. Using the Kaufman Assessment Battery for Children, Second Edition ("KABC-II"), the District's reevaluation found the Student's overall cognitive functioning and mental processing abilities were in the "low" range, with a score of 67 (which is in the first percentile, meaning he scored higher than one percent of children his age).²⁴ The Student's non-verbal reasoning and mental processing abilities were also in the "low" range, with a score of 63 (first percentile).²⁵

8. From the KABC-II, the Student had scores in the "below average" range in short-term memory (13th percentile) and long-term memory (including associative memory and learning abilities) (14th percentile).²⁶ He had scores in the "low" range in visual-spatial processing (first percentile) and fluid reasoning (0.1 percentile).²⁷

9. According to the reevaluation,

Fluid reasoning is the capacity to reason and solve novel problems, independent of any knowledge from the past. In the classroom, fluid-reasoning ability may impact the ability to compare and contrast information; determine main ideas; make inferences, predictions, and generalizations; and solve unique or abstract problems. [The Student]'s performance on the Planning Scale

¹⁹ T257–58 (Trescott); Tomaszewski Decl. ¶24; D6, p14; D3, p15.

²⁰ T258 (Trescott); D6, p16.

²¹ D1.

²² D1, p12–40.

²³ D1, p11–14, p16, p19, p21–23, p36–38, p42; T261 (Trescott).

²⁴ D1, p24–27.

²⁵ D1, p24–27.

²⁶ D1, p25–26.

²⁷ D1, p24–27.

yielded a standard score of 54, which falls within the Low range and the 0.1 percentile. [The Student]’s performance on this scale indicates his fluid reasoning abilities are significantly less developed than others his age. He exhibits substantial difficulty when asked to think and reason in a flexible manner.²⁸

10. Administering the Kaufman Test of Educational Achievement, Third Edition (“KTEA-3”), the District’s reevaluation found the Student’s overall academic achievement was in the “below average” range (third percentile).²⁹

11. In reading, the Student’s scores were in the “below average” range in letter and word recognition (10th percentile), but in the “low” range in reading comprehension (first percentile) and in a “Reading Understanding Composite” score (first percentile).³⁰ In writing, the Student’s composite score was in the “below average” range (ninth percentile). His spelling score was in the “average” range (23rd percentile).³¹ His written expression score was “in the lower end of the [b]elow average range” (second percentile).³²

12. On the KTEA-3’s tests of math, the Student’s scores were in the “below average” range in math computations (fifth percentile), but in the “low” range in math conceptions and applications (0.2 percentile) and in a “Math Composite” score (first percentile).³³

13. Comparing the Student’s cognitive scores on the KABC-II with the skills tested on the KTEA-3, the District’s evaluator found the two tests corroborated each other.³⁴ The Student scored higher on the more concrete “spelling, math computation, and basic reading skills” than on “reading comprehension, math problem solving, and written expression.”³⁵ This corresponded with the Student’s cognitive challenges with fluid reasoning, as the second group’s skills “are less concrete and require flexible thinking, reasoning, and critical thinking.”³⁶ For these reasons, the evaluator found the KTEA-3 assessment of the Student to be reliable and valid and recommended the

²⁸ D1, p26.

²⁹ D1, p28.

³⁰ D1, p28–29.

³¹ D1, p29.

³² D1, p29.

³³ D1, p29.

³⁴ D1, p29.

³⁵ D1, p29.

³⁶ D1, p29.

Student's IEP team consider specially designed instruction ("SDI") in math, reading, and written expression.³⁷

14. Speech language pathologist ("SLP") Amy Trescott conducted the Student's communication evaluation by administering two assessments, reviewing the Student's file, observing the Student informally, and reviewing feedback from the Student's teachers and the Parents.³⁸ On a test of his single-word comprehension, the Student's score was described as being "well below expectations" (0.2 percentile).³⁹ On a test of his receptive and expressive language, the Student's core score (0.1 percentile) and four subtest scores (0.1, first, 0.4, and second percentiles) were all described as being "well below age expectations."⁴⁰

15. The District's reevaluation of social-emotional skills relied on ratings from the Student's mother; the District evaluator found these ratings to be "valid and reliable."⁴¹ These ratings placed the Student's self-management and core skills in the "below average" range (eighth and sixth percentiles).⁴² The ratings placed the Student in the "average" range in self-awareness (21st percentile) and in the "well below average" range in social awareness, relationship skills, and responsible decision making (fourth, first, and second percentiles).⁴³

16. The District's reevaluation of adaptive skills relied on ratings from the Student's mother and the Student's social skills teacher; the District evaluator found these ratings to be consistent, reliable, and valid.⁴⁴ These ratings placed the Student's communication, daily living skills, and socialization in the "low" range (second, first, and below first percentiles).⁴⁵

17. The District's reevaluation of executive functioning skills relied on ratings from the Student's mother and the Student's social skills teacher.⁴⁶ The evaluator concluded the Student "demonstrate[d] executive functioning challenges overall," with

³⁷ D1, p29.

³⁸ D1, p33-40.

³⁹ D1, p33-34.

⁴⁰ D1, p34. The four subtests were in formulating sentences, recalling sentences, understanding spoken paragraphs, and interpreting semantic relationships. D1, p33-40.

⁴¹ D1, p16-17.

⁴² D1, p17

⁴³ D1, p17.

⁴⁴ D1, p19-20.

⁴⁵ D1, p20.

⁴⁶ D1, p22-23.

his skills in home and school varying.⁴⁷ Both the Student's mother and teacher agreed the Student struggled with his working memory.⁴⁸

18. According to the reevaluation team's conclusions, the results of the Student's reevaluation showed the Student needed and would benefit from SDI in math, reading, written expression, adaptive skills, and social-emotional skills.⁴⁹ The team also concluded the Student should receive SLP as a related service and a 1:1 paraeducator in his general education classes as a supplementary service.⁵⁰

19. The Student has not been reevaluated since the 2022 reevaluation, apart from an OT evaluation in 2024.⁵¹ The District has asked the Parents for consent to evaluate multiple times beginning in the 2023–2024 school year, and the Student's teachers agree it would be useful to have current data.⁵² As of the final week of the hearing, neither of the Student's Parents have consented for a reevaluation of anything other than OT needs.⁵³

The Student's academic testing and his reading and writing abilities

20. The Student's statewide Smarter Balance Testing ("SBA") scores show the Student did not meet the grade level standards in math, English language arts, and science for all testing in 2017, 2019, 2021, 2022, and 2024, though he met the standard for math and English language arts in spring 2018.⁵⁴

21. The Student's statewide STAR test reading results for elementary and middle school show a median (middle) percentile score of 1.0 and a mean (average) percentile score of 2.2.⁵⁵ His STAR test math results for elementary and middle school show a median percentile score of 1.0 and a mean percentile score of 12.6.⁵⁶ The STAR test

⁴⁷ D1, p22–23.

⁴⁸ D1, p23.

⁴⁹ D1, p6–10.

⁵⁰ D1, p6–10.

⁵¹ Tomaszewski Decl. ¶47; see D7, p2–20.

⁵² T213–14 (Parent); Tomaszewski Decl. ¶46; D7, p1, p19; D11, p1; T901 (Haasch); T514–15 (Cornell); T783–84 (Wilbert).

⁵³ Tomaszewski Decl. ¶47; D7, p3; D11, p2; T194–96 (Parent).

⁵⁴ D2, p5; P4, p1; D3, p5. The written record does not contain SBA results for 2023.

⁵⁵ P4, p1. His percentile scores, in order of test date, were 4, 8, 1, 3, 1, 1, 1, 1, and 1.

⁵⁶ P4, p1. His percentile scores, in order of test date, were 9, 51, 1, 1, and 1.

is an adaptive test that responds to an individual's performance, rather than a standardized test that asks all students the same questions.⁵⁷

22. From the Student's 11th grade year through fall 2025, Bailey Cornell has been the Student's English language arts teacher in a targeted English class.⁵⁸ Ms. Cornell has two-and-a-half years of experience as a special education teacher.⁵⁹ She has an educational certificate to teach special education in Washington schools.⁶⁰ She also holds a master's degree in curriculum and instruction and a bachelor's degree in special education with a reading endorsement.⁶¹ Ms. Cornell has administered multiple reading tests to the Student, beginning in fall 2024.⁶²

23. In high school, the Student's statewide STAR test reading results show the Student took the test either once or twice in October 2024, with a first percentile score in one result and fourth percentile in the other.⁶³ According to Ms. Cornell, there is little difference between the scores of first percentile and fourth percentile; she found them to be "virtually indistinguishable."⁶⁴ The Student earned scores of second percentile in November 2024 and first percentile in January 2025.⁶⁵

24. In fall 2025, Ms. Cornell administered an i-Ready reading test to the Student.⁶⁶ The Student scored as reading at a first-grade level.⁶⁷ Ms. Cornell found this result consistent with the Student's October 2024 STAR Testing results.⁶⁸

25. Mr. Parent believes the Student's low testing scores are inaccurate because the Student may be choosing answers at random due to his dislike of taking tests, and because Mr. Parent suspects necessary accommodations from the Student's IEP are not always used.⁶⁹

⁵⁷ T542 (Cornell).

⁵⁸ T500 (Cornell); D19, p8–9.

⁵⁹ T499–500 (Cornell).

⁶⁰ T500 (Cornell).

⁶¹ T500 (Cornell).

⁶² T502–03 (Cornell).

⁶³ D17, p1–2; P4, p1–2.

⁶⁴ T539 (Cornell).

⁶⁵ P4, p1–2.

⁶⁶ T502–03 (Cornell).

⁶⁷ T503 (Cornell).

⁶⁸ T503 (Cornell).

⁶⁹ T238–39 (Parent); P11, p3–5.

26. Ms. Cornell implemented all the accommodations in the Student's IEP when administering the STAR test in October 2024 and the i-Ready in fall 2025.⁷⁰ The Student's testing accommodations, including those for a quiet testing space, frequent breaks, and having the teacher read content aloud are designed to help the Student focus and perform as well as he can on standardized tests.⁷¹ Additionally, it is not uncommon for students with severe cognitive disabilities to perform close to grade level as younger children, but then be unable to progress past that point as they age.⁷²

27. The 2022 reevaluation's conclusion that the Student has stronger reading skills in identifying individual words than he does for understanding content is consistent with Ms. Cornell's experience working with the Student.⁷³ The reevaluation's conclusions that the Student has stronger writing skills in spelling individual words than in writing that requires a heavier cognitive load (higher mental demand) is also consistent with Ms. Cornell's experience.⁷⁴

28. Compared to typically developing peers, Ms. Cornell finds the Student's reading and writing abilities to be "[w]ell below average."⁷⁵ When she began working with him in fall 2024, she found his comprehension ability "was at a first grade level."⁷⁶ The Student's sentence and paragraph writing goal from his IEP at that time appropriately targeted the Student's difficulties in writing sentences and paragraphs.⁷⁷ The Student's writing ability is at about the first or second grade level, according to Ms. Cornell and Ms. Tomaszewski.⁷⁸

29. According to Ms. McDonald, the Student's reading comprehension difficulties stem in part to the Student's memory limitations, which prevent him from performing a high school "level [of] higher-level analysis."⁷⁹ She also noted that "for the most part, [the] Student is functioning where we would expect [him] to function based on his cognitive scores."⁸⁰

⁷⁰ T501-03 (Cornell); P11, p2-3.

⁷¹ T501-03 (Cornell); P11, p3.

⁷² T560-61 (Cornell).

⁷³ T503-04 (Cornell); D1, p28.

⁷⁴ T504 (Cornell); D1, p29.

⁷⁵ T504 (Cornell).

⁷⁶ T505 (Cornell).

⁷⁷ T505 (Cornell).

⁷⁸ T514 (Cornell); Tomaszewski Decl. ¶36; see D25.

⁷⁹ T450-51 (McDonald).

⁸⁰ T451 (McDonald).

The Student's 2022 IEP

30. The Student's IEP team met on February 8, 2022, to review the Student's current IEP, while the Student was in eighth grade.⁸¹ The attendees were the Parents, school counselor Molly Mazur, special education teacher Ron Hay, special education teacher Melody Parker, general education teacher Camille Dadural, SLP Ms. Trescott, and school administrator/designee Rachel Belcastro.⁸²

31. The IEP team concluded the Student continued to be eligible for special education services.⁸³ The Student's new IEP was issued effective February 15, 2022 ("2022 IEP").⁸⁴

32. The 2022 IEP contained two social-emotional goals.⁸⁵ The first goal focused on initiating and maintaining conversations in social situations for up to three conversational turns.⁸⁶ This goal was very similar to the Student's previous first social-emotional goal, but it added prompts to "teach [the Student] ice-breakers or conversational starters" and to teach him conversation conclusion strategies.⁸⁷

33. The Student's second social-emotional goal in the 2022 IEP stated, "when given a challenging social or emotional situation to solve [the Student] will define the problem and come up with at least two possible solutions to the problem improving his social understanding from 0/5 opportunities to 4/5 opportunities as measured by monthly teacher-collected data."⁸⁸ This goal was similar to the Student's previous second social-emotional goal, but the previous goal required one solution or response to social interaction problems of daily living, rather than the new goal's defining of a challenging social or emotional problem and producing two solutions.⁸⁹ The Student had progressed in his previous problem-solving goal from 1/5 opportunities at baseline to 4/5 opportunities in February 2022.⁹⁰

⁸¹ D2, p1, p3, p26.

⁸² D2, p3.

⁸³ D2, p9.

⁸⁴ D2, p29.

⁸⁵ D2, p9–11.

⁸⁶ D2, p10–11.

⁸⁷ D2, p10–11.

⁸⁸ D2, p10.

⁸⁹ D2, p10.

⁹⁰ D2, p10. While the progress report stating the Student met the goal in 4/5 opportunities is dated February 2021, it is concluded this report was from February 2022, or a later date than February 2021, as it is inferred the Student's 2021 IEP would have been effective around February 2021.

34. The Student's 2022 adaptive goal, related to independently initiating tasks and remaining on task, was identical to the adaptive goal in his previous IEP, except that his baseline was increased from 1/5 opportunities in the previous goal to 2/5 opportunities in the new goal.⁹¹

35. The Student's new math goals in the 2022 IEP were very similar to his goals in his previous IEP, except that his new problem-solving goal had an increased baseline, and his new math calculation goal raised the grade level of his math problems from sixth grade to seventh grade.⁹²

36. The 2022 IEP replaced the Student's two older communication goals due to his progress and his needs; the Student's single new goal related to providing appropriate responses in each turn of a five-turn conversation.⁹³

37. The 2022 IEP also contained two reading goals and two writing goals.⁹⁴

38. The 2022 IEP provided for the Student to receive a total of 720 weekly minutes of SDI in the special education setting: 240 minutes of math, 240 minutes of reading and written expression concurrently, and 240 minutes of social-emotional and adaptive concurrently.⁹⁵ In the general education setting, the IEP provided for 960 minutes of 1:1 paraeducator support as a supplementary service.⁹⁶ The IEP also provided for 30 weekly minutes of SLP as a related service.⁹⁷ The IEP provided for 750 minutes of the Student's time in the special education setting and 58.45 percent of his time in the general education setting.⁹⁸

The Student's 2023 IEP and Amended 2023 IEP

39. The Student's IEP team met on February 6, 2023, to review the Student's progress and current IEP, while the Student was in ninth grade.⁹⁹ The attendees were

⁹¹ D2, p11.

⁹² D2, p12, p14.

⁹³ D2, p15–21.

⁹⁴ D2, p11, p12–15.

⁹⁵ D2, p26. The 2022 IEP service matrix states that the Student's 240 minutes of adaptive SDI were to be delivered concurrently with his social-emotional SDI as well as delivered in the general education setting by a paraprofessional. *Id.* However, special education teacher Kamila Tomaszewski delivered the Student's social emotional and adaptive minutes concurrently in her special education classroom. See Tomaszewski Decl. ¶2, ¶12.

⁹⁶ D2, p26.

⁹⁷ D2, p26.

⁹⁸ D2, p26.

⁹⁹ D3, p1, p3, p24.

the Parents, special education teacher and case manager Kamila Tomaszewski, special education teacher Alice Chen, school counselor Tim Gager, and school administrator Thomas Gangle.¹⁰⁰

40. The Student's new IEP was issued effective February 8, 2023 ("2023 IEP").¹⁰¹

41. The 2023 IEP contained two social-emotional goals for the Student.¹⁰² The first goal, focusing on problem solving relating to social or emotional situations, was identical to the Student's previous goal on this topic.¹⁰³ The IEP included a recommendation that the Student "continue working on this goal."¹⁰⁴

42. The second social-emotional goal focused on initiating and maintaining conversations in social situations for up to two conversational turns, using who, what, where, and yes/no questions.¹⁰⁵ This goal was similar to the goal it replaced from the 2022 IEP, but it added the emphasis on question formation and reduced the conversation turn taking from three turns to two turns.¹⁰⁶ The IEP contained a recommendation that stated, "this is an area of growth for [the Student,] and as such it is recommended we continue working on conversation skills with a focus on conversation initiation, maintenance and WH (who, what, where, why, when) questions."¹⁰⁷

43. The 2023 IEP had two math goals for the Student.¹⁰⁸ Following a recommendation for simpler, single-skill goals rather than the multiple skills targeted in his previous math goals, the IEP had two goals focused on discrete skills (analyzing a bar graph and using a function table).¹⁰⁹ The IEP contained a discussion of the Student's strengths and areas he was ready to learn, and explained why it was recommended that his previous two goals, which he had not mastered, be replaced with more discrete goals that could have more accurate progress measurement.¹¹⁰

¹⁰⁰ D3, p3, p24.

¹⁰¹ D3, p24.

¹⁰² D3, p9.

¹⁰³ D3, p8-9; see D2, p10.

¹⁰⁴ D3, p9.

¹⁰⁵ D3, p9.

¹⁰⁶ D3, p9; D2, p10.

¹⁰⁷ D3, p9.

¹⁰⁸ D3, 12-13.

¹⁰⁹ D3, p10-13.

¹¹⁰ D3, p10-11.

44. The 2023 IEP replaced the Student's previous adaptive goal (initiating work and remaining on task), which he had mastered in 4/5 opportunities for most of his classes.¹¹¹ The Student's new goal related to self-advocacy through independently requesting assistance by using his "help card visual."¹¹²

45. The Student's communication goal was also replaced; he had progressed in his ability to provide appropriate responses for five conversational turns from 0/5 opportunities to 3/5 opportunities.¹¹³ The new goal targeted his difficulty responding accurately to personal questions about his life and recent activities.¹¹⁴

46. The 2023 IEP also contained two reading goals and two writing goals.¹¹⁵

47. The 2023 IEP provided for the Student to receive a total of 720 weekly minutes of SDI in the special education setting: 240 minutes of math, 240 minutes of reading and written expression concurrently, and 240 minutes of social-emotional and adaptive concurrently.¹¹⁶ In the general education setting, the IEP provided for 960 minutes of 1:1 paraeducator support as a supplementary service.¹¹⁷ The IEP also provided for 30 weekly minutes of SLP as a related service.¹¹⁸ The IEP provided for 750 minutes of the Student's time in the special education setting and 59.02 percent of his time in the general education setting.¹¹⁹

48. The IEP team met on December 1, 2023, when the Student was in tenth grade, to discuss the Student's annual goal progress and review the 2023 IEP.¹²⁰ The attendees were the Parents, case manager Ms. Tomaszewski, special education teacher Marion Kim, and school administrator Jocelyn Alexander.¹²¹

¹¹¹ D3, p10.

¹¹² D3, p10.

¹¹³ D3, p15.

¹¹⁴ D3, p15–16.

¹¹⁵ D3, p11–14.

¹¹⁶ D3, p21. The 2023 IEP service matrix states that the Student's 240 minutes of adaptive SDI were to be delivered concurrently with his social-emotional SDI as well as delivered in the general education setting by a paraprofessional. *Id.* However, special education teacher Kamila Tomaszewski delivered the Student's social emotional and adaptive minutes concurrently in her special education classroom. Tomaszewski Decl. ¶2, ¶12, ¶14.

¹¹⁷ D3, p21.

¹¹⁸ D3, p21.

¹¹⁹ D3, p21.

¹²⁰ D4 p1, p28.

¹²¹ D4, p28.

49. The IEP team amended the Student's written expression editing goal, given his progress with his previous editing goal.¹²² This amendment was effective December 8, 2023.¹²³

The Student's 2024 IEP and February 2024 Amended IEP

50. The Student's IEP team met on February 1, 2024, while the Student was in tenth grade, to review the Student's annual goal progress and current IEP.¹²⁴ The attendees were the Parents, case manager Ms. Tomaszewski, SLP Ms. Trescott, academic counselor Mr. Gager, and assistant principal Ms. Alexander.¹²⁵

51. Following the February 1, 2024 meeting, the IEP team issued an IEP effective February 2, 2024 ("2024 IEP").¹²⁶

52. The IEP team did not finish their "review of the IEP goals, services, testing, or accommodations" on February 1, 2024, so a second meeting was scheduled for February 8, 2024.¹²⁷ The attendees at the February 8, 2024 meeting were the Parents, special education teacher Ms. Tomaszewski; SLP Ms. Trescott; school psychologist Jen Frolich; occupational therapist ("OT") Bre Werth; administrator/designee Ms. Alexander, and instructional coach Sally Sue McDonald.¹²⁸

53. Following the February 8, 2024 meeting, the IEP team issued an amended IEP effective February 29, 2024 ("February 2024 Amended IEP").¹²⁹

54. The 2024 IEP and the February 2024 Amended IEP contained identical goal discussion, goal progress, and annual goals for the Student's social-emotional, math, and communication/SLP goals.¹³⁰ The February 2024 Amended IEP had an updated reading goal, along with two new goals added for adaptive and a second goal added for writing SDI.¹³¹

¹²² D4 p13-14, p28; T155, T158 (Parent).

¹²³ D4, p28.

¹²⁴ D5, p1, p3, p30.

¹²⁵ D5, p30.

¹²⁶ D5, p30.

¹²⁷ D5, p30; D6, p1, p3, p28.

¹²⁸ D6, p28; T387-88 (McDonald).

¹²⁹ D6, p28.

¹³⁰ D5, p8-9, p11-12, p15-17; D6, p8-11, p14-16.

¹³¹ D5, p9, p12-15; D6, p9-10, p12-13.

55. The Student's first 2024 social-emotional goal, related to initiating and maintaining conversations, was identical to his 2023 social-emotional conversational goal, except in that it raised his baseline score from 0/5 opportunities to 1/5 opportunities.¹³² The IEP contained a recommendation that the Student "continue working on this goal with an increased baseline."¹³³

56. Similarly, the Student's second 2024 social-emotional goal, related to social-emotional problem solving, was similar to his 2023 social-emotional problem-solving goal.¹³⁴ The changes raised his baseline score from 0/5 opportunities to 1/5 opportunities, and it added "adaptive problem[s]" (with examples) to "social and emotional situation[s]."¹³⁵ The IEP contained a recommendation that the Student "continue working on this goal with an increased baseline as self advocacy and problem solving are key skills to master in high school."¹³⁶

57. The Student was provided two new 2024 math goals.¹³⁷ One related to solving multi-step linear equations, and the other related to interpreting and describing information in word problems with data displayed in a table.¹³⁸

58. Both February 2024 IEPs contained two new communication/SLP goals and removed the Student's previous communication goal regarding responding to questions for personal information, on which he had progressed from 1/5 opportunities to 2.5/5 opportunities.¹³⁹ One new goal related to reasoning and memory, answering "why" questions related to current academic class material by selecting one of four answers.¹⁴⁰ The other new goal related to responding to greetings appropriately and with a reciprocal greeting.¹⁴¹

59. The February 2024 Amended IEP replaced the Student's previous self-advocacy goal, in which the Student had progressed from using his help card to request assistance from 0/5 opportunities to 3/5 opportunities.¹⁴² The Student's new self-advocacy goal related to gaining the teacher's attention verbally, by approaching, or by

¹³² D5, p7-9; D6, p7-9.

¹³³ D5, p8; D6, p8.

¹³⁴ D5, p7-9; D6, p7-9.

¹³⁵ D5, p7-9; D6, p7-9.

¹³⁶ D5, p8; D6, p8.

¹³⁷ D5, p11-12; D6, p10-11.

¹³⁸ D5, p11-12; D6, p10-11.

¹³⁹ D5, p15-17; D6, p14-16.

¹⁴⁰ D5, p15-17; D6, p14-16.

¹⁴¹ D5, p15-17; D6, p14-16.

¹⁴² D6, p9.

raising his hand.¹⁴³ A second adaptive goal was added for the Student, related to executive functioning, to teach the Student to note due dates for assignments.¹⁴⁴

60. The February 2024 Amended IEP also contained one reading goal and two writing goals.¹⁴⁵

61. The 2024 IEP and the February 2024 Amended IEP included the same three instructional modifications, applicable to all days and classroom locations.¹⁴⁶ These were for alternative assignments at the Student's instructional level, shortened assignment lengths, and grading with modified standards.¹⁴⁷ The Student's 2022 IEP and 2023 IEP contained no instructional modifications.¹⁴⁸

62. The 2024 IEP and the February 2024 Amended IEP had the same content in their services matrices and accompanying information.¹⁴⁹ They provided for the Student to receive a total of 720 weekly minutes of SDI in the special education setting: 240 minutes of math, 240 minutes of reading and written expression concurrently, and 240 minutes of social-emotional and adaptive concurrently.¹⁵⁰ In the general education setting, both IEPs provided for 960 minutes of "Additional Adult Support" from a paraeducator as a supplementary service.¹⁵¹ Both IEPs also provided for 30 weekly minutes of SLP as a related service.¹⁵² These IEPs provided for 750 minutes of the Student's time in the special education setting and 59.02 percent of his time in the general education setting.¹⁵³

The Student's October 2024 Amended IEP

63. The Student's IEP team met on October 17, 2024, while the Student was in eleventh grade, to discuss transition services and review the Student's current IEP.¹⁵⁴

¹⁴³ D6, p9.

¹⁴⁴ D6, p9–10.

¹⁴⁵ D6, p12–13.

¹⁴⁶ D5, p25; D6, p23.

¹⁴⁷ D5, p25; D6, p23.

¹⁴⁸ See D2; D3.

¹⁴⁹ D5, p27; D6, p25.

¹⁵⁰ D5, p27; D6, p25. These two service matrices state that the Student's 240 minutes of adaptive SDI were to be delivered concurrently with his social-emotional SDI as well as delivered in the general education setting by a paraprofessional. D5, p27; D6, p25. However, special education teacher Ms. Tomaszewski delivered the Student's social emotional and adaptive SDI minutes concurrently in her special education classroom. Tomaszewski Decl. ¶2, ¶12, ¶32.

¹⁵¹ D5, p27; D6, p25.

¹⁵² D5, p27; D6, p25.

¹⁵³ D5, p27; D6, p25.

¹⁵⁴ D5, p1, p3, p28, p31; T777–78 (Wilbert).

The attendees were the Parents, special education teacher Maureen Wilbert, special education director Kristin Lierheimer, academic counselor Mr. Gager, and assistant principal Ms. Alexander.¹⁵⁵

64. Following the October 17, 2024 meeting, the IEP team issued an IEP effective October 28, 2024 (“October 2024 Amended IEP”).¹⁵⁶

65. The October 2024 Amended IEP implemented three requests made by the Parents.¹⁵⁷ The changes added a text to speech testing accommodation, waived a graduation requirement for volunteer hours, and required that a Student Centered Plan be developed to support the Student’s transition planning.¹⁵⁸ No other changes were made to the Student’s previous IEP, the February 2024 Amended IEP.¹⁵⁹

The Parent’s participation in IEP drafting meetings

66. The Parents consistently attended every IEP team meeting held from February 2022 through early 2025, as well as the 2022 reevaluation meeting.¹⁶⁰

67. The District members of the IEP team listened to and considered the Parents’ input during every IEP team meeting, and on multiple occasions supported changes to an IEP based on the Parents’ suggestions or concerns.¹⁶¹ When the Parents did not agree with the rest of the team, the other team members considered and discussed the Parents’ opinions and ideas.¹⁶²

68. On February 1, 2024, the IEP team considered the Parents’ proposal that only the Student’s world history curriculum be modified, but the rest of the IEP team determined the modifications in every general education class were necessary for the Student to be successful in those classes.¹⁶³ Similarly, on February 8, 2024, the IEP team considered the Parents’ proposal that the Student’s chemistry class be excluded

¹⁵⁵ D5, p31.

¹⁵⁶ D10, p28.

¹⁵⁷ D10, p28.

¹⁵⁸ D10, p28.

¹⁵⁹ See D10; D6.

¹⁶⁰ T375 (Lierheimer); D1, p42; D2, p2–4; D3, p24; D4, p128; D5, p30; D6, p28; D10, p28.

¹⁶¹ D3, p24; D10, p28; T261 (Trescott); T374 (Lierheimer); T899 (Haasch); T778–79 (Wilbert); Tomaszewski Decl. ¶8.

¹⁶² T261–62 (Trescott); T414–15 (McDonald); D6, p28; D3, p24; D2, p29.

¹⁶³ D5, p30.

from instructional modifications, but the rest of the IEP team determined the modifications were necessary for the Student to be successful in that class.¹⁶⁴

69. During the February 2024 IEP team meetings, the team agreed to add additional goals for the Student based on the Parents' requests, despite some goals overlapping.¹⁶⁵ Mr. Parent was also given time to give his feedback on all the District team members' recommendations.¹⁶⁶

70. In October 2024, the IEP team agreed to implement all the Parents' requests in the October 2024 Amended IEP.¹⁶⁷

71. Later in the 2024–2025 school year, the IEP team agreed to Mr. Parent's proposal to make the Student's writing goal more challenging.¹⁶⁸ During this meeting, the team also adjusted the reading level of texts for the Student's goals, based on Mr. Parent's input; Ms. Cornell proposed first or second grade and Mr. Parent suggested eleventh grade, so the team compromised at sixth grade.¹⁶⁹

Social-emotional and adaptive: The Student's needs and progress, and the District's provision of SDI

72. For all the Student's time in high school through to fall 2025, beginning in fall 2022, Ms. Tomaszewski has been the Student's teacher for his adaptive and social-emotional SDI.¹⁷⁰ For the 2022–2023 and 2023–2024 school years, Ms. Tomaszewski was also the Student's case manager.¹⁷¹ In the present school year, 2025–2026, Ms. Tomaszewski is the special education department chair for Bellevue High School.¹⁷²

73. Ms. Tomaszewski has over 15 years of experience as a special education teacher, including 10 years teaching at a school that only accepted children with autism.¹⁷³ She has an educational certificate to teach special education in Washington

¹⁶⁴ D6, p28; T592–93 (Tomaszewski).

¹⁶⁵ Tomaszewski Decl. ¶45; T168, T171–72 (Parent).

¹⁶⁶ T899 (Haasch); see T162–63 (Parent).

¹⁶⁷ T777–78 (Wilbert); D10, p28.

¹⁶⁸ T513 (Cornell).

¹⁶⁹ T513 (Cornell).

¹⁷⁰ Tomaszewski Decl. ¶2.

¹⁷¹ Tomaszewski Decl. ¶2.

¹⁷² T580 (Tomaszewski).

¹⁷³ T580–81 (Tomaszewski).

schools.¹⁷⁴ She also holds a master of arts degree in child studies, with a focus on autism, as well as a bachelor arts in education.¹⁷⁵

74. In the 2022–2023 school year, Ms. Tomaszewski was the Student’s teacher in the social-emotional SDI class named Communication, Collaboration, and Connection (“CCC”).¹⁷⁶ In the Student’s remaining high school years, Ms. Tomaszewski has been the Student’s teacher in the social-emotional SDI class named Adaptive Living Skills.¹⁷⁷ For each week that she has been the Student’s teacher, Ms. Tomaszewski has provided the Student with 240 minutes of concurrent social-emotional and adaptive SDI weekly.¹⁷⁸

75. Social emotional SDI is instruction “to improve skills which support positive interpersonal and/or intrapersonal relationships.”¹⁷⁹ Targeted areas may include “[c]onversational skills, turn-taking, initiating conversations[, and s]elf-efficacy.”¹⁸⁰

76. Adaptive SDI is instruction “to improve adaptive and functional living skills which support a decreased dependency on others for daily living and task completion.”¹⁸¹ Targeted areas may include “[f]unctional communication, self-management, and socialization skills.”¹⁸²

77. In her several years of working with the Student both as his teacher and case manager, Ms. Tomaszewski observed that the Student’s 2022 reevaluation accurately reflected the Student’s difficulties and strengths.¹⁸³ She found the reevaluation’s cognitive assessment results finding that the Student showed overall cognitive skills and abilities in the low range for his age was “consistent with [her] experiences of Student as a learner.”¹⁸⁴

78. District Special Education Director Ms. McDonald worked with the Student as an instructional coach during the 2023–2024 school year and assisted with his

¹⁷⁴ T581 (Tomaszewski).

¹⁷⁵ T581 (Tomaszewski).

¹⁷⁶ Tomaszewski Decl. ¶2; D15, p1; D19, p2–3.

¹⁷⁷ Tomaszewski Decl. ¶2; D15, p1; D19, p1–2; P3 (Adaptive Living Skills curriculum).

¹⁷⁸ Tomaszewski Decl. ¶12, ¶14, ¶48.

¹⁷⁹ D1, p8.

¹⁸⁰ D1, p8.

¹⁸¹ D1, p8.

¹⁸² D1, p8.

¹⁸³ Tomaszewski Decl. ¶6; see D1.

¹⁸⁴ Tomaszewski Decl. ¶7; see D1, p24–27.

transition planning in the 2024–2025 school year.¹⁸⁵ She observed that the Student “would benefit from some problem solving activities so that he could speak up for himself ... to avoid situations where ... it might appear he’s being bullied.”¹⁸⁶ The Student had difficulty standing up for himself.¹⁸⁷ Ms. McDonald observed the Student’s adaptive class working on self-advocacy, problem solving, using one’s voice, getting one’s needs met, asking questions, and making and executing goals.¹⁸⁸

79. Ms. Tomaszewski provided the Student with adaptive SDI related to his goal to learn to indicate when he needed help, “consistent with the recommendation of the 2022 reevaluation that Student receive [SDI] addressing functional communication and self-management.”¹⁸⁹ She also collaborated with SLP Ms. Trescott to deliver the Student adaptive SDI related to communication.¹⁹⁰ Together, they created a system of visual indicators of questions students could use to initiate conversation with staff.¹⁹¹ They also worked together to help the Student learn to use his voice rather than a thumbs-up gesture to communicate.¹⁹²

80. The Student progressed in his adaptive goal related to indicating his need for assistance with a help card.¹⁹³ He progressed from 0/5 opportunities at baseline in February 2023 to 3/5 opportunities in both November 2023 and January 2024.¹⁹⁴

81. Because the Student made progress in his adaptive goal, in February 2024 his goal was modified to target the skills of indicating a need for help verbally, by approaching the teacher, or by raising his hand.¹⁹⁵ With this new goal, he progressed from 0/5 opportunities at baseline in February 2024 to 1/5 opportunities in April 2024, 2/5 opportunities in June 2024, and 2.5/5 opportunities in November 2024.¹⁹⁶ Ms. Tomaszewski noted in her November 2024 progress report that the Student was

¹⁸⁵ T388–89 (McDonald).

¹⁸⁶ T454 (McDonald).

¹⁸⁷ T454 (McDonald).

¹⁸⁸ T454–55 (McDonald).

¹⁸⁹ Tomaszewski Decl. ¶11.

¹⁹⁰ Tomaszewski Decl. ¶23–24.

¹⁹¹ Tomaszewski Decl. ¶23.

¹⁹² Tomaszewski Decl. ¶24.

¹⁹³ Tomaszewski Decl. ¶31; D6, p9.

¹⁹⁴ D6, p9.

¹⁹⁵ Tomaszewski Decl. ¶31; D6, p9.

¹⁹⁶ D12, p11.

“successful when there is a verbal class reminder, ‘raise your hand if you need help’ or the teacher circulates close to his desk.”¹⁹⁷

82. In each IEP since his 2022 IEP, the Student has had a problem solving social-emotional goal.¹⁹⁸ Ms. Tomaszewski teaches problem solving in her CCC and Adaptive Living Skills classes during two quarters of each school year (which is the equivalent of one semester).¹⁹⁹ When problem solving is part of the curriculum, Ms. Tomaszewski creates situations that present problems, and then works with the Student to help him learn to assess problems, decide if help is needed, and generate solutions.²⁰⁰ These problems involve both interpersonal, social problems and everyday school problems.²⁰¹ For example, for the interpersonal problem of what to do when someone is sitting in his seat, Ms. Tomaszewski arranged for a paraeducator to be sitting in the Student’s seat when he arrived.²⁰² She then helped the Student to think through the necessary considerations about what his options were and what his decision would be about how to act.²⁰³ After Ms. Tomaszewski had provided “a lot of coaching,” the Student eventually became able to solve that problem independently.²⁰⁴ Additionally, during the entire year, the Student’s paraeducators, who were with him for 960 minutes weekly in his general education classes, worked with the Student on problem solving through “on the spot coaching” as incidents arose.²⁰⁵ Outside of the programmed curriculum, Ms. Tomaszewski also provided the Student with instruction through “on-the-spot coaching.”²⁰⁶ Her November 2024 progress report provides examples of this, such as when the Student “need[ed] verbal support to get a pencil to complete worksheets.”²⁰⁷

83. The Student’s problem-solving goals have been very similar since 2022 and show more progress in hypothetical than in real problem solving.²⁰⁸ According to Ms. Tomaszewski, given her training and experience, the Student’s difficulties applying

¹⁹⁷ D12, p11.

¹⁹⁸ See D2, p10; D3, p8–9; D4, p9; D5, p9; D6, p9; see T921 (Parent) (asserting the Student has had a problem-solving goal since 2018).

¹⁹⁹ T585–88 (Tomaszewski).

²⁰⁰ Tomaszewski Decl. ¶16.

²⁰¹ Tomaszewski Decl. ¶16.

²⁰² Tomaszewski Decl. ¶18.

²⁰³ Tomaszewski Decl. ¶18.

²⁰⁴ Tomaszewski Decl. ¶18.

²⁰⁵ P7, p3; D3, p21; D6, p25.

²⁰⁶ T588 (Tomaszewski).

²⁰⁷ D12, p10.

²⁰⁸ D2, p10; D12, p23; D3, p8–9; D6, p7–9; D12, p9–10.

problem solving “skills in practice are common for students on the autism spectrum.”²⁰⁹

84. In IEP team meetings, Mr. Parent expressed that the Student would benefit from being taught rote, single-option solutions for interpersonal conflict, such as always telling a person who cut in front of him in line to move.²¹⁰ Ms. Tomaszewski disagrees with this approach; the Student would benefit from learning to make “decisions based on context, such as ... assessing the risk of the situation.”²¹¹

85. With his problem-solving goal from the 2022 IEP, the Student progressed from 0/5 opportunities at baseline in February 2022 to 1/5 opportunities in May 2022 and 3/5 opportunities in June 2022, and then he regressed to 0/5 opportunities in February 2023.²¹² Ms. Tomaszewski did not collect data regarding on-the-spot coaching in the period preceding her November 2022 progress report.²¹³

86. With his problem-solving goal from the 2023 IEP, the Student progressed from 0/5 opportunities at baseline in February 2023 to 1/5 opportunities in June 2023 and 1/5 opportunities in January 2024.²¹⁴ Ms. Tomaszewski did not collect data regarding on-the-spot coaching in the period preceding her November 2023 progress report.²¹⁵

87. With his problem-solving goal from the February Amended 2024 IEP, the Student’s baseline performance was 1/5 opportunities in February 2024.²¹⁶ In April 2024, he was reported to meet the goal in 2/5 opportunities with one solution identified (instead of the goal’s two solutions).²¹⁷ In November 2024, no numerical data was reported, but two examples were provided, one of successfully meeting the goal and one of requiring verbal support to seek help.²¹⁸ Ms. Tomaszewski did not collect data regarding on-the-spot coaching in the period preceding her June 2024 progress report.²¹⁹

²⁰⁹ Tomaszewski Decl. ¶18.

²¹⁰ Tomaszewski Decl. ¶19.

²¹¹ Tomaszewski Decl. ¶20.

²¹² D12, p23; D3, p8–9.

²¹³ T585–88 (Tomaszewski); see D12, p23.

²¹⁴ D12, p23; D3, p8–9.

²¹⁵ T585–88 (Tomaszewski); see D5, p8.

²¹⁶ D6, p9.

²¹⁷ D12, p9–10.

²¹⁸ D12, p9–10.

²¹⁹ T585–88 (Tomaszewski); D12, p9–10.

Math: The Student's needs and progress, and the District's provision of SDI

88. For the Student's 9th, 10th, and 11th grade years, from the 2022–2023 school year through the 2024–2025 school year, the Student was in a targeted pre-algebra class in the special education curriculum.²²⁰

89. From the Student's 10th grade year through fall 2025, Ms. Wilbert has been the Student's math teacher, first in targeted pre-algebra and now in targeted algebra, which is also in the special education curriculum.²²¹ Since the beginning of the 2024–2025 school year, Ms. Wilbert has also been the Student's case manager.²²²

90. Ms. Wilbert has over 17 years of experience as a teacher, in both general and special education.²²³ She has an educational certificate to teach special education in Washington schools.²²⁴ She also holds a master's degree in curriculum and instruction and a bachelor's degree in elementary education and special education.²²⁵

91. During her time as his math teacher in the 2023–2024 and 2024–2025 school years, Ms. Wilbert delivered 240 minutes of weekly math SDI to the Student through the targeted pre-algebra class.²²⁶ In the years she has taught him math, Ms. Wilbert has seen the Student grow in his confidence and his equation solving skills.²²⁷

92. In her years of working with the Student both as his teacher and case manager, Ms. Wilbert found that the 2022 reevaluation's cognitive assessment results that the Student showed overall cognitive skills and abilities in the low range were consistent with her experience of the Student.²²⁸

93. Ms. Wilbert also found consistent with her experience the reevaluation's findings that the Student's math computation skills were stronger than his ability to understand and apply math concepts and reasoning to real-life scenarios.²²⁹ The Student "is able to perform math problems [in a] very scripted[,] step by step" way, as

²²⁰ T768 (Wilbert); T854 (Parent); D15, p1; D19, p12.

²²¹ T768 (Wilbert).

²²² T768 (Wilbert).

²²³ T767 (Wilbert).

²²⁴ T767–68 (Wilbert).

²²⁵ T768 (Wilbert).

²²⁶ T771–72, T777 (Wilbert).

²²⁷ T769 (Wilbert).

²²⁸ T769–70 (Wilbert); see D1, p24–27.

²²⁹ T770 (Wilbert); see D1, p29.

long as he does not need to assess when to adjust the steps.²³⁰ However, he “really struggle[s]” when required to perform “any sort of reasoning,” such as interpreting word problems to form an equation.²³¹ He also struggles with problems that require multiple steps.²³² Additionally, the Student often cannot retain long-term the skills he has learned, forgetting processes if they are not reinforced for about a month.²³³

94. The ability to apply math reasoning is “heavily” employed in high school general education math classes.²³⁴ General education algebra also requires previous mastery of several other skills, as shown in the targeted pre-algebra class’s curriculum; the Student did not yet have mastery of most of these when Ms. Wilbert began working with him in fall 2023.²³⁵

95. The Student’s targeted pre-algebra class taught math skills not taught in a general education curriculum; the first level available in the general education curriculum is algebra 1.²³⁶ The Student’s class size was also smaller than is found in the general education curriculum, and Ms. Wilbert was able to individualize the instruction for each student.²³⁷ Ms. Wilbert provided the Student personalized instruction directed towards his math goals.²³⁸ This would not be possible in a general education algebra class, where students must already have mastery of the skills in the Student’s math goals from his 2023 IEP.²³⁹

96. Ms. Wilbert found the Student’s math goals and the amount and type of math SDI in the 2023 IEP to be appropriate for the Student.²⁴⁰ The Student progressed in his first math goal from this IEP (on line graphs), advancing from 1/5 opportunities at baseline in February 2023 to 2/5 opportunities in June 2023, 2.5/5 opportunities in November 2023, and 3/5 opportunities in February 2024.²⁴¹ This progress required “quite a bit of time [spent] on that in class,” which would not have been possible to do in a general education class.²⁴² The Student also progressed in his second math goal

²³⁰ T772, T783 (Wilbert).

²³¹ T772 (Wilbert).

²³² T772 (Wilbert).

²³³ T773, T783, T787 (Wilbert).

²³⁴ T770 (Wilbert).

²³⁵ T773–74 (Wilbert); see D19, p12.

²³⁶ T773 (Wilbert).

²³⁷ T773 (Wilbert).

²³⁸ T774 (Wilbert).

²³⁹ T773–74 (Wilbert).

²⁴⁰ T774–75 (Wilbert); see D3, p10–11, p21.

²⁴¹ T775 (Wilbert); D6, p10; D3, p10–11; D12, p3.

²⁴² T775 (Wilbert).

(on function tables), advancing from 0/5 opportunities at baseline to 3/5 opportunities in June 2023, and remaining at 3/5 opportunities in November 2023 and February 2024.²⁴³

97. The Student's math goals in the February 2024 Amended IEP were updated to be more challenging, while the class content continued to address the skills in the math goals from the Student's 2023 IEP.²⁴⁴ One goal involved multi-step linear equations, targeting the Student's difficulties with multiple-step problems, as well as moving him towards being ready for algebra.²⁴⁵ The other involved word problems, targeting the Student's difficulty with applying reasoning to construct an equation from a word problem, while allowing the Student to benefit from the data tables used in his targeted pre-algebra class.²⁴⁶ Ms. Wilbert found the Student's math goals and the amount and type of math SDI in the February 2024 Amended IEP to be appropriate for the Student, as it supported his continued progress "working through the pre-algebra curriculum successfully."²⁴⁷

98. The Student's cognitive limitations, including his difficulties with memory and with fluid reasoning, slowed his progress in his goals from the February 2024 Amended IEP.²⁴⁸ The Student's multi-step goal involved "a lot of skills," and having multiple steps in a problem is challenging for the Student.²⁴⁹ The Student progressed in this goal from 0/5 opportunities at baseline in February 2024 to 2/5 opportunities in April 2024, 3/5 opportunities in June 2024, and he regressed to 2/5 opportunities in November 2024.²⁵⁰ The Student's word problem goal was also difficult for him, both in the reading component and in analyzing data tables.²⁵¹ The Student progressed in this goal from 0/4 opportunities at baseline in February 2024 to 1/4 opportunities in April 2024, 2/4 opportunities in June 2024, and he remained at 2/4 opportunities in November 2024.²⁵² Both of these goals were repeated in the Student's next IEP, to allow the Student to keep working on these skills.²⁵³

²⁴³ T775 (Wilbert); D6, p11; D12, p3.

²⁴⁴ T776 (Wilbert); D6 p10–11.

²⁴⁵ T772, T776 (Wilbert).

²⁴⁶ T772, T776 (Wilbert).

²⁴⁷ T776–77 (Wilbert); see D6, p10–11, 25.

²⁴⁸ T783 (Wilbert); D1, p24–27.

²⁴⁹ T772, T782 (Wilbert).

²⁵⁰ T782 (Wilbert); D12, p10.

²⁵¹ T780, T782 (Wilbert); D12, p10–11.

²⁵² D12, p10–11.

²⁵³ T782 (Wilbert).

99. Ms. Wilbert is familiar with the content, pace, and expectations of the general education algebra 1 class because she co-teaches in that class.²⁵⁴ In a co-taught class, 20 to 30 percent of the students in a general education class have IEPs, and a general education teacher and a special education teacher are both in the class every day.²⁵⁵ Ms. Wilbert does not believe the Student could manage the content, pace, or expectations of that class.²⁵⁶ However, during the 2024–2025 school year, Ms. Wilbert told Mr. Parent that the Student could try her co-taught algebra 1 class.²⁵⁷ While she did not believe the class would be appropriate for him, she knew Mr. Parent was upset with how long the Student had been in targeted pre-algebra.²⁵⁸ She believed the co-taught algebra class “would be a safe way for [the Student] to try it,” because she was the special education teacher in that class, and she knew the Student could return to her targeted pre-algebra class if needed.²⁵⁹ Mr. Parent refused this offer as the class time conflicted with the Student’s piano class.²⁶⁰

100. In the 2025–2026 school year, the Student is now in a targeted algebra class, in the special education curriculum.²⁶¹ His skill development over three years in his targeted pre-algebra class prepared him to be ready for the content, pace, and expectations of the targeted algebra class this year.²⁶² While no targeted algebra class was offered at Bellevue High School before the Student’s 12th grade year, the Student was never required to work below his skill level due to being in a pre-algebra class rather than in an algebra 1 class.²⁶³

Speech language pathology: The Student’s needs and progress, and the District’s provision of services

101. From September 2019 until June 2024, SLP Ms. Trescott worked with the Student, providing him with SLP services.²⁶⁴ Ms. Trescott has 11 years of experience as an SLP; for all of this time, she has worked with students for the District.²⁶⁵ She has

²⁵⁴ T785 (Wilbert).

²⁵⁵ T834 (Wilbert).

²⁵⁶ T785 (Wilbert).

²⁵⁷ T825, T834–35 (Wilbert).

²⁵⁸ T825, T832–33, T835 (Wilbert).

²⁵⁹ T832 (Wilbert).

²⁶⁰ T833 (Wilbert).

²⁶¹ T768; T818 (Wilbert).

²⁶² T808, T818, T820, T824 (Wilbert).

²⁶³ T246 (Parent); T808, T833 (Wilbert).

²⁶⁴ T256 (Trescott).

²⁶⁵ T256 (Trescott).

an educational certificate to work in Washington schools and an SLP license from the Washington State Department of Health.²⁶⁶ She also holds a master of science degree in speech and language pathology, along with a certificate of clinical competence from the American Speech and Hearing Association, earned after she completed a year-long clinical fellowship and established her competency.²⁶⁷

102. While the Student was in middle school, Ms. Trescott often worked with him one-on-one, and she sometimes saw him with another student.²⁶⁸ While he was in high school, she worked with him in a small group of three students all working on social interactions.²⁶⁹

103. From September 2022 through June 2024, Ms. Trescott provided 30 minutes weekly of intensive services to the Student, on one day each week.²⁷⁰

104. Each year, Ms. Trescott began working with the Student during the first week of school, or in the second week if the school year started after the Student's assigned day of the week with her.²⁷¹

105. While the Student was in high school, Ms. Trescott also "pushed in" to the Student's CCC class and later his Adaptive Living Skills class, on a weekly basis, for 60, 75, or 90 minutes.²⁷² In those classes, Ms. Trescott provided services to the Student as well as other students.²⁷³

106. In working with the Student, Ms. Trescott noted he had "significant cognitive and language deficits," including "difficulty with expressive language as a whole."²⁷⁴ It was difficult for her to be certain whether the Student's language and communication difficulties had their own origin or stemmed entirely from his cognitive difficulties, as he had "some delays that were concerning."²⁷⁵ The Student's 2022 reevaluation results regarding his understanding and use of language, in which his overall score

²⁶⁶ T255 (Trescott).

²⁶⁷ T255-56 (Trescott).

²⁶⁸ T263 (Trescott).

²⁶⁹ T256 (Trescott).

²⁷⁰ T263, T265 (Trescott).

²⁷¹ T265-67 (Trescott).

²⁷² T263 (90-minute), T668 (75-minute) (Trescott); D15, p1; P3 (showing adaptive class met 4 times weekly; 240 weekly minutes divided by 4 equals 60 minutes per class).

²⁷³ T263 (Trescott).

²⁷⁴ T257 (Trescott).

²⁷⁵ T257-58 (Trescott).

was in the 0.1 percentile, were consistent with what Ms. Trescott observed in working with him.²⁷⁶

107. Ms. McDonald also observed the Student's expressive language difficulties.²⁷⁷ She believed he understood her questions, but that he struggled to answer questions and explain what he had done or what he was doing.²⁷⁸ She noted that cognitively, he exhibited "slow processing, low processing, and [that his] memory is low."²⁷⁹ She inferred that these difficulties would affect the Student's expressive language ability in responding to questions about how he had arrived at a certain answer.²⁸⁰

108. Ms. Trescott did not believe the Student needed more direct SLP services than the 30 weekly minutes called for in his IEPs.²⁸¹ This was particularly so because she did not think he should be pulled out of his classes more than he already was.²⁸² Had she believed the Student required more SLP services than called for in an IEP, she would have shared her opinion with the Student's IEP team.²⁸³

109. From February 2022 to February 2023, the Student improved his performance on his conversation turn-taking goal from 0/5 opportunities to 3/5 opportunities.²⁸⁴ The Student's 2023 IEP replaced this goal with a new goal on responding to personal questions.²⁸⁵

110. From February 2023 to February 2024, the Student improved his performance on his responding to personal questions goal from 1/5 opportunities to 2.5/5 opportunities.²⁸⁶ The Student's 2024 IEP replaced this goal with two new goals: a communication goal of appropriately responding to social greetings, and a SLP goal of correctly answering "why" questions about current topics in his academic classes.²⁸⁷ However, Ms. Trescott found that he also needed to keep working on his responses to

²⁷⁶ T259 (Trescott).

²⁷⁷ T455 (McDonald).

²⁷⁸ T455 (McDonald).

²⁷⁹ T450 (McDonald).

²⁸⁰ T450 (McDonald).

²⁸¹ T264 (Trescott).

²⁸² T263 (Trescott).

²⁸³ T263 (Trescott).

²⁸⁴ D3, p15.

²⁸⁵ D3, p15–16.

²⁸⁶ D5, p15–16.

²⁸⁷ D5, p16–17.

questions, as he was not able to consistently respond accurately the first time he was asked about his personal status or past activities.²⁸⁸

111. From September 2024 through to the date of her testimony in October 2025, SLP Kathryn Haasch has worked with the Student.²⁸⁹ Ms. Haasch has 12 years of experience as an SLP; for all of this time, she has worked with students for the District.²⁹⁰ She has an educational certificate to work in Washington schools, and she holds a master's degree in communication science disorders.²⁹¹

112. In the 2024–2025 school year, Ms. Haasch worked with the Student in a small group of two in the first half of the year, and one-on-one in the remainder of the year.²⁹² During her time working with the Student, Ms. Haasch has provided him with 30 minutes weekly of SLP services.²⁹³

113. Ms. Haasch began her services with the Student at the beginning of each school year.²⁹⁴

114. From her experience working with the Student, Ms. Haasch concluded that the Student's communication difficulties stemmed not only from a communication disorder or deficit, but also from the Student's cognitive difficulties.²⁹⁵ Ms. Haasch found that the Student's 2022 reevaluation results regarding his understanding and use of language, in which his overall score was in the 0.1 percentile, were consistent with what she observed in working with him.²⁹⁶

115. The Student improved his performance on his goal of answering “why” questions about current topics from 0/5 opportunities at baseline in February 2024 to 1/5 opportunities in April 2024, 1.5/5 opportunities in June 2024, and 2/5 opportunities in November 2024.²⁹⁷ He improved his performance on his goal of appropriately responding to greetings from 0/5 opportunities at baseline in February 2024 to 1/5 opportunities in April 2024 (with one word responses only), 3/5

²⁸⁸ D5, p15–16; T257–58 (Trescott).

²⁸⁹ T890 (Haasch).

²⁹⁰ T890 (Haasch).

²⁹¹ T890 (Haasch).

²⁹² T892–93 (Haasch).

²⁹³ T893 (Haasch).

²⁹⁴ T890, T893 (Haasch).

²⁹⁵ T892 (Haasch).

²⁹⁶ T892 (Haasch).

²⁹⁷ D12, p8.

opportunities in June 2024 (with one word responses only), and 4/5 opportunities in November 2024 (with familiar adults and peers only).²⁹⁸

116. Ms. Haasch found the Student's "why" questions goal "challenging" for him.²⁹⁹ The Student "sometimes ... had a difficult time explaining his reasoning and his thinking around an answer."³⁰⁰ The Student was sometimes unable to use reasoning to determine the correct answer, even with multiple choice answers designed for all but the correct one to be very obviously wrong.³⁰¹

117. Given his progress in his goals, Ms. Haasch did not believe the Student needed more direct SLP services than the 30 weekly minutes called for in his IEPs.³⁰² If the IEP team believed the Student needed more communication services, her recommendation would be for paraprofessional training or indirect service options, rather than removing him more from his classes for additional direct SLP minutes.³⁰³

The Student's motor control skills and occupational therapy needs

118. When he was three years old, the Student received OT services for fine motor skills.³⁰⁴ OT services were not included in the Student's 2022 reevaluation or any IEP from 2022 or later.³⁰⁵ However, in 2022, due to the Parents' concerns, the District consulted with an OT who recommended several accommodations regarding the Student's handwriting.³⁰⁶

119. Between February and April 2024, at the request of the Parents, the District conducted an OT evaluation of the Student.³⁰⁷ The Parents were concerned about the Student's handwriting and his sensory processing regulation.³⁰⁸

²⁹⁸ T912-14 (Haasch); see D12, p8-9.

²⁹⁹ T894 (Haasch).

³⁰⁰ T894 (Haasch).

³⁰¹ T894-95 (Haasch).

³⁰² T900 (Haasch).

³⁰³ T900-01 (Haasch).

³⁰⁴ D1, p33.

³⁰⁵ See D1; D2; D3; D4; D5; D6; D10.

³⁰⁶ D1, p30.

³⁰⁷ D7, p1-2, p9-18; T194-95 (Parent).

³⁰⁸ T195, T208, T928 (Parent); T410 (McDonald); T676 (Werth).

120. District OT Breanna Werth conducted the OT evaluation of the Student.³⁰⁹ Ms. Werth has 11 years of pediatric OT experience.³¹⁰ She holds an educational certificate to work as an OT in Washington public schools and a master's degree in OT.³¹¹

121. Using a test of motor proficiency, Ms. Werth's evaluation found the Student's fine manual control, manual coordination abilities, and combined score were each in the "below average" range, due the timing requirements of some sub-tests.³¹² Ms. Werth found the Student performed well on tasks when they were not timed, she prompted him to listen to all instructions and pace himself, and he was allowed to try a task a second time.³¹³

122. The Student's teacher and case manager at the time, Ms. Tomaszewski, completed a survey of the Student's sensory processing in the classroom setting.³¹⁴ The Student earned scores in the "typical" range related to his auditory processing, his balance and motion, and his overall sensory score.³¹⁵ The Student earned scores in the "moderate difficulties" range in the remaining sensory processing areas, though his scores were all close to the cutoff for the "typical" range, apart from one test of cognitive planning abilities.³¹⁶ The Student scored in the "moderate difficulties" range due to staring intently at objects and people (vision); not seeking out activities or succeeding in leadership roles (social participation); sometimes not cleaning food or saliva from his face (touch); sometimes pressing too lightly when writing and drawing (body awareness); and difficulties in learning new skills, organizing his workspace, and independently generating new ideas (planning and ideas).³¹⁷

123. In a test of functional motor abilities, the Student was "motorically capable" of completing each task.³¹⁸ His only difficulties related to his understanding of the instructions; once he received a demonstration and any necessary prompting, he was able to complete each task.³¹⁹

³⁰⁹ D7, p9–16.

³¹⁰ T673–74 (Werth).

³¹¹ T674 (Werth).

³¹² D7, p9–10, p11; T677–79 (Werth).

³¹³ D7, p11–12; T677–79 (Werth).

³¹⁴ D7, p11–13.

³¹⁵ D7, p12–13.

³¹⁶ D7, p12–13; T685 (Werth).

³¹⁷ D7, p11–13.

³¹⁸ D7, p13–15.

³¹⁹ D7, p13–15.

124. Ms. Werth observed the Student in the lunchroom, the community, and a classroom.³²⁰ In these settings, she noted that he did not require an adult's help related to sensory perception, and he did not show signs of being upset, afraid, anxious, stressed, or otherwise dysregulated or out of control.³²¹

125. Ms. Werth also observed the Student's skills in several additional areas related to his fine and gross motor control and computer use.³²² He successfully completed all tasks except for speaking with a volume and cadence his computer's dictation software could interpret correctly.³²³ His only other difficulties were in needing some communications repeated and in needing demonstrations before he understood the instructions to tear tape from a tape dispenser and to staple papers together.³²⁴

126. Ms. Werth concluded that the Student's fine and gross motor abilities and his sensory processing did not require the intervention of an OT.³²⁵ She observed he struggled more with writing when a task was mentally demanding, and that his writing improved when the mental demands were reduced.³²⁶ She noted that his difficulty writing on college-ruled paper with correctly spaced letters and words was frequently observed in students with an autism diagnosis.³²⁷

127. Ms. Werth developed five accommodations she recommended teachers provide to the Student: "more time for written tasks," a "word processor for written expression," "visual demonstration[s] of task[s]," "graph paper ... or ... lined paper turned sideways" in math, and "gentle reminders ... to pace himself."³²⁸ She concluded that an OT was not needed to implement these recommended accommodations; other staff could implement them.³²⁹

128. Ms. Werth determined that since the Student didn't struggle with similar fine motor control tasks, his difficulties with legible handwriting were not due to fine motor control problems.³³⁰ Instead, she believed they were due to cognitive issues and his

³²⁰ D7, p13.

³²¹ D7, p13; T685 (Werth).

³²² D7, p15.

³²³ D7, p15.

³²⁴ D7, p15.

³²⁵ D7, p16; T680-83, T685-86, T695 (Werth).

³²⁶ T701 (Werth).

³²⁷ T703-05 (Werth); see P8, p1.

³²⁸ D7, p16.

³²⁹ D7, p16; T686 (Werth).

³³⁰ D7, p16; T680-83, T685 (Werth).

autism diagnosis, perhaps involving “general impulsivity, working memory, or processing speed.”³³¹

129. The Student has been diagnosed with bony exostosis, a medical condition that affects the bones of his legs and arms.³³² This can cause a reduction in the Student’s range of motion, which may inhibit his ease of walking or writing.³³³ Following her evaluation of the Student, Ms. Werth did not raise any concerns about this condition or note any physical difficulty resulting from this condition.³³⁴ Mr. Parent does not believe this condition is relevant to the Student’s need for any SDI or related services, including OT services.³³⁵

130. On April 4, 2024, the Student’s evaluation team met to discuss the OT evaluation.³³⁶ The attendees were Mr. Parent, OT Ms. Werth, case manager Ms. Tomaszewski, SLP Ms. Trescott, school psychologist Jen Frohlich, and assistant principal Ms. Alexander.³³⁷ The majority of the team agreed to implement Ms. Werth’s recommendation not to initiate OT.³³⁸ The majority also agreed with Ms. Werth’s offer to request an assistive technology consultation for the Student and verify that her recommended accommodations were already in the Student’s IEP.³³⁹

131. Following the team meeting, Ms. Werth sent the Parents an email listing her recommended accommodations.³⁴⁰ As she explained in the email, each of these accommodations were already included in the Student’s existing IEP.³⁴¹ Ms. Werth also discussed the Student’s needs with the District’s assistive technology team³⁴² That team concluded the Student already had access to all the technologies that would be beneficial to him.³⁴³

³³¹ D7, p16; T700–05 (Werth).

³³² D1, p11.

³³³ D1, p11.

³³⁴ See D7; D8, p1–2; T673–706 (Werth).

³³⁵ T146–47 (Parent).

³³⁶ D7, p19.

³³⁷ D7, p19.

³³⁸ D7, p19.

³³⁹ D7, p19.

³⁴⁰ D8, p1–2; see D7, p16.

³⁴¹ D8, p1–2; D6, p21–23.

³⁴² T690–91 (Werth).

³⁴³ T690–91 (Werth).

The IEP team's addition of modifications to the Student's IEP in February 2024

132. At the two February 2024 IEP team meetings, the Student's IEP team agreed, over the Parents' objection, to implement modifications for the Student.³⁴⁴ The modifications were to be implemented daily in "all classroom locations" and consisted of alternate assignments at the Student's instructional level, reduced length of assignments, and grading on a modified standard through collaboration between general education and special education teachers.³⁴⁵

133. The team's reasons to implement these were to "support [the Student's] learning in general education classes and allow him to have access to modified curriculum and grading, supporting his current level of progress[, and] allow[ing him] to complete his own work at his academic level."³⁴⁶ Mr. Parent agreed with the Student's Modern World History class being modified, but no others.³⁴⁷ In the second meeting, after modifications had been included in the 2024 IEP, the Parents asked for the Student's chemistry class be excluded from the modifications, but the rest of the team determined that given the Student's difficulties, he needed modifications in that class "to be successful."³⁴⁸

134. The District informed the Parents in writing about the IEP team's modification decisions in prior written notices ("PWNs") regarding the implementation of the 2024 IEP and the February 2024 Amended IEP.³⁴⁹

135. The Student requires modifications to benefit academically from general education classes.³⁵⁰ General education science and social studies classes at the Student's grade level require greater writing capability than the Student had in the 2023–2024 and 2024–2025 school years.³⁵¹

136. The Student's first grade reading comprehension level required him to have alternate assignments for him to be able to understand the instructional materials for his classes.³⁵² Assignments beyond his comprehension ability would have provided

³⁴⁴ D5, p25, p30; D6, p23, p38.

³⁴⁵ D5, p25; D6, p23.

³⁴⁶ D5, p30; see D6, p28.

³⁴⁷ T223 (Parent); T629 (Tomaszewski).

³⁴⁸ D6, p28.

³⁴⁹ D5, p30; D6, p28.

³⁵⁰ T505–06 (Cornell); T779–80 (Wilbert); Tomaszewski Decl. ¶34.

³⁵¹ T505 (Cornell); T779–80 (Wilbert).

³⁵² T506 (Cornell); T779–80 (Wilbert); Tomaszewski Decl. ¶34.

him with no educational benefit.³⁵³ When he can understand his instructional materials, he is capable of academic growth in his general education classes.³⁵⁴

137. The Student's first grade reading comprehension level and his low cognitive scores, including slower processing time, require him to have his assignments' lengths reduced, as he will need more time to complete assignments than his typically developing peers in his general education classes.³⁵⁵

138. Given that the Student's reading and cognitive abilities require modified assignments, this also requires modified grading.³⁵⁶ Otherwise, he would be "held to a standard that it is not possible" for him to meet.³⁵⁷ With modified grading, he can be appropriately rewarded for doing his best at work he is capable of understanding and completing.³⁵⁸

139. With appropriate modifications in his general education classes, the Student was able to stay in those classes.³⁵⁹ Time in the general education classrooms with typically developing peers provides social benefits to the Student beyond the academic benefits his modifications made available to him.³⁶⁰

140. Ms. Tomaszewski was the Student's case manager when the two IEPs from February 2024 were implemented.³⁶¹ She communicated the Student's new modifications to his other teachers.³⁶² Ms. Wilbert, the Student's case manager beginning in fall 2024, also communicated the Student's modifications to his other teachers.³⁶³

141. The Parents disagreed with the Student's classes being modified.³⁶⁴ The rest of the IEP team considered the Parents' input during the two February 2024 team meetings.³⁶⁵ The majority of the team decided to add the modifications to the

³⁵³ Tomaszewski Decl. ¶34.

³⁵⁴ Tomaszewski Decl. ¶34.

³⁵⁵ T506 (Cornell); T780-81 (Wilbert); Tomaszewski Decl. ¶40.

³⁵⁶ T506 (Cornell); Tomaszewski Decl. ¶41.

³⁵⁷ Tomaszewski Decl. ¶41.

³⁵⁸ Tomaszewski Decl. ¶41-42.

³⁵⁹ Tomaszewski Decl. ¶39.

³⁶⁰ Tomaszewski Decl. ¶39.

³⁶¹ Tomaszewski Decl. ¶3.

³⁶² Tomaszewski Decl. ¶3, ¶4; see D9.

³⁶³ T796, T829 (Wilbert).

³⁶⁴ Tomaszewski Decl. ¶43; D5, p30; D6, p28.

³⁶⁵ Tomaszewski Decl. ¶43.

Student's IEP, despite the Parents' objections, because the Student needed them to be successful in his general education classes.³⁶⁶

142. During a February 2024 IEP team meeting, when modifications were being discussed, Mr. Parent requested that the IEP include the phrase that modifications would be implemented only "with parental agreement."³⁶⁷ The other team members did not agree to this phrase being added, so it was not included.³⁶⁸

143. Classes with "modified" instruction do not meet college entrance requirements, though the Student's current "targeted" English class does meet college entrance requirements.³⁶⁹ Mr. Parent wants the Student to be able to attend college, and he believes the Student also wants to attend college.³⁷⁰ Mr. Parent is disappointed that having modified classes may interfere with the Student's ability to attend college.³⁷¹

144. Ms. McDonald, who worked with the Student previously as an instructional coach and with transition planning, does not believe the Student will be able to advance from four years of high school to a traditional college program based on her experience with him.³⁷²

145. Mr. Parent is displeased with the reduction in the difficulty or apparent grade level he has seen in the Student's modified classes.³⁷³ He is specifically displeased that the Student's level of instruction in chemistry appeared to him to be lowered to an elementary level through the modifications.³⁷⁴ Mr. Parent believes the modifications are based on the 2022 reevaluation, which he describes as being too old to be reliable.³⁷⁵ He also believes that he should be notified about every individual decision of how to implement the modifications in each of the Student's classes.³⁷⁶

³⁶⁶ Tomaszewski Decl. ¶43.

³⁶⁷ T922 (Parent).

³⁶⁸ T922 (Parent); see D5; D6.

³⁶⁹ T510–11 (Cornell); T870–71 (Parent).

³⁷⁰ T854, T858–59, T870–71 (Parent).

³⁷¹ T870–71 (Parent).

³⁷² T388–91 (McDonald).

³⁷³ T735, T870 (Parent).

³⁷⁴ T870 (Parent).

³⁷⁵ T847 (Parent).

³⁷⁶ T847 (Parent).

CONCLUSIONS OF LAW

Jurisdiction and Burden of Proof

1. The Office of Administrative Hearings (“OAH”) has jurisdiction over the parties and subject matter of this action for the Superintendent of Public Instruction as authorized by 20 United States Code (“USC”) §1400 *et seq.*, the Individuals with Disabilities Education Act (“IDEA”), Chapter 28A.155 Revised Code of Washington (“RCW”), Chapter 34.05 RCW, Chapter 34.12 RCW, and the regulations promulgated under these provisions, including 34 Code of Federal Regulations (“CFR”) Part 300, and Chapter 392-172A Washington Administrative Code (“WAC”).

2. The District bears the burden of proof in this matter.³⁷⁷ In a special education due process hearing, the burden of proof is a preponderance of the evidence.³⁷⁸

The IDEA and FAPE

3. Under the IDEA, a school district must provide a free and appropriate public education (“FAPE”) to all eligible children. In doing so, a school district is not required to provide a “potential-maximizing” education, but rather a “basic floor of opportunity.”³⁷⁹

4. In *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, the U.S. Supreme Court established both a procedural and a substantive test to evaluate a state’s compliance with the IDEA.³⁸⁰ The first question is whether the state has complied with the procedures set forth in the IDEA.³⁸¹ The second question is whether the individualized education program developed under these procedures is reasonably calculated to enable the child to receive educational benefits.³⁸² “If these requirements are met, the State has complied with the obligations imposed by Congress and the courts can require no more.”³⁸³

³⁷⁷ RCW 28A.155.260(1).

³⁷⁸ RCW 28A.155.260(3).

³⁷⁹ *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176, 197 n.21, 200–01, 102 S. Ct. 3034 (1982).

³⁸⁰ *Id.* at 206–07.

³⁸¹ *Id.* at 206.

³⁸² *Id.* at 206–07.

³⁸³ *Id.* at 207.

Claims Not Raised in the Complaint

5. A party requesting a due process hearing may not raise issues during the hearing that were not raised in the complaint unless the other party agrees.³⁸⁴ “Administrative and judicial review in IDEA cases is specifically limited to the issues raised in the due process complaint, unless the parties agree otherwise.”³⁸⁵ This is consistent with Washington administrative law requiring that a notice of hearing include a statement of the issues and that prehearing orders identify all issues and provide an opportunity to object.³⁸⁶ An exception to this rule is when both parties fully present evidence and argument at the administrative hearing on an issue that was not raised in the complaint.³⁸⁷

6. In this case, Mr. Parent raised claims in his testimony, witness questioning, and closing statement that were not included in the issue statement. For example, Mr. Parent testified about problems with the Student’s reading and writing goals.³⁸⁸ No issues in the issue statement relate to the Student’s reading and writing goals or SDI. For claims that are not raised in the issue statement, the evidence does not show that an exception applies. The issues to be addressed are those identified in the prehearing order and restated above.

The District’s Reliance on the 2022 Reevaluation

7. Mr. Parent contends that the District’s use of data from the 2022 reevaluation is inappropriate and has resulted in a denial of FAPE to the Student, as decisions are being made based on “four years ago data” that is not reliable due to its age.³⁸⁹ At the hearing, Mr. Parent related this contention to multiple issues in the issue statement, including the two issues regarding modifications, the development of the Student’s

³⁸⁴ WAC 392-172A-05100(3); 20 U.S.C. § 1415(f)(3)(B).

³⁸⁵ *L.C. v. Issaquah Sch. Dist.*, No. C17-1365JLR, 2019 U.S. Dist. LEXIS 77834, at *35, 2019 WL 2023567 (W.D. Wash. May 8, 2019) (citing 20 U.S.C. § 1415(f)(3)(B); *City of San Diego v. Cal. Special Educ. Hearing Office*, 93 F.3d 1458, 1465 (9th Cir. 1996)) (upholding ALJ’s refusal to address claims raised for first time in post-hearing brief where parents cited no evidence that parties agreed to expand scope of due process hearing), *aff’d sub nom. Crofts v. Issaquah Sch. Dist.* No. 411, 2022 U.S. App. LEXIS 907 (9th Cir. 2022).

³⁸⁶ RCW 34.05.434; WAC 10-80-130.

³⁸⁷ *M.C. v. Antelope Valley Union High School Dist.*, 858 F.3d 1189, 1196 (9th Cir. 2017); *A.W. v. Tehachapi Unified Sch. Dist.*, 2019 U.S. Dist. LEXIS 37815, at *15–16 (E.D. Cal. Mar. 7, 2019), *aff’d* 810 Fed. Appx. 588 (9th Cir. 2020); see *L.C. v. Issaquah*, 2019 U.S. Dist. LEXIS at *37 (holding that parents failed to show any of claims not considered by ALJ were tried by consent, contrasting with *Antelope Valley*: “Both sides in *Antelope Valley* ‘presented extensive evidence,’ including witness testimony, regarding the omitted claim.”).

³⁸⁸ See T862 (Parent).

³⁸⁹ T910–11 (Parent questioning Ms. Haasch); T847 (Parent).

SLP goals, and all issues involving evidence related to the Student's cognitive difficulties.³⁹⁰

8. Before reevaluating a student eligible for special education, normally “[a] school district must obtain informed parental consent [before] conducting any reevaluation.”³⁹¹ If a parent refuses to provide consent, the district may not conduct the reevaluation without taking further steps.³⁹² To reevaluate a student after parental refusal, the district must either obtain consent from the parent or file a due process complaint and succeed in having an ALJ override the parent's refusal (known as “consent override”).³⁹³ The district is not required to take such additional steps; it does not violate its obligation under the IDEA by failing to reevaluate in this situation.³⁹⁴

9. In this matter, the District repeatedly requested the Parents' consent to reevaluate the Student, beginning in the 2023–2024 school year. The Parents consistently refused to consent to reevaluation of the Student for anything other than occupational therapy. As a result, the District has continued to rely on the Student's 2022 reevaluation, along with the Student's present levels of performance, progress reports, and input from his teachers, though the Student's teachers believe having updated reevaluation data would be preferable.

10. If Mr. Parent thinks the data in the 2022 reevaluation is too old to be useful, he has the option to consent to the Student being reevaluated. Regardless, the District may not conduct the reevaluation without either parental consent or consent override, and it is not required to seek consent override.³⁹⁵ Mr. Parent may not prevent the District from obtaining newer evaluative data and then fault the District for continuing to rely on the data it has.³⁹⁶

³⁹⁰ T353–54 (Parent questioning Ms. Alexander); T457–59 (Parent's objections during Ms. McDonald's testimony); T847 (Parent); T910–11 (Parent questioning Ms. Haasch).

³⁹¹ WAC 392-172A-03000(3)(a).

³⁹² *Id.*

³⁹³ WAC 392-172A-03000(3)(a); see *C.M.E. v. Shoreline School Dist.*, 82 IDELR 219, 123 LRP 9647 (9th Cir. March 14, 2023).

³⁹⁴ WAC 392-172A-03000(3)(a).

³⁹⁵ See *id.*

³⁹⁶ *Cf. Andress v. Cleveland Indep. Sch. Dist.*, 64 F.3d 176, 178 (5th Cir. 1995) (“If a student's parents want him to receive special education under IDEA, they must allow the school itself to reevaluate the student and they cannot force the school to rely solely on an independent evaluation.”); *Gregory K. v. Longview School Dist.*, 811 F.2d 1307, 1315 (9th Cir. 1987) (“If the parents want [the student] to receive special education under the Act, they are obliged to permit such testing.”). Additionally, in due process proceedings in other states, hearing officers have found school districts not at fault for failing to implement students' IEPs when parents have prevented the implementation. *E.g.*, *Downingtown Area*

11. Thus, the District's continued reliance on the 2022 reevaluation's data does not support a conclusion that the District violated the IDEA as to any of the issues in this case.

Failing to provide occupational therapy services to the Student. (Issue B).

12. Mr. Parent asserts that the Student needs OT services included in his IEP to access his education and succeed in the future "because his writing is so bad" and that the District's failure to provide OT services denies the guarantees the U.S. Supreme Court made in *Endrew F. v. Douglas County Sch. Dist. RE-1*.³⁹⁷ Mr. Parent also contends that the District must "provide OT or whatever that is required to help [the Student] to fully access the gen. ed. classes," as some of his teachers sometimes "require him to write and not type."³⁹⁸

13. "To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."³⁹⁹ The determination as to whether an IEP is reasonably calculated to offer a student FAPE is a fact-specific inquiry.⁴⁰⁰ As the U.S. Supreme Court has made clear in *Endrew F.*, "[a] focus on the particular child is at the core of the IDEA," and an IEP must "meet a child's unique needs."⁴⁰¹ "[T]he essential function of an IEP is to set out a plan for pursuing academic and functional advancement."⁴⁰² Accordingly, an IEP team is charged with developing a comprehensive plan that is "tailored to the unique needs of a particular child."⁴⁰³ Additionally, a student's "educational program must be appropriately ambitious in light of his circumstances."⁴⁰⁴

14. In reviewing an IEP, "the question is whether the IEP is reasonable, not whether the court regards it as ideal."⁴⁰⁵ The determination of reasonableness is made as of the

Sch. Dist., 113 LRP 34703 (SEA Pa. 2013) ("The District cannot be faulted for not doing what the Parents prevented it from doing."); *Bethlehem Area Sch. Dist.*, 109 LRP 21907 (SEA Pa. 2007) ("Having thus handcuffed the District, [the Parents] cannot now be heard to complain that the inclusion aspect of the program was not implemented appropriately.").

³⁹⁷ T219–20 (Parent); T927–28 (Parent closing statement); see *Endrew F. v. Douglas County Sch. Dist. RE-1*, 580 U.S. 386, 137 S. Ct. 988 (2017).

³⁹⁸ T921 (Parent).

³⁹⁹ *Endrew F.*, 580 U.S. at 399 (citing *Rowley*, 458 U.S. at 206–07).

⁴⁰⁰ *Id.*

⁴⁰¹ *Id.* at 400 (emphasis in original).

⁴⁰² *Id.* at 399 (citing §§1414(d)(1)(A)(i)(I–IV)).

⁴⁰³ *Id.* at 401.

⁴⁰⁴ *Id.* at 402.

⁴⁰⁵ *Id.* at 399 (emphasis in original).

time the IEP was developed.⁴⁰⁶ An IEP is “a snapshot, not a retrospective.”⁴⁰⁷ However, a school district cannot “discharge its duty under the IDEA by providing a program that produces some minimal academic advancement, no matter how trivial.”⁴⁰⁸

15. A student’s instruction “must be ‘specially designed’ to meet a child’s ‘unique needs.’”⁴⁰⁹ A student’s IEP must be “constructed only after careful consideration of the child’s present levels of achievement, disability, and potential for growth.”⁴¹⁰

16. When developing a “student’s IEP, the IEP team must consider:

- a. The strengths of the student;
- b. The concerns of the parents for enhancing the education of their student;
- c. The results of the initial or most recent evaluation of the student; and
- d. The academic, developmental, and functional needs of the student.”⁴¹¹

17. In the development process, in “considering [the] special factors unique to a student, the IEP team must consider the communication needs of the student ... and consider whether the student needs assistive technology devices.”⁴¹²

18. An IEP must include a statement of the program modifications and supports provided to help the student advance appropriately toward annual goals, make progress in the general education curriculum, participate in extracurricular and nonacademic activities, and be educated with other students, including nondisabled peers.⁴¹³ It must also include a description of how goal progress will be measured and when periodic progress reports will be issued.⁴¹⁴

19. Related services are “developmental, corrective, and other supportive services as are required to assist a student eligible for special education services to benefit

⁴⁰⁶ *Adams v. Oregon*, 195 F.3d 1141, 1149 (9th Cir. 1999).

⁴⁰⁷ *Id.*

⁴⁰⁸ *J.W. v. Fresno Unified Sch. Dist.*, 626 F.3d 431, 439 (9th Cir. 2010) (quoting *Amanda J. v. Clark County Sch. Dist.*, 267 F.3d 877, 890 (9th Cir. 2001)).

⁴⁰⁹ *Endrew F.*, 580 U.S. at 400 (quoting 20 USC §§1401(29, 14)) (emphases in original); see WAC 392-172A-01175(1)(c); *L.J. v. Pittsburgh Unified Sch. Dist.*, 850 F.3d 996, 1007 (9th Cir. 2017).

⁴¹⁰ *Endrew F.*, 580 U.S. at 400 (citing 20 USC §§1414(d)(1)(A)(i)(I–IV), (d)(3)(A)(i–iv)).

⁴¹¹ WAC 392-172A-03110(1)(a–d).

⁴¹² WAC 392-172A-03110(2)(a)(iv, v).

⁴¹³ WAC 392-172A-03090(1)(d)(i–iii); 34 CFR 300.320(a)(4)(i–iii).

⁴¹⁴ WAC 392-172A-03090(1)(c)(i–ii).

from special education services.”⁴¹⁵ OT is considered a related service when it is needed to assist a student to benefit from their special education services.⁴¹⁶

20. In this matter, the District conducted an OT evaluation of the Student in early 2024, at the Parents’ request. Ms. Werth, an experienced pediatric OT, conducted a thorough evaluation of the Student. She found that the Student did not have fine or gross motor control difficulties with tasks that were not mentally taxing. As such, OT would not help the Student improve his handwriting, as he does not have a motor control deficit.

21. Ms. Werth noted the Student’s handwriting was better with tasks that were not mentally demanding, but worse when he had a lot to think about. This supports Ms. Werth’s conclusion that the Student’s handwriting challenges are caused by his cognitive difficulties and autism diagnosis, as opposed to motor control difficulties.

22. Ms. Werth recommended several accommodations for the Student, such as extra time and a word processor for writing, graph paper in math, visual demonstrations of tasks, and reminders to pace himself.⁴¹⁷ These were all things that did not require an OT to implement; other staff could implement them. She also verified that these accommodations were each already in the Student’s IEP; they did not need to be added.

23. Finally, Ms. Werth worked with the District’s assistive technology team to determine if the District could further help the Student with more technology. The District had already provided everything the Student needed.

24. With respect to the provision of OT services, the District complied with all the requirements of WAC 392-172A-03110’s subsections 1 and 2. The District was not required to do more for the Student related to OT services.⁴¹⁸ Further, the Student does not need OT services, as they cannot help him improve his handwriting; the denial of these services did not deny the Student the ability to receive educational benefit or to make appropriate progress. ⁴¹⁹ Finally, related services are provided when necessary for a student to benefit from or access special education classes, not general education classes.⁴²⁰

⁴¹⁵ WAC 392-172A-01155(1).

⁴¹⁶ *Id.*

⁴¹⁷ D7, p16.

⁴¹⁸ See WAC 392-172A-03110(1-2).

⁴¹⁹ See *Endrew F.*, 580 U.S. at 399–403.

⁴²⁰ WAC 392-172A-01155(1).

25. Accordingly, the District has met its burden to establish it has not violated any requirements of the IDEA. The District's denial of OT services did not deny the Student FAPE.

Development and implementation of speech language pathology services. (Issues A and I).

Failing to provide speech language pathologist services as required by the IEP. (Issue I).

Failing to provide at least 60 minutes per week of services from a speech language pathologist. (Issue A).

26. Regarding the implementation of the Student's IEPs, Mr. Parent asserts the Student's SLP services started late at the beginning of the 2023–2024 and 2024–2025 school years.⁴²¹ He testified that the Student told him the SLP services began in late September or October at the start of the 2023 school year, and in October at the start of the 2024 school year.⁴²²

27. Regarding the development of the Student's IEPs, Mr. Parent contends that the Student should have received more services from an SLP “[b]ecause the Spanish teacher said that he need[ed] more speech [language pathology services].”⁴²³ Mr. Parent also asserts that the Student's SLP goals grew simpler over time, from identifying others' emotions to answering personal questions.⁴²⁴ Mr. Parent believes they were further simplified by the Student's academic classes' modifications, as his “why” goal drew content from those classes.⁴²⁵

28. If a school district fails to implement the requirements laid out in an IEP, this may deny a student FAPE.⁴²⁶ However, special education services “need only be provided ‘in conformity with’ the IEP.”⁴²⁷ According to the Ninth Circuit, “[t]here is no statutory requirement of perfect adherence to the IEP, nor any reason rooted in the statutory text to view minor implementation failures as denials of [FAPE].”⁴²⁸

⁴²¹ T184–86 (Parent).

⁴²² T184–86 (Parent).

⁴²³ T219–20, T846 (Parent).

⁴²⁴ T857 (Parent); T643–45 (Mr. Parent questioning Ms. Trescott).

⁴²⁵ T904–11 (Parent questioning Ms. Haasch).

⁴²⁶ *Van Duyn v. Baker Sch. Dist.*, 502 F.3d 811, 821 (9th Cir. 2007).

⁴²⁷ *Id.* (quoting 20 USC § 1401(9)).

⁴²⁸ *Id.*

29. Therefore, if a school district fails to implement an IEP, the question is whether that failure was material.⁴²⁹ “A material failure occurs when there is more than a minor discrepancy between the services provided to a disabled child and those required by the IEP.”⁴³⁰ Only a material failure to implement an IEP violates the IDEA.⁴³¹ For a district’s failure to implement to be material, it is “not require[d] that the child suffer demonstrable educational harm in order to prevail. However, the child’s educational progress, or lack of it, may be probative of whether there has been more than a minor shortfall in the services provided.”⁴³²

30. Where a student does not make progress, but the school district has not materially failed to implement the IEP as written, a lack of progress does not establish a material failure to implement on its own.⁴³³

31. The IDEA requires that “[a]t the beginning of each school year,” school districts must have an IEP in effect for each child with a disability within its jurisdiction.⁴³⁴ However, delays in implementing an IEP may not be material if the delays were reasonable, considering the student’s and the school district’s specific circumstances.⁴³⁵

Analysis—IEP Implementation

32. In this case, regarding the implementation of the IEPs’ requirements, both the District’s SLPs provided 30 minutes weekly of direct services to the Student, as required by the Student’s IEPs. The evidence shows they each began the Student’s services at the beginning of each school year. The Student was scheduled to receive services from an SLP on a specific day of the week. As such, he may not have had

⁴²⁹ *Id.* at 822.

⁴³⁰ *Id.* at 821–22.

⁴³¹ *Id.* at 822.

⁴³² *Id.*

⁴³³ See *Dep’t of Educ. v. A.U.*, No. 11-00085 AWT-BMK, 2011 U.S. Dist. LEXIS 152260, at *12–14 (D. Haw. Nov. 22, 2011), *adopted by Dep’t of Educ. v. A.U.*, CV 11-00085 AWT-BMK, 2012 U.S. Dist. LEXIS 9534 (D. Haw., Jan. 25, 2012) (remanding case because hearing officer assessed harm to child but not whether the failure to implement was material).

⁴³⁴ 20 U.S.C. § 1414(d)(2)(A); 34 CFR 300.323(a); see WAC 392-172A-03105.

⁴³⁵ *J.S. v. Shoreline Sch. Dist.*, 220 F. Supp. 2d 1175, 1189 (W.D. Wash. 2002) (delay not unreasonable as parents requested it); *M.K. v. Issaquah Sch. Dist.*, No. 2:24-cv-787-BJR, 2025 U.S. Dist. LEXIS 112086, at *24 (W.D. Wash. June 12, 2025) (delay reasonable given difficulty of locating a residential placement); see *C.H. v. Cape Henlopen Sch. Dist.*, 606 F.3d 59, 68 (3d Cir. 2010) (delay not unreasonable as parents caused it); *J.G. v. Douglas Cty. Sch. Dist.*, 552 F.3d 786, 796–99 (9th Cir. 2008) (“Small administrative delays ... should not render the District’s actions unreasonable.”).

services the first week of the school year, depending on which day school began, and which day was the Student's scheduled day.

33. A delay of one week to begin the Student's weekly 30-minute speech services is reasonable, where the delay is caused because the scheduled day of the week has not yet occurred in the school year.⁴³⁶ This complies with the IDEA's requirements to provide services "'in conformity with' the IEP" and "[a]t the beginning of each school year."⁴³⁷

34. While the Student told Mr. Parent that his SLPs had started his services later, the Student cannot consistently and accurately report recent past events.⁴³⁸ Information relayed by the Student to Mr. Parent about past events is not reliable.⁴³⁹

35. Consequently, it is concluded that the District has satisfied its burden to establish that it provided the SLP services called for in the Student's IEPs. The District did not materially fail to implement the Student's IEPs related to SLP services.⁴⁴⁰

Analysis—IEP Development

36. Regarding the development of the Student's IEPs, both the Student's recent SLPs believed the Student would not benefit from an additional 30 minutes weekly of direct SLP services. Both SLPs opine, based on their training and professional experience, as well as their experience with the Student, that the Student's difficulties with expressive language stem in significant part from his cognitive difficulties. The District's two experienced SLPs agreed that more speech minutes would not remediate the Student's difficulties, and any benefit was not worth the disadvantage of removing him from other classes. The evidence from two experienced SLPs who have worked with the Student is more persuasive than Mr. Parent's speculation that more speech minutes would help the Student, and more persuasive than the comment Mr. Parent relayed from the Student's Spanish teacher.

37. Each IEP during the period at issue laid out measurable goals, with a description of when progress would be reported.⁴⁴¹ Each IEP included a statement of the supports and accommodations to be provided to help the Student progress appropriately

⁴³⁶ See *J.G. v. Douglas Cty. Sch. Dist.*, 552 F.3d at 796–99.

⁴³⁷ *Van Duyn*, 502 F.3d at 821 (quoting 20 USC § 1401(9)); 20 U.S.C. § 1414(d)(2)(A); 34 CFR 300.323(a); see WAC 392-172A-03105.

⁴³⁸ See D3, p15–16; D4, p15; D5, p15–16; D6, p14; T257–58 (Trescott); Tomaszewski Decl. ¶24.

⁴³⁹ See D3, p15–16; D4, p15; D5, p15–16; D6, p14; T257–58 (Trescott); Tomaszewski Decl. ¶24.

⁴⁴⁰ See *Van Duyn*, 502 F.3d at 821–22.

⁴⁴¹ See WAC 392-172A-03090(1)(c)(i–ii).

towards his goals.⁴⁴² Each IEP contained detailed discussion, reasoning, and recommendations from the Student's SLP, explaining the Student's difficulties and offering a basis for the choices made regarding annual goals. The District appropriately made "careful consideration of the [Student]'s present levels of achievement, disability, and potential for growth."⁴⁴³

38. Mr. Parent's assertion that the difficulty level of the Student's goals decreased between IEPs is unpersuasive. The Student's 2022 goal of identifying others' emotions and 2023 goal of answering questions about himself targeted different areas of difficulty for the Student. Additionally, all the Student's SLP goals appropriately targeted areas the Student struggled with.⁴⁴⁴

39. Further, the Student made progress in his SLP goals. His goals changed as he mastered or partially mastered new skills. He particularly improved in his 2024 conversational goals when in familiar environments with familiar people. While his progress has perhaps not been as rapid as what Mr. Parent would like to see, the IDEA does not demand that school districts provide a "potential-maximizing" education.⁴⁴⁵ Instead, the District must "offer an IEP reasonably calculated to enable [the Student] to make progress appropriate in light of [his] circumstances."⁴⁴⁶ The Student's severe cognitive difficulties are part of the "circumstances" that must be considered in determining what level of progress is "appropriate" for the Student.⁴⁴⁷ With several cognitive scores at and below the first percentile, the Student will necessarily be more limited in his progress and academic attainment than someone with average or high scores. The District provided the Student with IEPs that were reasonably calculated to help the Student progress in the ways and to the level he could.⁴⁴⁸

40. Beginning in February 2024, the Student's general education academic classes were modified to provide instruction and assignments he could understand and complete. The Parent perceived the level of instruction in these classes to go from a high school level to an elementary school level. Mr. Parent's argument related to the Student's 2024 "why" goal stems from the fact that this SLP goal used content the Student was exposed to in his academic classes to help the Student practice reasoning

⁴⁴² See WAC 392-172A-03090(1)(d)(i-iii).

⁴⁴³ *Endrew F.*, 580 U.S. at 400 (citing 20 USC §§1414(d)(1)(A)(i)(I-IV), (d)(3)(A)(i-iv)).

⁴⁴⁴ See *id.*

⁴⁴⁵ *Rowley*, 458 U.S. at 197 n.21.

⁴⁴⁶ *Endrew F.*, 580 U.S. at 403 (emphasis added).

⁴⁴⁷ *Id.*

⁴⁴⁸ See *id.*

out an answer.⁴⁴⁹ This goal targeted the Student's memory, fluid reasoning, and expressive language—all areas of difficulty for him. Such a goal could successfully target these areas regardless of the grade level of the underlying academic content. The Student's SLP goal was appropriate and "reasonably calculated" to help the Student make appropriate progress.⁴⁵⁰

41. Consequently, it is concluded that the Student's IEPs were reasonably calculated to help the Student progress in the ways he could, in the areas most important for his ability to communicate in society.⁴⁵¹ The District has met its burden to show the Student's IEPs were developed appropriately with respect to SLP services.

Conclusion

42. Accordingly, the District did not violate the IDEA with respect to SLP services. The District properly implemented the Student's IEPs, and the IEPs were appropriately calculated to help the Student progress appropriately.⁴⁵² The District did not deny the Student FAPE.

Development and implementation of social-emotional, adaptive, and communication SDI, including related to the Student's problem-solving goals. (Issues E, F, G, and H). ⁴⁵³

Failing to deliver all of the adaptive, communication, and social-emotional services called for in the Student's IEP. (Issue H).

Failing to provide instruction designed to allow the Student to make meaningful progress toward social emotion goals in problem solving. (Issue E).

Failing to provide SDI in socialization and communication skills (including problem solving and interpersonal conflict). (Issue F).

Failing to provide SDI in adaptive, communication, and social-emotional skills. (Issue G).

43. Mr. Parent contends that the District did not implement all the social-emotional, adaptive, and communication SDI called for in the Student's IEPs. This is in part

⁴⁴⁹ See D5, p 15–17; D6, p14–16.

⁴⁵⁰ See *Endrew F.*, 580 U.S. at 403.

⁴⁵¹ *Id.* at 399–403.

⁴⁵² See *id.*; *Van Duyn*, 502 F.3d at 821–22.

⁴⁵³ Issues F, G, and H group "communication" with "social-emotional" and "adaptive" SDI. This section addresses the issues and arguments related to the Student's social-emotional and adaptive SDI, which includes some communication SDI. The goals and instruction related to SLP related services, which are also sometimes referred to as "communication," are addressed above, in Issues A and I.

because Ms. Tomaszewski did not record data for the Student's problem-solving goal from "on the spot" coaching she provided during the academic quarters in which problem-solving was not part of her class curriculum.⁴⁵⁴ Additionally, Mr. Parent objected to the Student being in a class with topics "like hygiene for three years in a row," arguing that Ms. Tomaszewski "could use this time to teach him ... problem solving [and] communication skills in social settings."⁴⁵⁵ Further, Mr. Parent asserts that Ms. Tomaszewski's problem-solving SDI focused solely on "adaptive" problems and not on "interpersonal conflict."⁴⁵⁶

44. Regarding the development of the Student's IEPs related to social-emotional and adaptive SDI, including socialization skills and problem-solving goals, Mr. Parent contends the Student's IEPs were inappropriate because the Student had problem-solving goals for several years and never fully mastered them.^{457 458}

45. School districts are generally entitled to deference to decide what programming is appropriate for a student, within the requirements of the student's IEP.⁴⁵⁹

Analysis—IEP Implementation

46. Regarding the implementation of the Student's IEPs' requirements, Ms. Tomaszewski's Adaptive Living Skills class provided SDI in both adaptive skills (daily living, functional communication, socialization, and self-management skills) and social emotional skills (interpersonal and intrapersonal skills, including conversation and self-efficacy).⁴⁶⁰ She also collaborated with the Student's SLP to address the Student's communication difficulties as a part of providing the Student SDI related to adaptive communication skills. Ms. Tomaszewski provided 240 minutes of concurrent social-emotional and adaptive SDI weekly to the Student throughout both school years at issue. This is what the Student's IEPs required. The Student's IEPs do not specify how

⁴⁵⁴ T859 (Parent); T583–88 (Parent questioning Ms. Tomaszewski).

⁴⁵⁵ T861, T716–17, T220 (Parent); see P3 (Adaptive Living Skills curriculum); D19, p1–2 (Adaptive Living Skills description).

⁴⁵⁶ T220 (Parent).

⁴⁵⁷ T591 (Parent questioning Ms. Tomaszewski); T871–72, T921 (Parent); T926 (Parent closing statement).

⁴⁵⁸ Mr. Parent testified that he believed the District's modification of the Student's piano instruction, which he considered "adaptive," related to Issue G. T872–74 (Parent). However, musical instrument instruction is not "adaptive SDI," which is SDI to assist a student with "functional living skills" to reduce "dependency on others for daily living and task completion." D1, p8.

⁴⁵⁹ *J.L. v. Mercer Island School Dist.*, 575 F.3d 1025, 1031 n.5 (9th Cir. 2009) (citing *Rowley*, 458 U.S. at 206).

⁴⁶⁰ D1, p8.

all the Student's SDI will be delivered, and such specificity is not required, as districts are entitled to deference in making specific curriculum choices.⁴⁶¹

47. Ms. Tomaszewski did not report data on problem solving for certain quarters in which problem solving was not part of her curriculum. However, she delivered SDI related to this issue on the spot, as incidents arose. The evidence also established that the Student's paraprofessionals worked with him on this goal throughout the school year in his general education classes.

48. Additionally, the Student has made progress in his problem-solving goals, though he has not fully mastered them. However, given that the District implemented the Student's IEPs as written, the Student's failure to fully master his problem-solving goal does not, on its own, establish that the District materially failed to implement the IEPs.⁴⁶²

49. Mr. Parent's next argument is about hygiene being included in the Student's SDI for multiple years through the Adaptive Living Skills class. First, districts are generally entitled to implement services using the curricula they find appropriate.⁴⁶³ The Student's case managers and teachers decided the Adaptive Living Skills class continued to be the best curriculum for the Student to receive the social-emotional and adaptive SDI called for in his IEPs. This determination does not mean the District materially failed to implement the IEPs.⁴⁶⁴

50. Second, providing the Student with this type of SDI is reasonable, given the results of the 2022 reevaluation.⁴⁶⁵ The Student's reevaluation, with input from the Student's social skills teacher and his mother, showed the Student scored in the first percentile in daily living skills, which was in the "low" range.⁴⁶⁶ Thus, the most recent data shows the Student can benefit from SDI in daily living skills. As discussed above, Mr. Parent may not prevent the District from obtaining newer evaluative data and then fault the District for continuing to rely on the data it has.⁴⁶⁷

51. Mr. Parent's final assertion is that the District's problem-solving SDI related only to adaptive problems and not to interpersonal conflict. However, the preponderance

⁴⁶¹ *J.L. v. Mercer Island*, 575 F.3d at 1031 n.5 (citing *Rowley*, 458 U.S. at 206).

⁴⁶² See *Dep't of Educ. v. A.U.*, 2011 U.S. Dist. LEXIS 152260, at *12–14.

⁴⁶³ *J.L. v. Mercer Island*, 575 F.3d at 1031 n. 5 (citing *Rowley*, 458 U.S. at 206).

⁴⁶⁴ See *id.*

⁴⁶⁵ See D1, p20.

⁴⁶⁶ See D1, p20.

⁴⁶⁷ *Cf. Andress v. Cleveland*, 64 F.3d at 178; *Gregory K. v. Longview*, 811 F.2d at 1315.

of the evidence establishes this is not the case. The evidence regarding curriculum-driven problem-solving instruction (as opposed to on-the-spot assistance as incidents arose naturally) related entirely to potential interpersonal conflict.

52. Consequently, it is concluded that the District has met its burden to show it has materially implemented all the adaptive, communication, and social emotional SDI called for in the Student's IEP.

Analysis—IEP Development

53. Regarding the development of the Student's IEPs, Mr. Parent's primary contention centers around the Student having the same goal related to problem solving and interpersonal conflict since, he asserts, 2018.⁴⁶⁸ This contention is based on the Student's lack of progress; Mr. Parent faults the District and its teachers for failing to teach the Student to master these skills over several years.⁴⁶⁹

54. As discussed above, school districts must provide IEPs that are "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."⁴⁷⁰ This determination is a fact-specific inquiry that depends on the needs and ability of the child.⁴⁷¹ An IEP must be "reasonable, not ... ideal."⁴⁷² The determination of reasonableness is made as of the time the IEP was developed.⁴⁷³

55. In this matter, in each IEP for the period at issue, the Student's IEPs provided for 240 minutes weekly of concurrent social-emotional and adaptive SDI. They also provided for 960 minutes weekly of 1:1 paraeducator support in 2023 and 960 minutes weekly of paraeducator support in 2024. The IEP's provided for the Student's SDI to be delivered in a special education setting allowing for a lot of individualized instruction, and the provision for access to a paraeducator similarly provided for extensive opportunity for individualized support. This is a robust amount of SDI and supportive services, designed to help the Student develop skills in interacting with others, taking care of himself, and managing difficulties encountered at school and in the community.

⁴⁶⁸ T591 (Parent questioning Ms. Tomaszewski); T871–72, T921 (Parent); T926 (Parent closing statement).

⁴⁶⁹ See T871–72 (Parent).

⁴⁷⁰ *Endrew F.*, 580 U.S. at 403.

⁴⁷¹ *Id.* at 399–400.

⁴⁷² *Id.* at 399 (emphasis in original).

⁴⁷³ *Adams v. Oregon*, 195 F.3d at 1149.

56. Each IEP during the period at issue laid out measurable goals, with a description of when progress would be reported.⁴⁷⁴ Each IEP included a statement of the supports and accommodations to be provided to help the Student progress appropriately towards his goals.⁴⁷⁵ In 2023, the Student's problem-solving goal was continued into his next IEP; he had made progress on his 2022 problem-solving goal but then regressed over the summer. The IEP notes a recommendation for the Student to continue working on the same problem-solving goal. His conversational turn goal was made changed to be at a more appropriate level to help him (reducing the number of turns) and to target areas of specific difficulty (using who, what, where, when, and yes/no questions.). In 2024, the Student's problem-solving goal was modified to reflect his higher baseline and to add adaptive problems to the goal; the IEP notes a recommendation that this goal should be continued because the skills it targeted were so important for the Student to master. The Student's conversation goal stayed the same, apart from an increased baseline; the IEP notes a recommendation for the Student to continue working on this goal. With each of these iterations, the District examined the Student's growth and needs. The District appropriately made "careful consideration of the [Student]'s present levels of achievement, disability, and potential for growth."⁴⁷⁶

57. In developing the Student's IEPs, the IEP team considered the Student's strengths, the Parents' concerns, the most recent reevaluation, and the Student's "academic, developmental, and functional needs."⁴⁷⁷ With respect to social-emotional and adaptive programming, the IEPs were designed to help the Student develop the skills he needs to succeed in high school and beyond high school. The specific goals and the number of minutes the IEP provided were all chosen to help the Student make reasonable progress, given his unique needs and circumstances.⁴⁷⁸

58. Additionally, the evidence in the record shows that over the years, the Student has made progress in his problem-solving goals, contrary to Mr. Parent's argument. Though his progress has not always been continuous, the Student's difficulties with this goal are explained in large part by his difficulty with fluid reasoning. More complex problem solving requires the Student to use fluid reasoning, applying memories and learning to the present situation.⁴⁷⁹ Such a task is difficult for the Student; he is more capable of learning rote steps or responses than of flexibly reasoning out new

⁴⁷⁴ See WAC 392-172A-03090(1)(c)(i–ii).

⁴⁷⁵ See WAC 392-172A-03090(1)(d)(i–iii).

⁴⁷⁶ *Endrew F.*, 580 U.S. at 400 (citing 20 USC §§1414(d)(1)(A)(i)(I–IV), (d)(3)(A)(i–iv)).

⁴⁷⁷ WAC 392-172A-03110(1)(a–d).

⁴⁷⁸ *Endrew F.*, 580 U.S. at 399–403.

⁴⁷⁹ D1, p24–27.

responses.⁴⁸⁰ The Student's difficulty also exists, in part, because he is better at presenting solutions to problems in hypothetical settings than in real-life settings.⁴⁸¹

59. Consequently, it is concluded that the District has met its burden to show the Student's IEPs were developed appropriately with respect to social-emotional and adaptive SDI.

Conclusion

60. Accordingly, the District did not violate the IDEA with respect to social-emotional and adaptive SDI. The District properly implemented the Student's IEPs, and the IEPs were reasonably calculated to help the Student progress appropriately.⁴⁸² The District did not deny the Student FAPE.

Development and implementation of math SDI. (Issues J and K).

Failing to provide SDI in math in a general education setting. (Issue J).

Failing to provide SDI in math to allow the Student to make meaningful progress toward math goals. (Issue K).

61. In Issue K, Mr. Parent contends the District has not taught the Student effectively; he believes the Student should have advanced to higher levels of math during high school, and more appropriate IEPs would have made that happen.⁴⁸³

62. In Issue J, Mr. Parent asserts that the issue he intended to raise was that the District denied the Student FAPE by keeping him in a pre-algebra class for his first three years of high school.⁴⁸⁴ He is concerned that the District has delayed the Student's math learning, thus limiting the attainment he will achieve while in high school.⁴⁸⁵ As the Student's high school had no targeted (special education) algebra class before the 2025–2026 school year and the only way for the Student to be in an algebra class was in the general education setting, this issue was framed to assert the Student should be in a general education math class.⁴⁸⁶ But Mr. Parent's primary argument is that the

⁴⁸⁰ D1, p26.

⁴⁸¹ D2, p10; D12, p23; D3, p8–9; D6, p7–9; D12, p9–10; see Tomaszewski Decl. ¶18.

⁴⁸² See *Endrew F.*, 580 U.S. at 399–403; *Van Duyn*, 502 F.3d at 821–22.

⁴⁸³ T247 (Parent).

⁴⁸⁴ T243–48 (Parent); T926–27, T929 (Parent closing statement); see T815 (Parent questioning Ms. Wilbert).

⁴⁸⁵ T854 (Parent).

⁴⁸⁶ T243–48, T854–55 (Parent).

District should not have kept the Student in pre-algebra for three years, regardless of whether the Student's placement was in special education or general education.⁴⁸⁷

63. School districts must ensure that special education students are served in the "least restrictive environment."⁴⁸⁸ Students should be placed in general education settings as much as is appropriate, and only in special education settings when necessary to receive satisfactory education and to meet their IEP goals.⁴⁸⁹ However, "[t]he IDEA only requires a state educational agency to mainstream a disabled student to the maximum extent appropriate. It would be inappropriate to mainstream a child when he can receive no educational benefit from such a policy."⁴⁹⁰ Further, working with a 1:1 aide in the general education environment, separately from the rest of the class "mistakes proximity for participation"⁴⁹¹ and "is not meaningful inclusion."⁴⁹²

64. WAC 392-17A-02060(2) requires that decisions regarding a student's educational placement be based on four criteria: "(a) The student's IEP; (b) The least restrictive environment requirements contained in WAC 392-172A-02050 through 392-172A-02070...; (c) The placement option(s) that provides a reasonably high probability of assisting the student to attain [their] annual goals; and (d) A consideration of any potential harmful effect on the student or on the quality of services [that they need]."⁴⁹³

65. The Ninth Circuit has developed a four-part "Rachel H" test to determine whether a student's placement represents the least restrictive environment.⁴⁹⁴ The test's four factors are "(1) the academic benefits of placement in a mainstream setting, with any supplementary aides and services that might be appropriate; (2) the non-academic benefits of mainstream placement, such as language and behavior models provided by non-disabled students; (3) the negative effects the student's presence may have on the teacher and other students; and (4) the cost of educating the student in a mainstream environment...."⁴⁹⁵

⁴⁸⁷ T243-48 (Parent).

⁴⁸⁸ WAC 392-172A-02050.

⁴⁸⁹ *Id.*; *City of San Diego*, 93 F.3d at 1468.

⁴⁹⁰ *Poolaw v. Bishop*, 67 F.3d 830, 838 (9th Cir. 1995)

⁴⁹¹ *Las Virgenes Unified Sch. Dist. v. S.K.*, No. CV-05-8467-GAF, 54 IDELR 289, 110 LRP 35620 (C.D. Cal. June 14, 2010).

⁴⁹² *Hollister Sch. Dist.*, 60 IDELR 172, 113 LRP 3720 (CA SEA 2013).

⁴⁹³ See 34 CFR 300.116(b)(2).

⁴⁹⁴ *Ms. S. ex rel. G v. Vashon Island Sch. Dist.*, 337 F.3d 1115, 1137 (9th Cir. 2003); see *Sacramento City Unified Sch. Dist. v. Rachel H.*, 14 F.3d 1398, 1404 (9th Cir. 1994).

⁴⁹⁵ *Ms. S. v. Vashon Island*, 337 F.3d at 1137.

Analysis—IEP Development

66. Regarding the least restrictive environment appropriate for the Student, it is concluded that placement in a special education math class was appropriate under the law. Under WAC 392-17A-02060's four factors, the primary consideration in making a placement decision is what is needed to deliver the services the Student requires to receive FAPE. Under these factors, and under the IDEA, the Student's placement must be in "the least restrictive environment [that] also meets [his] IEP goals."⁴⁹⁶ The Student's math teacher opines, based on her training and extensive professional experience, as well as her experience with the Student, that the Student is unable to handle the content, pace, and expectations of a general education math class. Her conclusion is supported by the Student's very low scores in math conceptions, math applications, and fluid reasoning, and his below average scores for short- and long-term memory. For these reasons, it is concluded the Student could not have satisfactorily achieved education or met his IEPs' goals in a general education math setting without significant intervention, such as receiving SDI from a 1:1 paraprofessional, which would "not [be] meaningful inclusion."⁴⁹⁷

67. The "Rachel H." test emphasizes the benefits for the Student by mainstreaming and the negative effects and costs to others from this process.⁴⁹⁸ The first factor, comparing the Student's educational benefit in a general education setting versus in a special education setting, strongly supports a special education setting. This is because the Student could not have satisfactorily achieved education or met his IEPs' math goals in a general education class without separation from the class through 1:1 instruction.⁴⁹⁹ The second factor, the non-academic benefits of a mainstream setting, weighs more heavily in favor of a special education setting.⁵⁰⁰ While all students benefit from inclusion with their non disabled peers, the Student received inclusion in a general education setting for over half his school day. It is concluded the greater weight favors a special education setting specifically for the Student's math class, because separate instruction from the rest of the class, which the Student would require in a general education class, "is not meaningful inclusion."⁵⁰¹ The third factor, negative effects to the teacher and other students, weighs in favor of a mainstream placement, as no negative effects would come to anyone else; the Student is well-

⁴⁹⁶ *City of San Diego*, 93 F.3d at 1468; see WAC 392-17A-02060(a-d).

⁴⁹⁷ *Hollister Sch. Dist.*, 60 IDELR 172; see WAC 392-17A-02050; *City of San Diego*, 93 F.3d at 1468.

⁴⁹⁸ See *Ms. S. v. Vashon Island*, 337 F.3d at 1137.

⁴⁹⁹ See *id.*; *Poolaw*, 67 F.3d at 838; *Hollister Sch. Dist.*, 60 IDELR 172.

⁵⁰⁰ See *Ms. S. v. Vashon Island*, 337 F.3d at 1137.

⁵⁰¹ *Hollister Sch. Dist.*, 60 IDELR 172.

behaved and he is well-liked by his instructors and administrators.⁵⁰² The parties provided no evidence regarding the fourth factor, the cost of education in a mainstream placement.⁵⁰³ Consequently, the Rachel H. test weighs more heavily in favor of a special education setting, where the Student's IEP goals and instructional needs can be targeted directly without him being isolated from the rest of his class.⁵⁰⁴

68. For the above reasons, it is concluded the Student's placement in a special education math class in the public school "was substantively proper under the IDEA."⁵⁰⁵ This was the least restrictive environment appropriate for the Student's math instruction.

69. To the extent Mr. Parent otherwise challenges the development of the Student's IEPs, in each IEP from the period at issue, the Student was provided 240 minutes of math SDI. His SDI was delivered in a setting smaller than general education classes, allowing for significant individualized instruction. His teacher was able to target his unique needs and to support his progress towards his goals. Receiving all his math instruction in such a setting is the most effective delivery of math SDI the District could provide for the Student, given his needs, apart from 1:1 instruction or additional instruction at the expense of removing the Student from other classes or services.

70. Each IEP during the period at issue laid out measurable goals, with a description of when progress would be reported.⁵⁰⁶ Each IEP included a statement of the supports and accommodations to be provided to help the Student progress appropriately towards his goals.⁵⁰⁷ Each IEP contained progress reporting and recommendations. The Student's math goals were adjusted in 2023 to allow for more precise targeting and measurement. They were again adjusted in 2024 to reflect his growth and to target more challenging substantive areas.

71. In placing the Student in a special education setting for all his math instruction and in carefully adjusting his goals each year to reflect his needs and growth, the District appropriately made "careful consideration of the [Student]'s present levels of achievement, disability, and potential for growth."⁵⁰⁸ The Student's IEPs were "tailored

⁵⁰² See *Ms. S. v. Vashon Island*, 337 F.3d at 1137–38.

⁵⁰³ See *id.*

⁵⁰⁴ See *id.*; *Las Virgenes v. S.K.*, 54 IDELR 289; *Hollister Sch. Dist.*, 60 IDELR 172.

⁵⁰⁵ *Ms. S. v. Vashon Island*, 337 F.3d at 1138; see *Poolaw*, 67 F.3d at 838; WAC 392-17A-02060(a–d).

⁵⁰⁶ See WAC 392-172A-03090(1)(c)(i–ii).

⁵⁰⁷ See WAC 392-172A-03090(1)(d)(i–iii).

⁵⁰⁸ *Endrew F.*, 580 U.S. at 400 (citing 20 USC §§1414(d)(1)(A)(i)(I–IV), (d)(3)(A)(i–iv)).

to [his] unique needs” and were “appropriately ambitious in light of his circumstances.”⁵⁰⁹

72. Consequently, it is concluded that the District has met its burden to show the Student’s IEPs were developed appropriately with respect to math SDI. They were reasonably calculated to help the Student progress in the ways he could and at the rate of speed that he could achieve, and they provided instruction in the least restrictive environment appropriate for the Student.⁵¹⁰

Analysis—IEP Implementation

73. To the extent Mr. Parent challenges the District’s implementation of curriculum choices regarding pre-algebra versus algebra 1 classes, school districts are generally entitled to deference to decide what programming is appropriate for a student, within the requirements of the student’s IEP.⁵¹¹ Moreover, given the Student’s low cognitive scores in math reasoning, math overall, memory, and reasoning generally, the evidence establishes that the Student needed three years in pre-algebra before he could be ready for algebra 1 concepts.⁵¹² Additionally, while in pre-algebra, Ms. Wilbert was able to directly target the Student’s needs and individually deliver specialized instruction, such that the Student was never required to work below his skill level while in pre-algebra.⁵¹³

74. Further, Ms. Wilbert provided 240 minutes weekly of math SDI to the Student, as required by the Student’s IEPs.

75. The District has satisfied its burden to establish that it provided the math SDI called for in the Student’s IEPs and that it appropriately selected the curriculum. The District did not materially fail to implement the Student’s IEPs related to math SDI.⁵¹⁴

Conclusion

76. Accordingly, the District did not violate the IDEA with respect to the Student’s math SDI. The Student’s IEPs were reasonably calculated to help him progress

⁵⁰⁹ *Id.* at 401, 402.

⁵¹⁰ See *id.* at 399–403; *Ms. S. v. Vashon Island*, 337 F.3d at 1137.

⁵¹¹ See *J.L. v. Mercer Island*, 575 F.3d at 1031 n.5 (citing *Rowley*, 458 U.S. at 206).

⁵¹² See D1, p24–27, p29; T769–70, T772–75, T780, T782–83, T787 (Wilbert).

⁵¹³ T773–74, T808, T833 (Wilbert).

⁵¹⁴ See *Van Duyn*, 502 F.3d at 821–22.

appropriately and the District properly implemented the IEPs.⁵¹⁵ The District did not deny the Student FAPE.

Procedural issues: Notice of modifications, control of modifications, and parental participation in the drafting of IEPs. (Issues C, D, and L).

Failing to provide the Parent with a full and fair opportunity to participate in the drafting of the IEP. (Issue L).

Failing to inform the Parent about implementation of modifications contained within the Student's IEP and the reasons therefore. (Issue C).

Failing to allow the Parent control over implementation of modifications contained within the Student's IEP. (Issue D).

Mr. Parent's Arguments

77. First, regarding participation in IEP drafting (Issue L), Mr. Parent asserts that various items were changed in the Student's IEPs without discussion, such as various goals changed and accommodations removed.⁵¹⁶ He further asserts his proposals were not sufficiently considered by the rest of the IEP team in various meetings.⁵¹⁷ Mr. Parent also testified he did not remember several meetings and discussions, such as participating in various meetings and the specifics of several meetings.⁵¹⁸ Similarly, he also testified that he could not remember whether he participated in the January 7, 2022 reevaluation meeting or a phone call regarding his input for the reevaluation, stating twice, "My memory is not very good."⁵¹⁹ Finally, Mr. Parent also contends the District team members predetermined the content of the Student's IEPs by writing drafts that did not change.⁵²⁰

78. Regarding his participation in drafting the IEPs (Issue L), Mr. Parent also asserts that because he did not agree with the modifications being included in the IEP for most of the Student's classes, they should not have been included over his objection.⁵²¹

⁵¹⁵ See *Endrew F.*, 580 U.S. at 399–403; *Van Duyn*, 502 F.3d at 821–22.

⁵¹⁶ T160, T169, T862–66 (Parent).

⁵¹⁷ T154, T157 (Parent).

⁵¹⁸ T148–53 (Parent).

⁵¹⁹ T99–100 (Parent).

⁵²⁰ T160, 169 (Parent).

⁵²¹ T929 (Parent); T929 (Parent closing statement); see T921–22 (Parent); T800–01 (Parent questioning Ms. Wilbert).

79. Related to both his participation in drafting the IEPs (Issue L) as well as his control over the implementation of modifications (Issue D), Mr. Parent asserts that the Parents and the Student were denied the opportunity “to be involved in [the Student’s] educational placement” because they were not provided a statement in the Student’s IEP that modifications would be implemented only with parental agreement.⁵²²

80. Regarding his control over modifications (Issue D), Mr. Parent objected to the fact that he had “no say” in which classes would be modified or how specific modifications would be implemented.⁵²³ He also took issue with his understanding that teachers incorrectly believed themselves to be required to implement the modifications listed in the Student’s IEP.⁵²⁴ He asserts the District improperly predetermined modification decisions by the Student’s case manager and chemistry teacher having a private discussion (which Mr. Parent saw as the teacher being “coached”) before meeting with Mr. Parent.⁵²⁵

81. Regarding his notice of modifications (Issue C), Mr. Parent contends he should have been notified about each class to be modified and each individual modification implementation choice.⁵²⁶

82. Supporting his position that these alleged procedural violations denied the Student educational benefits and impeded his right to FAPE, Mr. Parent contends the modifications were inappropriate because there was no adequate basis or reason to justify including them in the Student’s IEPs. First, he argues that they were inappropriate because they were based on outdated data from the 2022 reevaluation.⁵²⁷ Second, he asserts that they were inappropriate because they were also based on standardized tests for which he believes the Student did not receive all the accommodations listed in his IEPs.⁵²⁸ Additionally, he contends that the IEP team’s decision to modify the Student’s chemistry class was unjustified, given that the Student’s ninth grade science teacher never suggested the Student could not do the work in his general education science class.⁵²⁹

⁵²² T922 (Parent); T929 (Parent closing statement); see T826–32 (Parent questioning Ms. Wilbert).

⁵²³ T828–29 (Parent questioning Ms. Wilbert).

⁵²⁴ T796–98 (Parent questioning Ms. Wilbert).

⁵²⁵ T630–32 (Parent questioning Ms. Tomaszewski).

⁵²⁶ T826–32 (Parent questioning Ms. Wilbert).

⁵²⁷ T910–11 (Parent questioning Ms. Haasch); T847 (Parent).

⁵²⁸ T851–54, T856 (Parent).

⁵²⁹ T848–50 (Parent).

83. Also supporting his claim of harm from these alleged violations, Mr. Parent asserts that following the implementation of the modifications, the Student's goals and general education classes were not "appropriately ambitious."⁵³⁰ He believes that as a result of the modifications, the Student suffered educational harm and that Student's SLP "why" goal was at too low of a grade level due to the modifications of his general curriculum academic classes.⁵³¹

Applicable Law

84. Procedural safeguards are essential under the IDEA, particularly those that protect the parent's right to be involved in the development of their child's educational plan.⁵³² Procedural violations of the IDEA amount to a denial of FAPE and warrant a remedy only if they:

- (I) impeded the child's right to a free appropriate public education;
- (II) significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents' child; or
- (III) caused a deprivation of educational benefits.⁵³³

85. The IDEA requires that parents have the "opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of FAPE to [their] student."⁵³⁴ To comply with this requirement, parents must not only be invited to attend IEP meetings, but must also have the opportunity for "meaningful participation in the formulation of IEPs."⁵³⁵

86. Although parental participation is paramount under the IDEA, "a district does not necessarily violate the IDEA if it refuses to implement a parent's requests, and a parent does not have 'veto' power over IEP provisions."⁵³⁶ "The IDEA does not require

⁵³⁰ T926–29 (P closing statement) (quoting *Endrew F.*, 580 U.S. at 402).

⁵³¹ T904–11 (Parent questioning Ms. Haasch).

⁵³² *Amanda J. v. Clark County*, 267 F.3d at 882.

⁵³³ 20 USC §1415(f)(3)(E)(ii); WAC 392-172A-05105(2); 34 CFR §300.513(a)(2).

⁵³⁴ WAC 392-172A-05001(1)(a).

⁵³⁵ *H.B. v. Las Virgenes Unified Sch. Dist.*, 239 Fed Appx. 342, 344–45, 48 IDELR 31 (9th Cir. 2007) (citing *Shapiro v. Paradise Valley Unified Sch. District No. 69*, 317 F.3d 1072, 1078 (9th Cir. 2003) ("The Act imposes upon the school district the duty to conduct a meaningful meeting with the appropriate parties.")).

⁵³⁶ *L.C. v. Issaquah*, 2019 U.S. Dist. LEXIS, at *58 (citing *Ms. S. v. Vashon Island*, 337 F.3d at 1131).

[that] a school district comply with every request a parent makes; rather, the district must ‘seriously consider’ the parents’ input and concerns.”⁵³⁷

87. “[P]redetermination occurs when an educational agency has made its determination prior to the IEP meeting, including when it presents one placement option at the meeting and is unwilling to consider other alternatives.”⁵³⁸ A school district’s belief that its proposed IEP provisions are appropriate does not establish predetermination, as long as it is willing to consider other options.⁵³⁹ Predetermination of a student’s IEP provisions is a procedural violation that can deprive the student of FAPE. According to the Ninth Circuit, a school district violates IDEA procedures “if it independently develops an IEP, without meaningful parental participation, and then simply presents the IEP to the parent for ratification.”⁵⁴⁰ A school district violates the IDEA if it predetermines IEP provisions for a student before the IEP is developed or steers the IEP to the predetermined provisions.⁵⁴¹

88. The fact that a district may have come to an IEP meeting with “pre-formed opinions regarding” the best course to take does not constitute predetermination if the district team members were willing to listen to the parent and the parent had the opportunity to make objections and suggestions regarding the IEP.⁵⁴² A school district is required to “come to the IEP table with an open mind,” but not “a blank mind,” and the district may come with a draft IEP for discussion but it must not have finalized its decisions before the meeting.⁵⁴³ A parent is not “prevented from participating in the IEP process if the school district first prepares an offer to be discussed at the IEP meeting, instead of conducting a free-wheeling discussion and then creating an offer.”⁵⁴⁴ As such, District team members are permitted to hold their own meetings to conduct “preparatory activities ... to develop a proposal or response to a parent proposal that will be discussed at a later meeting.”⁵⁴⁵

⁵³⁷ *L.C. v. Issaquah*, 2019 U.S. Dist. LEXIS, at *63 (quoting *K.S. v. Fremont Unified Sch. Dist.*, 545 F. Supp. 2d 995, 1008 (N.D. Cal. 2008)).

⁵³⁸ *H.B. v. Las Virgenes*, 239 F. App’x at 344.

⁵³⁹ See *id.* at 345.

⁵⁴⁰ *Ms. S. v. Vashon Island*, 337 F.3d at 1131.

⁵⁴¹ *K.D. ex rel. C.L. v. Dep’t of Educ.*, Hawaii, 665 F.3d 1110, 1123 (9th Cir. 2011).

⁵⁴² *L.C. v. Issaquah*, 2019 U.S. Dist. LEXIS, at *65–66.

⁵⁴³ *Doyle v. Arlington County Sch. Bd.*, 806 F. Supp. 1253, 1262 (E.D. Va. 1992)); *D.M. v. Seattle Sch. Dist.*, No. C15-1390-MAT, 2016 U.S. Dist. LEXIS 122519, at *59 (W.D. Wash. Sep. 9, 2016).

⁵⁴⁴ *Baquerizo v. Garden Grove Unified Sch. Dist.*, 826 F.3d 1179, 1186 (9th Cir. 2016).

⁵⁴⁵ WAC 392-172A-05001(1)(c).

89. “Modifications” are changes made to a curriculum to allow a student with an IEP to access the curriculum and participate.⁵⁴⁶ These may involve changes intended to help the student attain their goals, or changes to the general education curriculum to allow the student to access it and to participate with other, nondisabled students.⁵⁴⁷ A student’s IEP must contain “a statement of the program modifications ... that will be provided.”⁵⁴⁸

90. The provisions of a student’s IEP, such as modifications, are binding on school districts; teachers may not decide to disregard the requirements of an IEP.⁵⁴⁹

Analysis—Parental Participation, Parental Notice, and Parental Control

91. In this matter, the preponderance of the evidence establishes that the Parents were provided a meaningful opportunity to participate in the IEP team meetings.⁵⁵⁰ The Parents were invited to and allowed to share their views and suggestions in every IEP team meeting.⁵⁵¹ The rest of the IEP team considered the Parents’ input and ideas.⁵⁵² While some of their suggestions were adopted by the team and others were not, the fact that several suggestions from the Parents were adopted by the team supports the evidence that the Parents’ ideas were listened to and meaningfully considered.⁵⁵³ Refusal to accept every parental request does not automatically violate the IDEA.⁵⁵⁴ The majority of the team did not violate the IDEA by implementing provisions over the Parents’ objections, including modifications; the Parents do “not have ‘veto’ power over IEP provisions.”⁵⁵⁵ Similarly, Mr. Parent was not entitled to a written provision in the IEPs stating any modification could only be implemented with parental agreement.⁵⁵⁶

⁵⁴⁶ See WAC 392-172A-03090(1)(d)(i–iii); 34 CFR 300.320(a)(4)(i–iii).

⁵⁴⁷ WAC 392-172A-03090(1)(d)(i–iii); 34 CFR 300.320(a)(4)(i–iii).

⁵⁴⁸ WAC 392-172A-03090(1)(d)(i–iii); 34 CFR 300.320(a)(4)(i–iii).

⁵⁴⁹ WAC 392-172A-03105(1)(d) (stating IEPs “must include ... a statement of the program modifications ... that will be provided”); WAC 392-172A-03105(3)(b)(ii) (stating that a “school district must ensure that ... [each] teacher ... is informed in a timely manner of[t]he specific ... modifications ... that must be provided for the Student in accordance with the IEP”).

⁵⁵⁰ See *Shapiro v. Paradise Valley*, 317 F.3d at 1078.

⁵⁵¹ See WAC 392-172A-05001(1)(a).

⁵⁵² See *Shapiro v. Paradise Valley*, 317 F.3d at 1078.

⁵⁵³ See *id.*

⁵⁵⁴ See *L.C. v. Issaquah*, 2019 U.S. Dist. LEXIS, at *63.

⁵⁵⁵ *Id.* at *58.

⁵⁵⁶ *Id.*

92. Further, District employees preparing a draft IEP or conferring among themselves before a meeting does not constitute predetermination.⁵⁵⁷ Team members are not required to have a “blank mind,” and the evidence, which shows the team repeatedly adopted the Parents’ suggestions, does not establish the District’s team members lacked an “open mind.”⁵⁵⁸

93. Regarding parental notice of the modifications, the Parents were informed in writing about the modifications in February 2024 with the issuance of two successive PWNs. Mr. Parent asserts that he should have been notified about each class that would be modified. He was. The IEPs state the modifications would apply to all classes. Mr. Parent also appears to argue he should have been notified about each modification choice made by each teacher in every class period; not only would this be unworkable, as teachers must make new decisions each day about how to modify each assignment, but he points to no provision of law to support this claim.

94. Regarding parental control of the implementation of the modifications, there is no legal basis to allow such control of teachers’ modification choices. The District is entitled to deference to decide what programming is appropriate for the Student, within the requirements of his IEP.⁵⁵⁹ The Student’s teachers do not have the authority to disregard provisions in his IEP; an IEP is a binding document that the District must materially implement.⁵⁶⁰

95. For these reasons, it is concluded that the District has satisfied its burden to establish it has not committed a procedural violation of the IDEA as to any of these three issues. Consequently, it is unnecessary to reach the question of whether the District’s actions amount to a denial of FAPE.⁵⁶¹

96. Accordingly, the District has not violated any of the procedural requirements of the IDEA. The District’s actions did not deny the Student FAPE.

⁵⁵⁷ See WAC 392-172A-05001(1)(c).

⁵⁵⁸ *Doyle v. Arlington County Sch. Bd.*, 806 F. Supp. at 1262; *D.M. v. Seattle Sch. Dist.*, 2016 U.S. Dist. LEXIS 122519, at *59.

⁵⁵⁹ *J.L. v. Mercer Island*, 575 F.3d at 1031 n.5 (citing *Rowley*, 458 U.S. at 206).

⁵⁶⁰ See WAC 392-172A-03105(1)(d); WAC 392-172A-03105(3)(b)(ii).

⁵⁶¹ See 20 USC §1415(f)(3)(E)(ii); WAC 392-172A-05105(2); 34 CFR §300.513(a)(2).

Conclusion


97. The District has met its burden on each of the issues presented, establishing by a preponderance of the evidence that it has not violated the IDEA and has not denied the Student FAPE.

98. Consequently, Mr. Parent is denied each of his requested remedies.

ORDER

The Bellevue School District has established that it did not violate the IDEA and did not deny the Student FAPE. Accordingly, Mr. Parent is not entitled to any relief and his requests for relief are DENIED.

SERVED on the date of mailing.



Marek E. Falk
Administrative Law Judge
Office of Administrative Hearings

Right To Bring A Civil Action Under The IDEA

Pursuant to 20 U.S.C. 1415(i)(2), any party aggrieved by this final decision may appeal by filing a civil action in a state superior court or federal district court of the United States. The civil action must be brought within ninety days after the ALJ has mailed the final decision to the parties. The civil action must be filed and served upon all parties of record in the manner prescribed by the applicable local state or federal rules of civil procedure. A copy of the civil action must be provided to OSPI, Legal Services, PO Box 47200, Olympia, WA 98504-7200. To request the administrative record, contact OSPI at appeals@k12.wa.us.

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that true copies of this document were served upon the following as indicated:

Parent

[REDACTED]
[REDACTED]

via First Class Mail and
via E-mail

[REDACTED]

Karen DeJong
Kristin Lierheimer
Bellevue School District
PO Box 90010
Bellevue, WA 98009

via E-mail
dejongk@bsd405.org
lierheimerk@bsd405.org
lutzm@bsd405.org

Lynette M. Baisch
Porter Foster Rorick LLP
601 Union Street, Ste 800
Seattle, WA 98101

via E-mail
lynette@pfrwa.com
sedona@pfrwa.com

Dated December 12, 2025, at Spokane Valley, Washington.

Lan Le

Representative
Office of Administrative Hearings
16201 E. Indiana Avenue, Suite 3000
Spokane Valley, WA 99216

cc: Administrative Resource Services, OSPI