

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Northshore School District

Docket No. 04-2025-OSPI-02540

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

Agency: Office of Superintendent of
Public Instruction

Program: Special Education

Cause No. 2025-SE-0067

A due process hearing was held before Administrative Law Judge (ALJ) Jacqueline Becker on June 22-25 and July 2, 2026, via zoom videoconference. The Parents of the Student whose education is at issue¹ appeared and were represented by Jenny Cochrane, attorney at law. The Northshore School District (District) was represented by Carlos Chavez and Susan Winkelman, attorneys at law. Also present for the District was Shannon Phanhtavilay, Director of Special Education for Middle School. ALJ Maira Perez observed a portion of the proceedings.

STATEMENT OF THE CASE

Procedural History

The Parents filed a due process hearing request (Complaint) on April 28, 2025. The matter was assigned to ALJ Becker. The Parents were represented by Ryan Ford, attorney at law, at the time. The Parents filed a Motion for Leave to Amend their Complaint on July 23, 2025, and the motion was granted on August 1, 2025. Mr. Ford withdrew as the Parents' attorney by Order Granting Attorney's Withdrawal on November 19, 2025. The due process hearing, which had been set to commence on December 8, 2025, was continued and was reset to March 24-27 and 30, 2026, by order entered on December 18, 2025.

The Parents proceeded pro se and filed a Motion to Enforce Stay Put on December 9, 2025, and supplemented that motion on December 18, 2025. The Parents also filed a second Motion to Amend their Complaint on December 18, 2025.

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

An order Granting the Parents' Second Motion to Amend and Setting Issues for Hearing was entered on December 22, 2025.

Attorney Jenny Cochrane appeared for the Parents on January 27, 2026. Oral argument on the Parents' stay put motion was held on February 3, 2026. The stay put motion was granted by order entered on February 25, 2026. The due process hearing was reset for June 22-25 and July 2, 2026, by order entered on April 16, 2026.

The due process hearing was held as scheduled. The record of the proceedings closed with the filing of the parties' post-hearing briefs on August 14, 2026.

Due Date for Written Decision

The written decision in this case is due on September 28, 2026.

EVIDENCE RELIED UPON

Exhibits Admitted:

District's Exhibits: D1 - D40

Parents' Exhibits: P8, P12, P17-28, P 30-57, P59-63, P64 page 1 only, P65-72, P79, P80, P83-85, P87, P88, P90-163, P165-174, P176, P178-184.

Witnesses Heard:

Student's Mother (Ms. Parent)

Student's Father (Mr. Parent)²

The Student

Maria "Flo" Hettle – District fourth grade teacher

Pamela Williamson – District special education teacher

Samuel Dodson – history and English tutor

Ruth Katz – math tutor

Nancy Hernandez Zamarripa – District third grade teacher

M.P. Barolin – District special education teacher

Amy Lowe – District school psychologist

² Both Parents confirmed on the record that they did not require interpreters for the due process hearing.

John Pastor, M.D. – treating psychiatrist

Tanner Wooding – private Board Certified Behavior Analyst (BCBA)

Melissa Nilsen – private occupational therapist

Monique Lowe, PhD – neuropsychologist

Shushan Sadjadi – Parent advocate

Dawn Bowers – Principal of District's Woodin Elementary School

Cathy Kennedy – District speech language pathologist

Tali Schock – District BCBA

Amanda Santiago – District special education teacher

ISSUES

The issues heard at the due process hearing are:

Whether the District violated the Individuals with Disabilities Education Act (IDEA) in various ways and denied the Student a free appropriate public education (FAPE), including:

1. Whether the District failed to meet its child find obligation dating back two years from the date of the filing of the original due process complaint (April 28, 2025).
2. Whether the June 2023 initial evaluation of the Student conducted by the District was an appropriate initial evaluation.
3. Dating back to the June 2023 initial evaluation and at all times thereafter, whether the District predetermined the Student's educational programming related to his sensory needs.
4. Whether the District failed to conduct an appropriate initial evaluation of the Student dating back to January 2024, including fully considering the Independent Educational Evaluation (IEE) report provided by the Parents.
5. Whether the Student's initial Individualized Education Program (IEP) and Behavior Intervention Plan (BIP), at all relevant times, were reasonably calculated to provide the Student a FAPE.
6. Whether, at all relevant times, the District materially failed to implement the Student's initial IEP and BIP.

7. Whether the Student's amended IEP and BIP from May 2024, at all relevant times, were not reasonably calculated to provide the Student a FAPE.
8. Whether, at all relevant times, the District materially failed to implement the Student's amended May 2024 IEP and BIP.
9. Whether upon receiving the Student's risk assessment report, the District failed to conduct an appropriate Functional Behavior Assessment (FBA) or otherwise failed to appropriately address the Student's challenges, resulting in an amended BIP that was not appropriate and a BIP that continues to not be appropriate to the present day.
10. Whether the Student's amended IEP and BIP from December 2024/January 2025, at all relevant times, were not reasonably calculated to provide the Student a FAPE.
11. Whether, at all relevant times, the District materially failed to implement the Student's amended December 2024/January 2025 IEP and BIP.
12. Whether the District denied the Student's Parents meaningful participation in the Student's initial special education evaluation meeting(s) for the June 2023 initial evaluation by: (a) ignoring and/or failing to address the Parents' concerns as they relate to written expression, and (b) ignoring and/or failing to address the Parents' concerns that the Student may qualify for special education services under the category of Autism.
13. At all times, whether the Student's IEP behavior goal(s) in all of his IEPs and amended IEPs is poorly constructed, vague, and not measurable in that it requires the person implementing the goal to attempt to measure whether the Student compromised, whether the Student initiated working on work, or whether the Student completed his work to the best of his abilities by making unreasonable inferences at least some of the time in practice.
14. Whether the District failed to provide the Parents with timely progress monitoring reports related to the Student's IEP goals until March 17, 2025, thus resulting in a procedural violation of the IDEA that rises to the level of denial of FAPE.
15. Whether the Student's social/emotional goal(s) prior to the current IEP in effect were not measurable due to the person(s) collecting the data being required, at least some of the time, to unreasonably infer when the Student

does or does not wish to participate in a situation with his peers in order to determine the level of progress made, if any.

16. Whether the Student's current social/emotional goal is not measurable due to the person(s) collecting the data being required, at least some of the time in practice, to unreasonably infer when the Student does or does not wish to participate in social or academic activity with his peers in order to determine the level of progress made, if any.

17. Whether the Student's writing goal on his current and past IEPs related to "paragraph writing" is not measurable in that it fails to define terms and phrases that must be consistently applied over time in order to accurately measure progress on the goal.

18. Whether the Student's writing goal related to "writing production" that first appears in his IEP from March 2025, is not reasonably calculated to deliver a FAPE because the goal is not reasonably calculated to increase the Student's writing production.

19. Whether the Student's amended IEP(s) and BIP(s) from March 2025 on, at all relevant times, were not reasonably calculated to provide the Student a FAPE.

20. Whether, at all relevant times, the District materially failed to implement the Student's IEP(s) and BIP(s) from March 2025 onward.

21. Whether the District failed to provide the Student with specially designed instruction (SDI) as required by his IEP from September 1, 2025, through December 5, 2025.

22. Whether the District failed to provide the Parents with progress data, as well as "service logs" documenting the services provided to the Student, from September 1, 2025, through December 5, 2025.

23. Whether the District failed to revise the Student's IEP when he entered middle school (at the start of the 2025-26 school year) in order to assure provision of behavior SDI and social/emotional learning, or comparable services.

24. Whether the District unilaterally changed the Student's placement when it informed the Parents that the Student would be required to either give up his elective courses in order to access Academic Lab, or retain his electives and receive no special education services.

And, whether the Parents are entitled to their requested remedies:

1. Declaratory relief finding that the District violated the IDEA.
2. Declaratory relief that the District denied the Student a FAPE.
3. Compensatory special education and related services for the Student to allow him to obtain the educational benefit that he would have received but for the District's violations of the IDEA and denial of FAPE.
4. An Order that the District shall fund a private qualified BCBA of the Parents' choosing to observe and analyze the Student's behavior in the school setting through an FBA or other means of behavioral assessment and develop data-driven recommendations to create a plan, including recommendations for specific personnel (e.g., BCBA and registered or certified behavior technician), that effectively supports the Student's needs.
5. An Order that the District shall reimburse the Parents for the private evaluation they obtained to help the District understand the complexities of the Student's disabilities, and/or that Parents are entitled to an Independent Educational Evaluation by a provider of their choosing at District expense.
6. An Order that the District shall reimburse the Parents for private services they obtained for the Student dating back up to two years from the filing of the due process complaint.
7. An Order that the District shall provide sensory therapy by a qualified provider to support the Student's sensory challenges in the school setting or fund private sensory therapy by a qualified provider to support the Student's sensory challenges in the school setting, and that the District shall support and/or fund observations of the Student in the school setting by the qualified provider.
8. An Order that the District shall fund a one-on-one executive functioning course for the Student and that the course will be attended by his one-to-one behavioral technician if it is determined that the Student requires a one-to-one behavioral technician, or other qualified District personnel or private service providers retained by the District for the purpose of working with the Student, that work with the Student throughout his school day that are positioned to reinforce the lessons learned in his executive functioning course.

9. An Order that staff that work with the Student will undergo trauma-informed training and practices.
10. An Order that staff that work with the Student will undergo Applied Behavior Analysis (ABA) training with a private qualified BCBA and that ABA principles will inform the Student's IEP.
11. An Order that the Student's IEP team consider the recommendations of the private BCBA, including whether the Student requires the support of a one-to-one behavior technician with the oversight of a BCBA.
12. An Order that the District staff working with the Student undergo "right response" training to the extent that they have not undergone the training or have not undergone the training in the past two calendar years.
13. An Order that the qualified sensory therapy specialist will provide consultative services to the Student's IEP team to address the Student's sensory challenges in the school setting
14. An Order that the qualified sensory therapy specialist will provide training to the Student's Parents to address the Student's sensory challenges, to provide an integrated approach and consistency in the Student's primary environments.
15. An Order that the qualified private BCBA will provide training to the Student's Parents to address the Student's challenges as a student on the spectrum and to provide an integrated approach and consistency in the Student's primary environments.
16. An Order that the Student will receive mental health services from a qualified provider that is integrated into his IEP, and that the mental health provider will provide consultative services to District staff that work directly with the Student.
17. An Order that the District will fund a peer group, club, or camp for the Student to attend that focuses on developing social skills and includes activities that are identified area(s) of interest for the Student.
18. An Order that the District will hold evaluation and IEP team meetings and will invite and fund the participation of any private providers the District was ordered to provide to the Student in order to develop thoughtful evaluation plan(s), evaluation report(s), and IEP(s) for him.

19. An Order that the District staff undergo additional training as it relates to all instances in which the Student was denied a FAPE.

20. An Order that the Student's IEP team thoughtfully consider alternative placements inside or outside of the District with consideration of new services the Student is to receive as a result of this due process matter.

21. An Order that the District utilize a speech language pathologist for consultative services in the areas of social, emotional, and behavioral related to the Student's challenges with pragmatic speech.

22. Whatever additional relief the ALJ may find just and equitable.

FINDINGS OF FACT

1. The Student was 11 years old at the time of the due process hearing. D1 p.3.³ He will be in seventh grade during the 2026-27 school year. D38 . The Student resides in the District with his Parents and two siblings. English and Spanish are both spoken in the home. D1 p.6. Ms. Parent grew up in Argentina and attended school there. Mr. Parent was born in Cuba and moved to the United States when he was nine years old. He attended school in New Jersey. Tr. 862.

2. The Student attended Woodin Elementary School (Woodin) in the District for elementary school. He was in the Woodin dual-language program where he learned in both English and Spanish. D5 p.10, Tr. 42. Woodin serves students in kindergarten through fifth grade. Tr. 207.

3. All teachers at Woodin start the day with a 15-minute social emotional lesson. This provides the students with consistent instruction throughout all grades. Tr. 213.

4. The Student was referred multiple times by his Parents for evaluations to determine special education eligibility. The evaluation completed after a January 2018 referral found the Student ineligible for special education. He was referred again in April 2022, but the District declined to evaluate him and recommended that he receive supports in general education. D1 p.3.

³ Exhibits are cited by party ("P" for Parent, "D" for District), exhibit number, and page number. For example, "D1 p.5" is a citation to District exhibit 1 at page 5. The hearing transcript is cited as "Tr." and page number. For example, "Tr. 50" is a citation to the transcript at page 50.

The 2022-23 school year - Third Grade

5. The Student's general education teacher for third grade was Nancy Hernandez Zamarripa.⁴ Tr. 171. Ms. Hernandez Zamarripa was concerned about the Student's social interactions with peers and his problem-solving skills. She recalls implementing supports to help the Student develop social skills and to stay focused. *Id.* at 173, 176. For example, the Student had access to headphones and privacy folders to help him focus, and he could choose where he sat based on what work he was doing. *Id.* at 176, 183. He also got additional time to complete assignments and a goal chart. *Id.* at 191, 199.

6. On approximately December 20, 2022, the Student's first quarter progress report was issued by Ms. Hernandez Zamarripa. The report indicated that the Student was "often" and "consistently" exhibiting behaviors that support learning, such as contributing in groups and following school rules. He was "sometimes" exhibiting positive interactions and effective conflict resolution. The Student was meeting standards in reading and math, but not in "production of writing." P49 p.1.

7. On January 24, 2023, Ms. Hernandez Zamarripa emailed the Parents to tell them that the Student had experienced a difficult day. He was upset about someone not wanting to play with him and about not getting to be the student leader during math. The Student was shouting and stomping, and walking out of the room. He stomped on his workbook and threw an eraser, paper, and the workbook. He calmed down for a bit but then returned to stomping, and refused to eat lunch. The teacher noted in the email that the Student was having a hard time making friends and having positive interactions with peers, and that he does not respect people's personal space. The Student told Ms. Hernandez Zamarripa that he does not understand why people do not want to play with him, and she said she would go out to recess and help. P100.

8. On approximately March 6, 2023, the Student's semester report card was issued. At that point, he was sometimes, often, and consistently exhibiting various behaviors that promote learning. He was "sometimes" exhibiting cooperation with others, responsibility for choices, effective conflict resolution, and adherence to school rules. The Student was meeting or exceeding academic standards in every area except production of writing and language conventions. P49 pp.2-3. Ms. Hernandez Zamarripa noted that the Student was enthusiastic about learning math and had made

⁴ Ms. Hernandez Zamarripa has a bachelor's degree in biology and physiology, and a master's degree in teaching with endorsements in elementary and bilingual teaching. She has been teaching for approximately six years. Tr. 201.

great growth in math and reading. She also noted that he had been struggling socially with respecting classmates' personal space and responding appropriately when asked to stop a behavior. *Id*

9. Ms. Hernandez Zamarripa also noted that the Student struggled with writing and had a hard time getting started "even with support." P49 pp. 2-3. In her experience, this is not uncommon for students in third grade and was "developmentally appropriate." Tr. 175.

10. In March 2023, the Parents again referred the Student for a special education evaluation due to concerns with his speech and language skills, and his social/emotional development. D1 p.3.

11. On April 4, 2023, the Student was observed to be upset in the lunch line and he ran away, yelled at classmates, and punched another student. He was also noted to follow other students around and repeat phrases loudly and closely to them. P53 pp1-2.

12. On April 19, 2023, the Student received a short-term suspension for violent conduct. He punched Ms. Hernandez Zamarripa multiple times in the arms, chest and stomach, and also kicked her. He was not able to deescalate and return to class. P53 p.9.

13. The school's Guidance Team met on April 27, 2023, and noted that the Student had been referred for an evaluation by his Parents due to their continuing concerns. The guidance team notes indicate that the Student was reading at grade level and was in the 87th percentile nationally on the January i-Ready⁵ exam. His math skills were also at grade level and he was in the 64th percentile nationally. The team noted that the Student struggled with writing and Ms. Hernandez Zamarripa was concerned about his social interactions with peers. The guidance team recommended that the Student be referred for a special education evaluation. P72 p.3.

14. On April 27, 2023, the District issued a prior written notice (PWN) proposing to initiate a referral for an evaluation of the Student. The PWN notes, "Parents are concerned that [Student] may be autistic and are seeking an outside evaluation to determine this." P72 p.4. The PWN's description of testing the District planned to use included "standardized assessments in the areas academics [sic] (reading, math, written language)." P72 p.4. The Parents consented to the evaluation on April 28, 2023, and asked that social abilities and behavior be assessed. P72 p. 10.

⁵ The i-Ready is a computerized assessment administered to all students to track academic growth.

15. The evaluation undertaken by the District after the March 2023 referral was completed in June 2023 (June 2023 evaluation). D1. The Student was found ineligible for special education services after this evaluation, and the evaluation team recommended that the Student be considered for a 504 plan.⁶ *Id.* at 3-4.

16. The June 2023 evaluation was conducted by District psychologist Deborah Custer, Ph.D. D1 p.3. Dr. Custer did not testify at the due process hearing and her educational background and credentials were not presented.⁷ Existing data that was reviewed by Dr. Custer included results of the 2018 evaluation, information provided by Ms. Parent, and teacher observations. D1.

17. The June 2023 evaluation included a medical-physical evaluation conducted by Melissa Kindahl, RN. This portion of the evaluation included a vision and hearing screening, and a review of health information provided by Ms. Parent. D1 p.6.

18. The evaluation also included a social emotional assessment conducted by Dr. Custer. Dr. Custer used the Behavior Assessment System for Children, 3rd Edition (BASC-3), a rating scale that was completed by Ms. Parent. D1 pp.6-7. These ratings placed the Student primarily in the average range. However, the Student had a depression score in the “at-risk” classification in that he often seemed lonely, and verbalized that he had no friends and nobody liked him. *Id.* at 7. The Student had higher than average atypical behaviors at home, such as staring blankly. The most significant area of concern was his withdrawal behaviors, such as avoiding other children, isolating himself, and having difficulty making friends. *Id.*

19. The June 2023 evaluation included a behavior assessment conducted by Dr. Custer that also used the BASC-3 scales completed by Ms. Parent. D1 pp. 7-10. On the behavioral symptoms index, the Student’s scores placed him in the clinically significant range for atypicality and withdrawal. In the adaptive skills area, the Student’s scores placed him in the “at-risk” range for adaptive skills composite, social skills, leadership, and functional communication. *Id.* at 8. His score on “developmental

⁶ A “504 plan” refers to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., a federal statute that protects qualified individuals who have disabilities from discrimination based on their disabilities. A person qualifies for a 504 plan if he or she has a physical or mental impairment that substantially limits one or more “major life activities” such as learning, reading, or communicating. 42 U.S.C. §12102.

⁷ Dr. Custer is retired. Tr. 210-11.

social disorders” placed him in the clinically significant range in that he had poor social skills and difficulty communicating with others. *Id.* at 10.

20. The academic portion of the assessment was conducted by Dr. Custer through use of the Wechsler Individual Achievement Test, 4th Edition (WIAT-4). The areas assessed included reading comprehension, math problem solving, and numerical operations. D1 pp. 10-11. The Student’s scores placed him in the very high range for reading comprehension, the high average range for math problem solving, and the average range for numerical operations. *Id.* The evaluation report noted that the Student had strong basic math skills but difficulty interpreting graphs and completing patterns. It also noted that he had strong functional math skills such as number sense, addition, subtraction and multiplication. *Id.*

21. A communication assessment was conducted by District speech language pathologist (SLP) Brett Myles. Mr. Myles did not testify at the due process hearing and his educational background and credentials were not presented. Mr. Myles conducted the assessment through use of classroom teacher input and the articulation assessment from the Arizona-4 assessment tool. The Student did not display articulation errors and was intelligible almost 100% of the time. His classroom teacher had no concerns with the Student’s speech, but noted that he struggled to communicate socially and to make friends. She further noted that he could not express his feelings well. Mr. Myles concluded that, “Outside of the social-emotional portion of his speech [the Student] does not display a need for speech and language services and does not qualify at this time.” D1 p.11.

22. A motor assessment was conducted by District physical therapist (PT) Tracy Dulas. Ms. Dulas did not testify at the due process hearing and her educational background and credentials were not presented. Ms. Dulas used teacher input provided in the School Companion Sensory Profile, and the Bruininks-Oseretsky Test of Motor Proficiency–2nd (BOT-2) to conduct the assessment. The Student scored in the average range in all areas of the BOT-2, including fine motor control and manual coordination. D1 pp. 11-13. The Student scored in the “much more than others” range on sensory seeking, sensory avoiding and sensory sensitivity. This means that that the Student detects sensory stimuli more than others and may try to avoid or seek certain stimuli. *Id.* at 13.

23. The Student also demonstrated heightened responses to auditory and visual stimulation. Ms. Dulas concluded that the Student was not demonstrating fine motor challenges that would negatively impact his general education and that he did not require SDI in the area of motor. However, she noted that he was demonstrating sensory challenges that might interfere with his ability to participate in general education, and

that “sensory accommodations may be considered” to support his ability to filter distracting stimuli and attend to his classroom instruction and work. D1 p.13. Her suggested accommodations included preferential seating, alternative seating, headphones or light music during independent work time to mask distractions, fidgets, a study carrel, separate break space, and “heavy work break options.” *Id.*

24. Woodin Principal Dawn Bowers⁸ was part of the Student’s evaluation team. Tr. 210. She has known the Student since he was in kindergarten. *Id.* at 209. She described the Student as a “lovey, very bright child” who was able to access the dual language program at a high level, performed quite well, and was creative and kind. *Id.* Principal Bowers noted the Student to be a “relationship kid” in that if he connected with a teacher, he did well with them. *Id.*

25. The evaluation team determined the Student was performing appropriately in academics in both Spanish and English, and was contributing in the classroom. Tr. 216.

26. The prior written notice (PWN) issued by the District on June 15, 2023, notes that the Student was not demonstrating a disability that had an adverse impact on his ability to access the general education curriculum, and he did not require SDI in any area at that time. He was determined not to be eligible for special education services. The PWN further stated that the Student’s behavior would be addressed through “general education supports and accommodations” and that a 504 plan with accommodations would be considered. D1 p.14.

27. The Student’s second semester report card was similar to that of his first semester except that he was consistently exhibiting organizational skills (an improvement from “often” exhibiting them). The Student continued to struggle with production of writing and conventions. Ms. Hernandez Zamarripa noted that he had been growing socially and emotionally. His interactions with peers were improving. P49 pp.4-5.

The 2023-24 school year - Fourth Grade

28. On September 6, 9 and 27, 2023, Dr. Monique Lowe performed a neuropsychological evaluation of the Student at the request of the Parents. P23. Dr. Lowe has a master’s degree in family counseling, and she obtained a doctorate in clinical

⁸ Ms. Bowers has been an educator for 30 years. She has been a principal in the District for 12 years. Prior to that, she served as an assistant principal for six years. Ms. Bowers has experience teaching kindergarten, first and second grades, and special education. Tr. 206.

psychology in 2002. She completed postdoctoral studies in neuropsychology in 2009. P183; Tr. 802.

29. Dr. Lowe gathered background information for the evaluation from the Parents. P23 p.1. She did not speak with anyone from the District. Tr. 807. Dr. Lowe observed the Student to be appropriate in his interactions with her. P23 p.2. She used a large variety of standardized tools to assess the Student. *Id.*

30. Dr. Lowe determined the Student to have an average level full scale IQ of 103. P23 p.3. He performed in the average range for verbal comprehension, visual special abilities, and fluid reasoning. The Student was in the high average range for working memory, which measures attention, concentration and mental control. *Id.* However, on complex tasks, the Student's attention abilities were in the low average range. *Id.* at 9.

31. Dr. Lowe determined the Student to be in the low average range for processing speed. P23 pp.3-4. He performed in the average range for visual-spatial processing but exhibited some "sensorimotor inefficiency." *Id.* at 6.

32. Dr. Lowe assessed the Student's behavioral functioning through use of the Social Responsive Scale – Second Edition (SRS-2) completed by Ms. Parent. His scores indicated deficiencies in reciprocal social behavior that were clinically significant for inattention, affect, and social interaction. These deficiencies are substantially likely to interfere with everyday social interactions. P23 pp.6, 8. The Student's Parent-completed inventory results, observations, and history suggested to Dr. Lowe that the Student has autism spectrum disorder level 1. Children with this disorder may desire friends but do not know how to make them. P23 p.7.

33. Based on her evaluation, Dr. Lowe diagnosed the Student with Attention Deficit Hyperactivity Disorder (ADHD) inattentive type, autism spectrum disorder level 1, slow processing speed and slow reading fluency. P23 p.11. She recommended he receive psychotherapy, a psychiatric referral, and an occupational therapy evaluation. *Id.* at 11-12. Educational interventions recommended by Dr. Lowe included more time on tests and a quiet room, curriculum modifications as needed, oral and visual instructions, extra processing time, use of technology for processing and reading, and social skill building. *Id.* at 12.

34. Dr. Lowe would expect interventions at school for a child with the Student's profile to include a smaller classroom with fewer students, and a quiet setting. She would also expect facilitation in a social group to help the child build social skills. Tr. 824-25.

35. Ms. Parent testified that she had not realized the Student had autism and the diagnosis made her “very upset.” Tr. 47. After receiving Dr. Lowe’s assessment report, the Parents again requested that the Student receive an IEP on or about October 17, 2023. D3 p.3.

36. In October 2023, the Student told his Parents he was being bullied at school and had been pushed into the mud by another student. P106. When the teacher looked into this, she determined that the Student and the other student were both frustrated and had been getting each other wet and dirty at recess. P108.

37. On October 20, 2023, the Student underwent an occupational therapy evaluation at ICAN. P24. Jamie Frank, occupational therapist (OT), evaluated the Student. Ms. Frank utilized the following assessment tools: the Roll Evaluation of Activities of Life (REAL), BOT-2, the Bilateral Dynamometer Grip and Pinch Strength, and the Handwriting Screen. *Id.* at 3. The testing determined that the Student was below average in fine motor precision, had “fair” handwriting skills, and had deficits in some self-care skills. *Id.* at 7-10. Ms. Frank recommended the Student receive 60 minutes of occupational therapy per week for 52 weeks in order to increase his functional independence. *Id.* at 12.

38. A 504 plan was put in place for the Student on October 24, 2023. D2. It provided for additional time on classroom assignments and on tests, preferential seating, and regular communication with the family, among other things. *Id.*

39. On October 27, 2023, the District sent the Parents a notification of special education referral, stating that it was reopening the June 2023 evaluation to review the new private evaluation and address current concerns. D3 p.1. Notes from the District’s Guidance Team’s October 31, 2023 meeting state that the Student was struggling with writing. *Id.* at 3.

40. A PWN issued on October 31, 2023, stated that the District was proposing to initiate a referral for an evaluation in response to the Parents’ request for an IEP for the Student following Dr. Lowe’s private evaluation. D3 p.5.

41. On November 6, 2023, Mr. Parent emailed the Student's teacher, Maria Hettle,⁹ and said that another student had been bullying the Student. Mr. Parent mentioned that the Student “tends to exaggerate a bit.” Ms. Hettle responded that the Student had been saying things lately that were not true. She also said he had been yelling

⁹ Ms. Hettle has an undergraduate degree in business and a master’s degree in education. She has been a teacher for 15 years. Tr. 101-104.

throughout the day and repeating what she was saying. P116. Mr. Parent responded that he agreed that the Student seemed “more erratic lately.” Ms. Parent also responded and said that she was going to see if she could change the Student's medication. P117.

42. The Student's report card for the first quarter of his fourth grade school year was issued on or about November 9, 2023, by Ms. Hettle. D4. The Student was determined to “sometimes” exhibit most behaviors that support learning, and “often” be a self-directed learner. He rarely accepted responsibility for his choices and actions. The Student was performing at standard for reading and for math. He was not at standard for writing. *Id.*

43. Ms. Hettle testified at the due process hearing. She recalls that the Student is “very smart.” He liked social studies and was a “high” reader. He liked to yell out answers in class, and was very loud. Tr. 106-107, 112, 116. Writing was a challenge for him, as were social skills. He struggled to make friends. *Id.* at 110-11, 118.

44. Ms. Hettle observed the Student to “make up a lot of stuff.” Tr. 158. She noted that “he had a lot of ideas in his head of what was happening that wasn't always the case.” *Id.*

45. On January 16, 2024, the evaluation team met to review the reopened evaluation (January 2024 evaluation). D5 p.3. Based on this evaluation, the team determined that the Student met eligibility requirements for special education services under the category of autism. The team determined that the Student required SDI in the areas of written language, behavior, and social/emotional skills. The evaluation summary noted that the Student was struggling to maintain attention, engage appropriately with peers and adults, and complete his schoolwork. The SDI in behavior was to include organizational skills and attention. The SDI in social emotional was to include social interactions and emotional regulation. The SDI in written language was to include generating ideas and expressing them in writing. *Id.* at 4.

46. The January 2024 evaluation expanded on the June 2023 evaluation in multiple areas. In the area of medical-physical, the diagnoses made by Dr. Lowe were added: ADHD inattentive type, autism spectrum disorder level one, slow processing speed and slow reading fluency. D5 p.7. In the area of general education, Washington State Smarter Balanced Assessment scores were added, showing that the Student was meeting grade level expectations for math, and was one point below grade level in language arts. *Id.* at 8.

47. In behavior, additional data was gathered by the Student's math and general education teachers. The Student was observed to yell frequently. He also blurted out verbally, threw things, hit stuffed animals, got too close to other people, pushed people, did not respect personal space, hit another student, and refused to sit in his place. D5 p.8.

48. In the cognitive portion of the evaluation, data obtained by Dr. Lowe was added by Dr. Custer. D5 p.9. This data indicated that the Student had normal intellectual functioning. *Id.*

49. Social emotional data from Dr. Lowe's report was added to the January 2024 evaluation by Dr. Custer. Specifically, the evaluation states, "[the Student] has deficiencies in reciprocal social behavior that are clinically significant and lead to substantial interference with everyday social interactions." D5 p.9. The evaluation report goes on to state that the Student has difficulty with social interactions, as well as forming and maintaining friendships. It concludes that this "has an adverse impact on him at school and may contribute to his behavior and learning difficulties." *Id.*

50. The academic portion of the evaluation was supplemented with use of the sentence composition and essay composition subtests of the WIAT-4. The Student did not write a long enough essay to allow it to be scored. (He only wrote ten words in ten minutes.) The Student's scores on the sentence composition subtest fell in the below average range. D5 p.10. The Student was noted to be resistant to and frustrated by writing tasks, and he lacked confidence in his ability to write. *Id.*

51. The communication portion of the evaluation was conducted by District SLP Catherine Kennedy.¹⁰ Ms. Kennedy assessed the Student's receptive-expressive language skills in Spanish using the Clinical Evaluation of Language Fundamentals/Spanish – Fourth Edition (CLEF-4/Spanish). These scores are normed on children who live in the United States and whose first language is Spanish. D5 p.11. Ms. Kennedy speaks Spanish and has training in administering Spanish language communication assessments. Tr. 325, 337.

52. The Student's scores placed him within normal limits. Ms. Kennedy determined that no further testing in English was needed because the Student's communication skills were within the average range. If a child tests within normal limits for expressive receptive language in either Spanish or English, they do not qualify for SLP services in

¹⁰ Ms. Kennedy has a post bachelor's degree in speech language and speech and hearing sciences. She has a master's degree in speech language pathology. Ms. Kennedy has been an SLP for 22 years, and has a certificate of clinical competency. Tr 321.

the District because the normal result shows they do not have an underlying disorder. Tr. 334-36. Accordingly, Ms. Kennedy determined that the Student did not qualify for SDI in the area of communication. D5 pp.11-12.

53. The motor portion of the evaluation was revised by Ms. Dulas to reflect that occupational therapy services had been recommended for the Student by a private provider. However, Ms. Dulas continued to conclude that the Student did not have a motor disability that negatively impacted his progress in general education. She recommended that the Student's difficulties with handwriting and his sensory needs be addressed through accommodations. D5 pp.12-14.

54. Dr. Custer observed the Student in his general education classroom on January 9, 2024. D5 p.15. She noted the Student to be off-task for the first eight minutes of the observation. This included him calling out to the teacher, banging things, ripping papers, and failing to follow directions. The Student then got on his computer, put on headphones, and worked as expected for the final 12 minutes of the observation. D5 p.15. The Student's classroom teacher, Ms. Hettle, reported that the Student was frequently disruptive, bothered his peers, did not do his work, and engaged in "lying." *Id.*

55. The PWN issued after the January 2024 evaluation team meeting proposed to initiate an IEP for the Student under the eligibility category of autism. The Student would receive SDI in written language, behavior, and social/emotional, and would receive an OT/PT consultation to support his sensory needs. D5 p.16.

56. The evaluation team also determined the Student should undergo an FBA because behaviors of concern had been noted during the January 2024 evaluation. D7 pp. 3, 8; D9. When consenting to the FBA, Ms. Parent suggested the following areas be assessed: social skills, writing, managing frustration, and "other." D7 p.10.

57. Dr. Custer and Amy Lowe of the District were responsible for conducting the FBA. D7 p.5. Amy Lowe was a District school psychologist intern at the time. She is currently a school psychologist in the District.¹¹ Ms. Lowe opined that the FBA was targeted appropriately at the Student's physical aggression. Tr. 432-33.

58. An assessment revision report was issued to add results of the FBA to the January 2024 evaluation. D7 p.5. Data demonstrated that the Student engaged in

¹¹ Ms. Lowe has a bachelor's degree in psychology and a master's degree in special education. She also has an educational specialist degree in school psychology, and she is a nationally certified school psychologist. Tr. 413, 431. Ms. Lowe has experience as a special education teacher and an ABA therapist. *Id.*

physical aggression toward people and property. He was disruptive and verbally inappropriate, yelling and blurting out “all day” which frustrated his general education teacher. P17 The hypothesis was that the Student’s behavior was primarily to gain attention and to escape non-preferred tasks. D7 p.5. Dr. Custer and Ms. Lowe recommended that a BIP be developed for the Student. Tr. 426.

59. The Student’s January 2024 i-Ready diagnostics placed him at a mid-fourth grade level for reading and early fourth grade for math. D10 p.5.

60. The Student’s first semester report card was issued on or about February 2, 2024. It showed the Student rarely or sometimes exhibiting behaviors that support learning. He was meeting standard for reading and science. The Student was below standard or significantly below standard in writing, speaking and listening, and math. D6.

61. On February 12, 2024, a BIP was developed for the Student. D8. Maddison Lee, the Student’s special education teacher, was the Student’s case manager for the BIP. Data collected during the FBA showed that the Student engaged in physical aggression toward peers, including pushing and grabbing belongings. He tore up worksheets, threw objects, kicked desks, and ripped the cover off a book. He told untruths, such as blaming another student for ripping the book cover, and saying he had not received a worksheet even though he was observed to tear it up. The behavior was primarily thought to be attention seeking as well as sensory seeking. D8.

62. The target behavior identified in the BIP was physical aggression, which was defined in the BIP as successful or unsuccessful attempts to use physical force toward others or property. At the time, the Student was engaging in physical aggression five to ten times per day. Aggressive episodes were often clustered together, especially when they obtained attention from peers. D8 p.2. Contributing factors were laid out in the BIP, and included the Student’s diagnoses, non-preferred tasks involving pencil and paper, proximity of peers and adults, unexpected or frustrating situations or events, and unclear expectations. *Id.* The replacement behavior identified in the BIP was functional communication used to request a break or a compromise task, and to initiate interactions when the Student needed attention. *Id.* at 3. Two pages of strategies were identified to minimize physical aggression and teach the Student to use functional communication. He would be permitted to take breaks as needed, and would be assigned “jobs” in the classroom. *Id.* at 3-4. Data was required to be collected and reported quarterly. *Id.* at 4.

63. On February 12, 2024, the Student’s IEP team met to develop an IEP (February 2024 IEP). D10. The IEP team consisted of Mr. and Ms. Parent, Principal Bowers, general education teacher Maria Hettle, special education teacher Maddison Lee,

District representative Christine Jennings, OT Tracy Dulas, school psychologist intern Amy Lowe, and general education teacher Karyn Rodriguez. *Id.* at 17, 21.

64. The February 2024 IEP provided the following special education and related services:

Services 02/16/2024 - 02/14/2025

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Special Education							
No	Written Language	Special Ed Classroom Staff	Special Education Teacher	60 Minutes / Weekly	General Education	02/16/2024	02/14/2025
No	Social Emotional	Special Ed Classroom Staff	Special Education Teacher	105 Minutes / Weekly	Special Education	02/16/2024	02/14/2025
No	Social Emotional	Special Ed Classroom Staff	Special Education Teacher	150 Minutes / Weekly	General Education	02/16/2024	02/14/2025
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	75 Minutes / Weekly	Special Education	02/16/2024	02/14/2025
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	150 Minutes / Weekly	General Education	02/16/2024	02/14/2025
No	Behavior	General Education Teacher	Special Education Teacher	75 Minutes / Weekly	General Education	02/16/2024	02/14/2025

Total minutes per week of building instructional time available for this student (excluding lunch):

1710 minutes per week

Total minutes per week student is served in a special education setting:

180 minutes per week

Percent of time in general education setting:

89.47% in General Education Setting

D10 p.13. The February 2024 IEP also provided seven accommodations, including: access to sensory and self-regulation supports, “heavy work break options,” preferential seating, a separate quiet workspace, shortened assignments, and a visual schedule. *Id.* at 10.

65. The Student received some of his social emotional and behavior SDI in the Learning Center before school. The Learning Center is the special education classroom where pull-out SDI is delivered, and the Student came for small group instruction. The purpose of the Student attending before school was to help him come into the classroom calm and ready to learn. The Student did not like this and was reluctant to go. Tr. 59-60, 122, 345, 347-48. According to Ms. Parent, the Student did not want to be considered “different” by going to the special education room. Moreover, sometimes it made him late to the start of his general education classroom, which he also did not like. *Id.* at 523.

66. The Student also participated in a social group several times per week. Tr. 128. The social group consisted of four students that had similar goals around friendship and problem solving. The group included lessons and games, and students had the opportunity to be the group leader. *Id.* at 252.

67. At the morning Learning Center, the Student was a good example for the large group of younger students. Tr 347. He interacted well with them and was referred to by the group as “Teacher [Student name].” *Id.* at 347-48.

68. The Student’s written language SDI was “push in “ to support the Student in the general education classroom. Tr. 128.

69. The February 2024 IEP contained the following goals in the areas of written language, social/emotional, and behavior:

Annual Goal: Behavior

Skill: Work completion

By 02/14/2025, when given an assignment, or a modified assignment, from a teacher or [REDACTED] will initiate the assignment and work until it is completed to the best of his ability ask for a compromise ("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?", "Can I read instead?", "Can I write about this instead?", etc.) improving behavior skills and the amount of work completed in the classroom from initiating and completing classroom assignments or asking for a compromise on 20% of opportunities to initiating and completing classroom assignments or asking for a compromise on 70% of opportunities as measured by teacher and special education staff data collection.

Annual Goal: Social Emotional

Skill: Engaging with peers

By 02/14/2025, when given a situation with peers in which [REDACTED] would like to participate in [REDACTED] will verbally ask if he can join the activity/task improving social skills and peer interactions from asking peers if he can join on 0% of opportunities to asking peers if he can join on 50% of opportunities as measured by teacher and special education staff data collection.

Annual Goal: Written Language

Skill: Paragraphing

By 02/14/2025, when given a writing prompt [REDACTED] will respond to the writing prompt, and utilize paragraphs within his writing to group together and organize improving writing organization skills from independently utilizing paragraphs within his writing on 0% of opportunities to independently utilizing paragraphs within his writing on 50% of opportunities as measured by teacher and special education staff data collection.

[Sic throughout.] D10 pp.7- 9. Written progress reports on these goals were due quarterly. *Id.*

70. A progress assessment of April 1, 2024, showed the Student was making sufficient progress to achieve all of his annual goals. D13 p.2.

71. In March and April of 2024, the Student had three reported incidents of violent conduct toward other students. These included throwing markers, shoving a chair, stabbing a pencil toward another student, running away from the teacher, hitting a student in the throat, and pulling out pieces of a student's hair. P53 pp. 21-24.

72. The Student received private speech therapy services from Great Therapy Group from April 2024 through January 2025. P37, P38, P39.

73. In April 2024, Mr. Parent became a volunteer recess monitor at Woodin. P135.

74. On May 15, 2024, Ms. Parent emailed Principal Bowers and other District staff members to report that the Student said “he had someone following him around the whole recess.” Ms. Parent asked about the purpose of having someone follow the Student, and said the Student now felt he was doing something wrong. P137. Ms. Bowers responded that the Student was receiving support at recess from a paraeducator who coaches him but “does not follow him around.” *Id.* Ms. Lee, the Student’s special education teacher, was also at recess with the Student a couple of days per week. Tr. 254. The adults coached the Student to come to them for support if a problem arose at recess. *Id.* at 285.

75. Principal Bowers stated in her email response to the Parents that the Parents had been “very clear” they wanted support for the Student at recess and she was wondering if they had changed their mind. P137. The Parents responded that they had not changed their minds, and Principal Bowers subsequently scheduled an in-person meeting between herself, the Parents, and Ms. Lee. P139.

76. The February 2024 IEP was amended on May 29, 2024 (May 2024 IEP). D12 p.5. The Student had been observed to have difficulties engaging with peers during unstructured playtime such as recess. *Id.* at 17. The IEP was amended to add that the Student’s social emotional services delivered in general education would be provided during recess so the Student could receive “in the moment coaching around interacting with his peers.” *Id.* at 13, 17.

77. On June 20, 2024, the progress assessment showed the Student was making sufficient progress to achieve all of his annual goals. D13 p.2. The Parents received this assessment. Tr. 67.

78. The Student’s year-end report card showed he sometimes exhibited behaviors that promote learning. D14 p.1. He was meeting standard in social studies, art, health, fitness, music, and science. *Id.* at 1-2. He was meeting standard in reading and was noted by his teacher to be a strong reader. He was significantly below standard in writing. The Student was meeting math standards in some areas and was significantly below standard in others. *Id.* at 2. Ms. Hettle noted that the Student had grown tremendously throughout the year and that he was now calmer in the classroom. He was better about following directions and trying new activities. She also saw him slowly building friendships. *Id.*

79. Ms. Hettle also observed that the frequency of the Student yelling in class had decreased by the end of the school year. Tr. 143. His consistency in turning in homework also improved. *Id.* at 146.

80. The Student attended Camp Andy for approximately a month over the summer of 2024. Tr. 54. Camp Andy focuses on teaching children social skills. *Id.*

The 2024-25 school year - Fifth Grade

81. Pamela Williamson was the Student's case manager and special education teacher during his fifth-grade year.¹² D20. Karen Ferreira-Rodriguez was the Student's general education teacher during fifth grade. D21 p.1.

82. During fifth grade, a special education staff member was always available to the Student at recess. Tr. 383. Ms. Williamson was often the recess staff member. The staff focused on "coaching in the moment" when an opportunity for the Student to interact with a peer arose. *Id.* at 383, 403-04. For example, staff might explain to the Student that he could offer a shovel to someone digging with a stick in the sandbox. Ms. Williamson observed the Student's peer interactions to improve over time, and he needed less prompting. During the school year, a new sandbox was built and the Student played there with other children. *Id.* at 402-04.

83. The Student's first quarter report card was issued on or around November 8, 2024. The Student was sometimes and often exhibiting behaviors that promote learning. He was self-directed often and consistently. He was performing at standard for reading. The Student was not at standard for writing conventions or for adding and subtracting decimals. D18.

84. On November 11, 2024, the IEP progress assessment showed the Student was making sufficient progress to achieve all of his annual goals. D13 p.2.

85. On or about November 14, 2024, the Student was suspended from school for being a safety risk. The Student had gone to the restroom to wash metal scissors. A teacher walking by the restroom noticed the Student "hiding" in the entrance with open scissors in his hand. When she asked what he was doing, he aimed the scissors toward the teacher and said he was going to "slit her with it." P53 pp.28-30. He ran outside, and when his teacher opened the door to his classroom and tried to take the scissors, the Student said he was going to stab her in the face. *Id.* He then picked up a pencil and dragged it across his face, saying he was going to hurt himself so he could go

¹² Ms. Williamson has been a special education teacher for four years. She has a bachelor's degree in geography and worked as a paraeducator for almost 20 years. She obtained her teaching certificate in 2022 and is dual endorsed in elementary and special education. Tr. 343.

home. When the Student was taken to the school office, he said he was “annoyed” with the teachers, wanted to hurt them, and meant to hurt them. *Id.* at 28-31.

86. The Student missed five days (November 15, 18, 19, 22, and 25, 2024) due to the suspension. D34. Two school days are not accounted for in the Student’s attendance records – November 20 and 21. This was likely due to school being closed by a significant storm.¹³ Tr. 637, 895. The Student was provided with his classwork while he was suspended, but the Parents reported that the Student did not do it. P148.

87. The Parents felt this suspension was unfair and that the District was not effectively supporting the Student’s needs. Ms. Parent felt the incident could have been prevented “if the right resources and approaches had been in place to support him.” Ms. Parent asked for an IEP review meeting and requested 1:1 support for the Student. P144.

88. The Parents took the Student to nurse practitioner Sam Mathew of Angels Psychiatry after the Student’s suspension. Mr. Mathew performed a mental health evaluation for a risk assessment. P31. He determined that the Student was a low to moderate risk to others. *Id.* at 4. Mr. Mathew informed the District and the Parents that “emotional dysregulation and poor coping mechanisms increase the likelihood of similar incidents if stressors remain unaddressed.” P150.

89. Mr. Mathew recommended that the District conduct an FBA and develop a BIP for the Student, and that the District provide emotional regulation training to the Student. P31 pp. 5-6. He also recommended that the District staff use trauma-informed practices to rebuild trust with the Student, and put in place an anti-bullying plan for him. The Student continued to see Mr. Mathew for therapy through at least May 2025. P32.

90. Following the scissor incident, the District wrote a safety plan for the Student. The purpose of a safety plan is to allow all adults who work with a child to understand how to support that child. Tr. 256. The Student’s safety plan called for removal of sharp objects from the Student’s immediate environment. D19. It provided that staff members would consistently support and check in with the Student. Two staff members, including Ms. Williamson, were designated as the Student’s recess

¹³ The ALJ takes official notice pursuant to RCW 34.05.452 that a “bomb cyclone” weather system struck western Washington on the evening of November 19, 2024, impacting electricity and travel in numerous areas of King County.

supervisors who would be visible to him. The Student was not permitted to leave the classroom on his own. *Id.*

91. District staff members started tracking the Student's behavior in November 2024. P61. The tracking sheets contained a list of goal behaviors and a list of unsafe behaviors. Any behavior the Student engaged in was crossed out by staff. The last tracking note is dated January 15, 2025. *Id.* Examples of goal behaviors included transitioning safely to class, following directions, and asking for breaks. Examples of unsafe behaviors included refusing support, not following directions, and using profane or threatening language. *Id.* Throughout the time behavior was tracked, the Student refused support or refused to take breaks on nine days. He used profane language on four days, and used threatening language on four days. Examples of this included telling people to "shut the f*** up" and talking about "pissing on his chair." *Id.* On one occasion, he pushed a teacher's hand away from his work and on another he hit the teacher's hand. On one occasion he threatened to kill the teacher and on another he threatened to hit her with a book. The Student threw a water bottle once and threw his computer several times. *Id.*

92. This method of behavior tracking was discontinued because it was not clear enough to the Parents, so District staff created a simpler way to track and communicate behavior. Tr. 399. The evidence is not clear as to what the new, simpler method was.

93. On December 12, 2024, the Student came home with a blackened nose. He told his Parents that "a bunch of children" had hit him randomly and had been bullying him. P153. On December 13, 2024, Christine Jennings, assistant principal at Woodin, emailed the Parents after following up about the incident the day before. The Student initially said the incident happened at recess, but then when reminded there was no recess on the day in question, he said it happened on the playground during physical education. He first said that someone hit him in the sandbox, but then said someone punched him on the playground and he ran to the sandbox. The Student did not know who punched him. No students in the class reported seeing anyone hit the Student. P98.

94. Principal Bowers worked with the Parents throughout the Student's fourth and fifth grade years regarding their concerns about bullying. Tr. 246-47. Things the teachers observed at school did not match the concerns the Parents expressed. The Student did have conflicts with peers at times, fewer in fifth grade than in fourth grade, but the District staff did not see evidence that the Student was being bullied. *Id.*

95. On December 20, 2024, the Student's BIP was amended to expand on interventions for physical aggression. D20. Ms. Williamson wrote the BIP with input

from District BCBA Tali Schock. Tr. 353-54. Aggressive behavior was broken into five levels based on severity of the behavior, and supports for each level were delineated. *Id.* Data was to be collected daily and shared with the Parents weekly. D20 p.8.

96. Also on December 20, 2024, the Student's IEP was amended (December 2024 IEP). D21. Additional accommodations were added, such as access to a trusted adult and "chunking" of assignments. *Id.* at 10. The Student's SDI was amended to provide 150 minutes of behavior support in a special education setting (rather than 75 minutes in general education and 75 minutes in special education as set forth in the May 2024 IEP). *Id.* at 13. The Student was also given access to a quiet learning space when he needed a break from general education. *Id.* at 13, 17.

97. The IEP team agreed that the District would maintain a shared google document to track the Student's behavior with specific attention to safety, task initiation and completion, and asking for and accepting help. D21 p.17.

98. On January 27, 2025, the Student's goal progress report indicated that he was making sufficient progress on his social emotional and behavior goals, and had mastered his written language goal. D22. Ms. Williamson's notes stated that the Student had made great growth as a writer and was independently organizing his writing into paragraphs 50% of the time. *Id.*

99. The Student's first semester report card was issued on or about January 31, 2025. He was consistently or often exhibiting behaviors that support learning. D23. He was meeting standard for language arts. He was meeting standard or developing toward standard in the three math areas that were assessed. *Id.*

100. In January 2025, the District contacted the Parents to set an IEP meeting. D26 p.2. The District offered multiple meeting times over the course of nine contacts with the Parents. On January 27, 2025, Ms. Parent responded by email and told the District to "stop harassing us by calling or emailing almost every day to schedule this." P158. Ms. Parent did not understand the "rush" to schedule." Mr. Parent had gotten a new job and planning a meeting was difficult for the Parents. *Id.* A meeting was finally set for March 17, 2025. D26.

101. On March 17, 2025, the Student's IEP team met to review his IEP. The Student's IEP was revised and the most recent BIP was incorporated (March 2025 IEP). D26. The general education teacher report in this IEP states that the Student has been engaging with peers appropriately on the playground and has friends he builds things with at recess, as well as friends in class. It also states that he is completing some of his writing assignments. *Id.* at 8. The PWN issued after the March

2025 IEP meeting states that the Student is having “real success with writing.” *Id.* at 19-20.

102. The March 2025 IEP contained two behavior goals:

Annual Goal: Behavior

Skill: Task Initiation

By 03/24/2026, when given an assignment, or a modified assignment, from a teacher [REDACTED] will independently initiate the assignment and work until it is completed to the best of his ability or ask for a compromise

("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?" "Can I read instead?" "Can I write about this instead?", etc.) improving task initiation from initiating classroom assignments or asking for a compromise in 30% of opportunities to initiating classroom assignments or asking for a compromise on 80% of opportunities as measured by teacher and special education staff data collection.

Annual Goal: Behavior

Skill: Attend to completion

By 03/24/2026, when given an assignment, or a modified assignment, from a teacher [REDACTED] will work until it is completed to the best of his ability or ask for a compromise ("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?" "Can I read instead?" "Can I write about this instead?", etc.) improving behavior skills and the amount of work completed from completing an assignment to the best of his ability or asking for a compromise in 30% of opportunities to 80% of opportunities as measured by teacher and staff collected data and observations.

D26 pp. 8-9.

103. The March 2025 IEP contained one social emotional goal:

Annual Goal: Social Emotional

Skill: Engaging with peers

By 03/24/2026, when given a social or academic activity with peers in which he would like to participate, [REDACTED] will ask if he can join the activity, improving social skills and peer interactions from asking peers if he can join in 20% of opportunities to asking peers if he can join in 70% of opportunities as measured by teacher and special education staff data collection.

D26 p.9.

104. The writing portion of the March 2025 IEP discussed the previous IEP goal pertaining to the Student utilizing paragraphs within his writing. D26 p.10. The March 2025 IEP states that there will now be a paragraphing goal with a new baseline of 20% (as opposed to the old baseline of 0%) of opportunities, improving to 80% of opportunities. The discussion in the writing section does not mention “writing production.”

105. The March 2025 IEP contained two written language goals:

Annual Goal: Written Language

Skill: Paragraphing

By 03/24/2026, when given a writing prompt [REDACTED] will respond to the writing prompt, and utilize paragraphs within his writing to group together and organize improving writing organization skills from independently utilizing paragraphs within his writing on 0% of opportunities to independently utilizing paragraphs within his writing on 50% of opportunities as measured by teacher and special education staff data collection.

Annual Goal: Written Language

Skill: Writing Production

By 03/24/2026, when given when given an assignment, or a modified assignment, from a teacher, [REDACTED] will work to the completion of the assignment or ask for a compromise ("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?", "Can I read instead?", "Can I write about this instead?", etc.) improving behavior skills from completing an assignment or asking for a compromise in 30% of opportunities to 80% of opportunities as measured by teacher and staff collected data.

D26 p.10.

106. Progress on all goals was to be reported quarterly. D26 pp. 8-11.

107. The March 2025 IEP also provided ten accommodations. D26 p.12.

108. The March 2025 IEP had a "split" service matrix, which separated out services that would be delivered up until August 29, 2025, while the Student was in elementary school, from services that would be delivered starting on August 30, 2025, when the Student started middle school. D26 p.15; tr. 365. As of March 2025, the middle school services had not been determined, so the elementary school services were repeated in the second matrix which covered August 30, 2025, through March 24, 2026. D26 p.15. The services matrices provided:

Services 03/25/2025 - 08/29/2025

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Special Education							
No	Written Language	Special Ed Classroom Staff	Special Education Teacher	60 Minutes / Weekly	General Education	03/25/2025	08/29/2025
No	Social Emotional	Special Ed Classroom Staff	Special Education Teacher	105 Minutes / Weekly	Special Education	03/25/2025	08/29/2025
No	Social Emotional	Special Ed Classroom Staff	Special Education Teacher	210 Minutes / Weekly	General Education	03/25/2025	08/29/2025
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	75 Minutes / Weekly	Special Education	03/25/2025	08/29/2025
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	150 Minutes / Weekly	General Education	03/25/2025	08/29/2025
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	75 Minutes / Weekly	Special Education	03/25/2025	08/29/2025

Total minutes per week of building instructional time available for this student (excluding lunch):

1710 minutes per week

Total minutes per week student is served in a special education setting:

255 minutes per week

Percent of time in general education setting:

85.09% in General Education Setting

Services 08/30/2025 - 03/24/2026

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Special Education							
No	Written Language	Special Ed Classroom Staff	Special Education Teacher	60 Minutes / Weekly	General Education	08/30/2025	03/24/2026
No	Social Emotional	Special Ed Classroom Staff	Special Education Teacher	105 Minutes / Weekly	Special Education	08/30/2025	03/24/2026
No	Social Emotional	Special Ed Classroom Staff	Special Education Teacher	210 Minutes / Weekly	General Education	08/30/2025	03/24/2026
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	75 Minutes / Weekly	Special Education	08/30/2025	03/24/2026
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	150 Minutes / Weekly	General Education	08/30/2025	03/24/2026
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	75 Minutes / Weekly	Special Education	08/30/2025	03/24/2026

Total minutes per week of building instructional time available for this student (excluding lunch):

1735 minutes per week

Total minutes per week student is served in a special education setting:

255 minutes per week

Percent of time in general education setting:

85.3% in General Education Setting

Description of Services:

Setting 1: 75 minutes of ■■■'s behavior minutes are served during his class writing time to support task initiation and completion. ■■■ receives SEL and BEH minutes during recess times, to support his social growth and engagement with peers.

■■■ will have access to a quiet learning space in an alternate setting, eg Learning Center, when he needs a break from the general education setting. ■■■ will be offered 150 minutes of Special Education Behavior support minutes to be served in or out of the General Education classroom. (this is a change from 75 minutes that were previously offered as support in the Gen Ed classroom)

D26 pp. 15-16.

109. As noted above, the March 2025 IEP provided that the Student would receive some of his social emotional and behavior services during recess. D26 p.16. Ms. Williamson felt the Student was doing well and did not need a greater level of behavioral support than was provided in the IEP. Tr. 363-64. His incidents of heightened agitation were decreasing. He was getting along with peers and taking advantage of leadership opportunities. The Student was engaging in his small group and played with students from the group at recess. *Id.*

110. At the IEP meeting, the Parents expressed concern that the Student was falling behind socially and academically, particularly in math and Spanish. D26 p.2. They requested that a 1:1 behavior therapist work with the Student, and biweekly data reports be sent to the family. These options were rejected by the team, and a consultation by a District BCBA and additional data collection was decided upon instead. *Id.* at 19-20.

111. The PWN issued after the March 2025 IEP meeting stated that the decision as to where the Student would attend middle school was “still in limbo,” and once the Parents made a decision, the appropriate middle school learning center would be contacted and a meeting arranged to determine the Student’s services in middle school. D26 pp.19-20. The PWN also states, “The school team did not determine that biweekly data sharing with home was necessary to adequately monitor school performance through the IEP, but agreed to temporarily provide additional data prior to the next IEP team meeting” and the District “agreed to include in the PWN that the school team will provide bi-weekly progress data to family between now and next meeting.” *Id.* These reports were provided by Ms. Williamson. Tr. 370.

112. On March 28, 2025, an IEP progress report showed that the Student was making sufficient progress on his new annual goals to achieve them within the duration of the IEP. The same report was made on April 4, 2025. D27.

113. The Parents filed this due process action on April 28, 2025.

114. Ruth Katz is a private math tutor who resides in Argentina. P172. She began tutoring the Student remotely in approximately May 2025, and continues to work with him three to four times per week for one hour. Tr. 464, 468. Ms. Katz has studied

engineering and mathematics at the university level. She began teaching math in 2024 but she does not have any training as a teacher. *Id.* at 465-66, 487. Her sessions with the Student are in Spanish and are sometimes held on Saturdays. *Id.* at 486, 489.

115. Ms. Katz has noted the Student to be unsure about what was being taught in his school math class. P172. She observed him to be “lost” when she started working with him. Tr. 464. It would take him up to 40 minutes to find his homework assignment. *Id.* at 469. At first, he would not sit still and would get up to play during the tutoring. *Id.* at 475. The Student would also draw sad faces on his Canva board, and told Ms. Katz that he did not have friends and he was left alone. *Id.* at 478.

116. The Student’s math skills have improved, but if he does not meet with Ms. Katz for a week, it seems to Ms. Katz that the Student forgets everything. *Id.* at 470, 472. It appears to be hard for him to concentrate, and Ms. Katz described him as “all over the place.” *Id.* at 478.

117. On April 29, 2025, District BCBA Tali Schock observed the Student in his general education classroom. She sent her observation notes to Ms. Williamson and other District staff members the next day. D30. Ms. Schock noted the Student did the following: participated in the group setting, followed directions quickly and efficiently, advocated for his needs, and transitioned between preferred and nonpreferred activities. She also observed that peers sought out the Student to engage about preferred topics, and this included “lots of laughing, and close proximity.” *Id.* at 2. Things that occurred that could have triggered the Student’s target behaviors but did not included: not being chosen for a lunch group in another classroom, the video he was advocating for not being chosen by the teacher, peers were in close proximity, a paper/pencil activity, redirection from a teacher during lunch, loudness and movement by other students, and absence of “priming” before transitions. No target behaviors occurred before or during the observation. *Id.*

118. On June 20, 2025, the Student’s IEP team met. At this point , the Parents had decided the Student would attend Canyon Park Middle School (Canyon Park). D32 p.2. Team members who attended this meeting were District representative Shannon Phanhthavilay, Ms. Williamson, Canyon Park special education teacher Kirsten Wood, and Ms. Parent. *Id.* at 1.

119. At the meeting, an amended IEP containing a new service matrix was developed for middle school (June 2025 IEP). D32 p.13. The June 2025 IEP provided that the Student’s transition to middle school would include “academic lab” and check ins during the day. *Id.* at 14. The service matrix to begin on August 30, 2025, provided:

Services 08/30/2025 - 03/24/2026

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Special Education							
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	105 Minutes / Weekly	Special Education	08/30/2025	03/24/2026
No	Written Language	Special Ed Classroom Staff	Special Education Teacher	30 Minutes / Weekly	General Education	08/30/2025	03/24/2026
No	Social Emotional	Special Ed Classroom Staff	Special Education Teacher	105 Minutes / Weekly	Special Education	08/30/2025	03/24/2026
No	Social Emotional	Special Ed Classroom Staff	Special Education Teacher	150 Minutes / Weekly	General Education	08/30/2025	03/24/2026
No	Behavior	Special Ed Classroom Staff	Special Education Teacher	150 Minutes / Weekly	General Education	08/30/2025	03/24/2026
No	Written Language	Special Ed Classroom Staff	Special Education Teacher	30 Minutes / Weekly	Special Education	08/30/2025	03/24/2026

Total minutes per week of building instructional time available for this student (excluding lunch):

1735 minutes per week

Total minutes per week student is served in a special education setting:

240 minutes per week

Percent of time in general education setting:

86.17% in General Education Setting

Setting 2: Transition to middle school will include Academic Lab and check ins during the day. Team will monitor and adjust supports as needed.

120. The PWN issued after the IEP meeting stated:

The team touched on many aspects of middle school including, but not limited to, transportation, lockers, lunch, physical education/health, passing times, advisory and co-teach model. Given the support minutes of the elementary school setting, the team agreed to adjust minutes for middle school to reflect academic lab as well as check-ins during advisory. These changes were agreed upon by the team and are reflected in the second setting of the IEP.

D32 p.17.

121. The finalized June 2025 IEP was never provided to the Parents. Tr. 792.

122. Principal Bowers saw “tremendous growth” in the Student from third grade through fifth grade, and felt he had a very successful fifth grade year. Tr. 255.

123. Melissa Nilsen is a pediatric OT with 19 years of experience. She owns and operates an occupational therapy private practice that provides evaluation and treatment for children and adults. She has a bachelor’s degree in nutrition and a master’s degree in occupational therapy. P167.

124. Ms. Nilsen has been working with the Student since approximately July 2025. Her therapy focuses on gross motor, fine motor, handwriting, executive function skills and daily life skills (such as flossing his teeth and brushing his hair). Tr. 528-29, 539-40, 545. The Student has sensory sensitivities which make his senses more acute. Ms. Nilsen works with the Student to help him calm and regulate his nervous system. *Id.* at 531-32.

125. In July 2025, the Student participated in Friendship Club, an eight-week social skills group offered by Ms. Nilsen. The focus of the club was interaction with peers. Tr. 534-36. The club is set in a park, and each week there is a different theme. Examples include taking turns, empathy, and initiating conversations. *Id.*

The 2025-26 school year - Sixth Grade

126. Dr. John Pastor is a psychiatrist who began treating the Student in August 2025 for major depression, anxiety, ADHD, and autism. P40. Dr. Pastor attended medical school at Louisiana State University and did his residencies in general psychiatry and child/adolescent psychiatry at the University of Washington School of Medicine. He has practiced since 2000 and has served on the faculty at Children's Hospital in Seattle. P182.

127. Dr Pastor's work with patients includes talk therapy, medication management, parent coaching, family therapy as needed, and collaborating with other providers. Tr. 974. Dr. Pastor's work with the Student was primarily medication management and work with the family. *Id.* Dr. Pastor prescribed a variety of medications for the Student. P92.

128. Dr. Pastor noted the Student's anxiety to manifest in several ways, including social anxiety and worrying about negative outcomes. His depression is manifested by irritability and low energy, and negative feelings about himself. Tr. 979. The Student's ADHD impairs his executive functioning and leads to impulsivity. *Id.* at 980. Dr. Pastor opined that the Student could benefit from instruction in social skills and having someone available in the moment to consult when he is confused or frustrated. *Id.* at 984.

129. Dr. Pastor observed that the Student was unable to contextualize others' behavior. This means that he can react to behaviors that are neutral or friendly and misinterpret them as harmful. Tr. 982. The Student is also likely to report impressions of experiences that are driven more by anxiety than by facts, and be prone to exaggerating the severity of an experience. *Id.* at 986- 87.

130. Dr. Pastor opined at the due process hearing that the Student's inability to have positive interactions with peers and develop relationships would be associated with worse academic function, as well as psychological and health issues. Dr. Pastor noted the Student's mood to improve when he had positive relationships with people. Tr. 981.

131. The 2025-26 school year started on September 3, 2026. D40. The Student attended Canyon Park for sixth grade. Canyon Park is not a dual language Spanish program school. Tr. 858. M.P. Barolin¹⁴ was the Student's IEP case manager during the 2025-26 school year. Tr. 566-68. Ms. Barolin was also the Student's roundtable/advisory class teacher as well as his English teacher. *Id.* at 567. The Student's English class was co-taught by Ms. Barolin and a general education teacher. *Id.* at 567, 571.

132. Roundtable is a 30-minute class that meets four times per week at the start of the school day. All students have roundtable class, not just those with IEPs. Tr. 567, 571. The classes consist of students in all three middle school grades. It is a time when all students can get support from the roundtable teacher for any subject. They can also receive a pass to go see a specific teacher. On Thursdays, a community circle is held in roundtable, which consists of a prompt on a social issue of some sort. *Id.* at 597-98. Ms. Barolin observed the Student to participate in community circle by voicing his opinions. He made friends with the student who sat next to him in roundtable and they played Uno and other games on game days. *Id.* at 598-600.

133. Ms. Barolin oversaw implementation of the June 2025 IEP [which was later determined not to be the correct stay put IEP] when the Student came to Canyon Park. Tr. 569. She provided him with 30 minutes of social emotional and behavior support in roundtable. The Student then received 15 minutes of writing support in English class. All of his SDI was received in a general education setting, and was provided by special education teachers and paraeducators. *Id.* at 605-07. Paraeducators supported the Student in history and science, but they did not coordinate with Ms. Barolin as to what they were working on with the Student. *Id.* at 608.

134. The special education setting at Canyon Park is academic lab class. Tr. 608. It is a class in which students can complete assignments from other classes. They receive support and help with establishing good learning behaviors. *Id.* at 594, 608.

¹⁴ Ms. Barolin has been a special education teacher for 17 years. She has a bachelor's degree in social work and a master's degree in special education. Tr. 565.

135. Ms. Barolin described the Student as a good student who was conscientious and who generally turned his work in on time. She observed the Student to “handle himself well” with the transition to middle school. Tr. 569-71. His writing skills were close to grade level in English. *Id.* at 572. Ms. Barolin opined at the due process hearing that the Student was at too high a skill level in writing to be in a special education writing class, as opposed to a co-taught English class. She believes such a placement would have held him back. *Id.* at 609.

136. The Student appeared to his Parents to be happier at the start of middle school than he had been in elementary school. He liked having a variety of classes and being able to ride the school bus. He also enjoyed his shop/woodworking class. Tr. 94-95. The Student also got excited about writing and started writing a book. *Id.* at 656. The Parents were not aware of the Student having problematic behavior incidents during sixth grade. *Id.* at 876

137. On September 15, 2025, the Student reported to Dr. Pastor that he liked to play alone and “didn’t think it was worth spending time with [others].” P92 p.12. He also complained that his Parents were very controlling and issued lots of commands to him. *Id.*

138. The Student’s academic schedule during first semester of sixth grade included pre-algebra, English 6, school success, pre-tech, integrated science, and ancient/medieval world history. D36. The Student receive grades of A and B+ in all of these classes for the first quarter, including a B+ in pre-algebra. *Id.* Teacher comments noted that the Student is a hard worker and a pleasure to have in class. *Id.*

139. Samuel Dodson is an online special education, history and English tutor who resides in the Houston, Texas area. Tr. 830, 831-33, 837. He has a bachelor’s degree in history with a minor in English. He currently works as a teacher’s aide in special education. He is not a certificated teacher. *Id.* at 848. Mr. Dodson began working with the Student in the fall of 2025. *Id.* at 1011. He mostly works on helping the Student complete his homework. *Id.* at 835. When the Student has time to write freely, Ms. Dodson has observed that he often writes about characters being bullied. The Student rarely speaks to Mr. Dodson about having friends or having teachers who encourage him. *Id.* at 842-46.

140. On November 3, 2025, the Student’s IEP goal progress report showed that he had mastered the behavior “task initiation” and “attend to completion” goals. D31.

141. The Student’s IEP team was scheduled to meet on November 18, 2025. D37. However, the Parents declined to meet until they received “service logs” documenting

the special education services the Student was receiving in sixth grade. Tr. 74. Ms. Parent also felt that the team should not meet until “settlements” were finished. D37. Ms. Barolin informed Ms. Parent by email on December 4, 2025, that “service logs” are not kept by the Canyon Park staff. *Id.* at 5. Ms. Parent responded by saying that the Student had not received any special education services for the last three months and she felt this was in retaliation for the Parents filing for due process. *Id.* The IEP meeting was never held. *Id.* at 585.

142. Ms. Barolin wrote a draft IEP for the Student that she anticipated would be discussed at the November 18, 2025 meeting. D38. This IEP recommended the Student receive 30 minutes per week of SDI in written language in general education, 15 minutes per week of behavior SDI in a general education setting, and 15 minutes per week of social emotional SDI per week in a general education setting. *Id.* at 12. The draft IEP notes that the Student was receiving support in roundtable/advisory period and in his co-taught English. *Id.*

143. On January 28, 2026, the Student informed Dr. Pastor that “life [is] better than before, lots more people like me.” P92 p.2.

144. On February 25, 2026, an order granting the Parents’ motion for stay put (stay put order) was entered in this action. The stay put order concluded that the March 2025 IEP was the Student’s stay put placement.¹⁵ The District was ordered to implement the placement set forth in that IEP until a final order is entered in this action, unless the Parents and the District agree to modify that placement. Stay Put Order 2/25/26.

145. The stay put order also held that quarterly progress reports were to be provided to the Parents, but that bi-weekly progress data and “service logs” were not required for stay put since that requirement ended when the IEP team met in June 2025. Stay Put Order 2/25/26.

146. After the issuance of the stay put order, the Student’s class schedule was changed so he could attend academic lab class. Tr. 579, 586. The periods and teachers for some of his classes were changed. *Id.* at 785-86, 1027. One elective course the Student was taking was dropped so academic lab could be fit in. The Student felt that he lost all his friends from the former classes when he was moved to

¹⁵ The parties agreed that this was the last implemented IEP and was therefore the stay put IEP. The District did not argue that the June 2025 IEP was the stay put IEP.

different ones. *Id.* at 1028. Dr. Pastor believed the Student's loss of opportunity to be with the friends he had made in his classes would be deleterious to him. *Id.* at 975.

147. Amanda Santiago¹⁶ is the special education teacher in the Canyon Park academic lab. Tr. 613-14. She also co-teaches math. There were approximately 14 students in academic lab in the spring of 2026, as well as a paraeducator and two one-on-one staff members, in addition to Ms. Santiago. *Id.* at 616. The Student was able to communicate his needs and was very studious in academic lab. Ms. Santiago observed him to be quiet and polite. He benefitted from check-ins with her. The Student played board games and interacted with other students during the social component of the class. *Id.* at 618-24.

148. Academic lab meets five days per week. Ms. Santiago implemented the Student's IEP by helping him outline his day and plan what to do, and helping him advocate for his accommodations as needed. She also created opportunities for him to socialize and practice social emotional skills. Tr. 628-30.

149. On or about April 3, 2026, the Student's midterm progress report was issued. He had As in academic lab and integrated science 6, a B+ in health/fitness, a B- in pre-algebra, a C+ in English, and a C in ancient/medieval world history. Teacher comments noted him to be "responsible and capable," a positive influence on others, and a pleasure to work with. P30.

150. The Student got behind in turning in homework as the school year progressed. Sometimes he was 20 assignments behind. Tr. 888.

151. Tanner Wooding is a BCBA with ten years of experience in applied behavior analysis (ABA). She has a bachelor's degree in psychology and a master's degree in counseling with an ABA emphasis. Ms. Wooding has experience as a behavior technician, and has been a BCBA since 2021. She is the owner of Empowered Family Consulting. P165, tr. 715-17.

152. Ms. Wooding began working with the Student's family in April 2026. She meets with them in person once per week for approximately two hours. Tr. 680. Her assessment of the Student showed that he had needs in the areas of social skills, communication, and home living skills. *Id.* at 685. Home living skills include such

¹⁶ Ms. Santiago has been a special education teacher for seven years. She has a master's degree in teaching. Tr. 613.

things as completing tasks around the house, completing homework, and getting ready to leave the house on time. *Id.*

153. Ms. Wooding has observed that the Student is capable of calming himself down following an upsetting incident or an escalation. Tr. 690. He argues and raises his voice with his family. She is working with him on using functional communication to request a break when he starts to escalate. She is also helping him learn to transition to interactive play with his siblings. *Id.* at 692-93.

154. Ms. Wooding observed the Student at school for an hour on May 15, 2026, and noted that he needs support with social skills and navigating challenging peer interactions. Tr 703, 707. She opined that the Student would benefit from having adult support available at times such as lunch, but not in a way that draws attention to him. *Id.* at 710-11.

155. As of the end of the 2025-26 school year, the District was planning to reevaluate the Student. Ms. Parent plans to consent to the reevaluation but had not done so at the time of the due process hearing. Tr. 861-62.

156. The Student testified at the due process hearing. He stated that his sixth-grade health class had way too many assignments, and that history and math were too hard for him. Tr. 1029-30. He has a hard time getting assignment done by the due date. *Id.* at 1031. The Student reported that most of his teachers do not help him, but the academic lab teacher helps with math if he asks. *Id.* at 1032, 1035.

157. The Student feels that incidents of being bullied have increased since he entered middle school. Other students tell him that he is annoying, short and ugly. He feels that he needs to try to be nicer. Tr. 1032-33.

158. At the time of the due process hearing, the Student had a very busy after school schedule. He does jujitsu/karate four times per week. He sees Dr. Pastor once a month. He has occupational therapy once per week, as well as ABA therapy once per week. The Student has math tutoring three time per week and writing tutoring once per week. Tr. 776-78. Ms. Parent has observed the Student to be “super stressed out with everything he does after school.” *Id.* at 778.

159. The Parents are seeking the following reimbursements as relief in this action:

Dr. Lowe - \$120

Sam Mathew - \$2432

Melissa Nilsen - \$840

Lighthouse Mental Health - \$520

Dr. Pastor - \$2016.52

Tanner Wooding - \$80

Great Therapy Group - \$300

Samuel Dodson – \$337.90

Ruth Katz - \$1566

The Andy Center Camp - \$3000

SPARC Speech Therapy - \$385

Dr. Tatiana Lipowy¹⁷ - \$1560

Alexandria Meyer BCBA - \$220

They also seek reimbursement for various expenses at Allegro Pediatrics and at several pharmacies. P184. Ms. Parent believes all the requested reimbursements relate to the Student's educational needs and/or are necessitated by the District's failures. Tr. 1004-05. She believes his depression, anxiety and sleeping problems were due to lack of support at school. *Id.* at 1012.

160. The Parents are also seeking reimbursement for the service of nannies over the past three years in the amount of \$14,626. The Student has two younger siblings and the Parents needed the help of nannies to drive the Student to therapies, and to have time to advocate for the Student. Ms. Parent also had health issues and needed help driving. Tr. 1017-18, 1036.

161. The total amount sought in reimbursement is \$33,599.80.

162. The Parents also request that the Student be placed in a private school that has fewer students and less noise. Tr. 777-78.

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

¹⁷ The Student did online psychotherapy with Dr. Lipowy from June 2022 through November 2023. Dr. Lipowy is located in Argentina. Tr. 1012.

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. RCW 28A.155.260(1). In a due process hearing, the standard of proof is a preponderance of the evidence. RCW 28A.155.260(3).

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.” *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176, 197 n.21, 200-201 (1982).

4. In *Rowley*, the U.S. Supreme Court established both a procedural and a substantive test to evaluate a state's compliance with the IDEA. The first question is whether the state has complied with the procedures set forth in the IDEA. The second question is whether the individualized education program developed under these procedures is reasonably calculated to enable the child to receive educational benefits. “If these requirements are met, the State has complied with the obligations imposed by Congress and the courts can require no more.” *Rowley*, 458 U.S. at 206-07.

5. 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. *Amanda J. v. Clark County Sch. Dist.*, 267 F.3d 877, 882 (9th Cir. 2001). 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.

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

“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.” *Endrew F. v. Douglas County Sch. Dist. RE-1*, 580 U.S. 386,

399 (2017). The determination as to whether an IEP is reasonably calculated to offer a student FAPE is a fact-specific inquiry. As the U.S. Supreme Court has made clear, “[a] focus on the particular child is at the core of the IDEA,” and an IEP must meet a child’s unique needs. *Id.* at 400. The “essential function of an IEP is to set out a plan for pursuing academic and functional advancement.” *Id.* at 399. Accordingly, an IEP team is charged with developing a comprehensive plan that is “tailored to the unique needs of a particular child.” *Id.* at 391. Additionally, the Student’s “educational program must be appropriately ambitious in light of his circumstances” *Id.* at 402.

6. In reviewing an IEP, “the question is whether the IEP is *reasonable*, not whether the court regards it as ideal.” *Id.* at 387 (emphasis in original). The determination of reasonableness is made as of the time the IEP was developed. *Adams v. Oregon*, 195 F.3d 1141, 1149 (9th Cir. 1999). An IEP is “a snapshot, not a retrospective.” *Id.*

The June 2023 Initial Evaluation of the Student was Not Appropriate

7. The Parents contend that the June 2023 initial evaluation of the Student did not assess him in all areas of suspected disability. They further contend that the District did not use proper methodologies to thoroughly assess the Student in all areas in which he struggled. Parents’ Post-Hearing Brief (Parents’ Brief) at 14, 20.

8. Notably, to the extent the Parents dispute the determination of ineligibility for special education services that was made after the June 2023 evaluation was completed, that issue was not identified for hearing¹⁸ and is not part of the determination of appropriateness of the evaluation. *A.S. v. Shoreline Sch. Dist.*, 2025 U.S. Dist LEXIS 121802 *6 (W.D. Wash. 2025) (the IEP team’s eligibility determination is not relevant to the question of whether the district’s evaluation was appropriate). Therefore, the appropriateness of the eligibility determination is not considered.

9. To be appropriate, a school district’s evaluation must be sufficiently comprehensive to identify all of a student’s special education and related service needs. WAC 392-172A-03020. When a school district conducts a special education evaluation, a “group of qualified professionals selected by the school district” must use a “variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent.” *Id.* The group cannot use “any single measure or assessment as the sole criterion” for determining eligibility or educational programming. The group must use “technically

¹⁸ A party may not raise issues during a due process hearing that were not raised in the complaint unless the other party agrees. WAC 392-172A-05100(3). The District did not agree to litigate the appropriateness of the eligibility determination made in June 2023.

sound instruments that may assess the relative contribution” of cognitive, behavioral, physical and developmental factors. *Id.* Moreover, students must be assessed “in all areas related to the suspected disability.” WAC 392-172A-03020(3)(e).

10. When conducting an evaluation, a school district is also required to review existing data pertaining to the student, including information provided by the parents and observations made by teachers. WAC 392-172A-03025.

11. In the present case, the evidence shows that the Student’s general education teacher for the 2022-23 school year was concerned about the Student’s social skills and his aggressive behaviors. The Parents were concerned about the Student’s speech and language skills, and his social emotional development. The evaluation assessed the Student in the areas of medical-physical, social emotional, behavior, academic (reading comprehension and math), communication, and motor. Existing data was reviewed. A variety of assessment tools were employed including the BASC-3, the WIAT-4, the Arizona-4, the School Companion Sensory Profile, and the BOT-2. The professionals administering the assessments included a Ph.D. level school psychologist, a registered nurse, an SLP, and a physical therapist.

12. The Parents argue that the District should have known the Student likely had autism and should have specifically assessed him for that disability. The PWN issued by the District does note the Parents’ concern that the Student may be autistic. However, there is no evidence in the record that any District personnel suspected the Student was autistic. They were concerned about his interactions with peers but had not observed behaviors or interactions that rose to the level of a suspicion of autism. Moreover, the District assessed the Student in areas that would identify numerous aspects of autism, such as social emotional, behavior, and sensory (which was included in the motor assessment). While the District did not administer autism rating scales as part of the evaluation, the evidence does not support a finding that an assessment specifically aimed at autism was needed. It is therefore concluded that lack of an assessment specifically for autism does not render the June 2023 evaluation inappropriate.

13. The Parents further argue that the District should have assessed the Student in the area of writing. This argument is persuasive. WAC 392-172A-03020(1) requires a school district “to provide prior written notice to the parents ... that describes any evaluation procedures the district proposes to conduct.” The PWN issued by the District prior to the evaluation stated that the Student would be assessed in three academic areas: reading, math, and written language. However, only reading and math were ultimately assessed. Written language was not. Because the District identified written language as an area to be assessed, it can be inferred that the area

should have been assessed. Since it was not assessed, the academic portion of the evaluation was incomplete, thereby rendering the evaluation inappropriate.

14. This constitutes a procedural violation of the IDEA in that the District did not comply with the law's requirements for an evaluation. As set forth above, procedural violations amount to a denial of FAPE if they impede a child's right to FAPE or cause a deprivation of education benefits. Significantly, when the District reopened the evaluation in January 2024, the Student was assessed in sentence composition and essay composition. His scores were below average and he was ultimately found to require SDI in written language.

15. The District has the burden of proof on this issue and did not mention in its briefing or at the hearing that written language was identified as an area to be assessed in 2023, but was not. Had the District acknowledged the issue, it would have had the opportunity to argue that this failure did not constitute a deprivation of an educational benefit. But the District did not seize that opportunity. Based on the fact that the District identified written language as an area to be assessed in 2023, and the Student was deemed to require SDI in written language when it was finally assessed six months later, it is concluded that the failure to assess the Student written language in June 2023 deprived him of an educational benefit for months. Accordingly, the District has not met its burden of proof as to this issue.

The District Denied the Parents Meaningful Participation in the June 2023 Evaluation Process by Failing to Address Their Concern About the Student's Written Expression

16. The IDEA requires that parents be given the opportunity to "participate in meetings with respect to the identification, evaluation, and educational placement of the child." *H.B. v. Las Virgenes Unified Sch. Dist.*, 239 Fed. Appx. 342 (9th Cir. 2007); 20 U.S.C. § 1415(b)(1). Additionally, when conducting an evaluation, a school district is required to review information provided by the parents. WAC 392-172A-03025.

17. Neither the IDEA nor Washington special education law specifically define "meaningful participation." Determining what is "meaningful" requires balancing of the totality of the circumstances. *Mercer Island Sch. Dist.*, 121 LRP 1640 (SEA Wash. 2020).

18. The Parents contend that the District ignored their concern that the Student may be autistic when conducting the June 2023 evaluation. The reasoning and conclusions set forth above establish that the District did not ignore this concern. The District recognized the concern, but the evidence does not support a finding that an assessment specifically aimed at autism was needed.

19. However, the evidence does support a conclusion that written language was an area that should have been assessed but was overlooked. Failure to address an area of significant need for the Student in the evaluation process impeded the Parents' opportunity to participate in the decision-making process regarding the provision of FAPE to the Student because the Parents had no information about the Student's strengths or weaknesses in this area, and no opportunity to advocate that their child receive services in this area based on evaluation data. This amounted to a denial of FAPE under WAC 392-172A-05105. Any remedy for this violation, however, overlaps with the remedy that will be provided for the District's failure to conduct an appropriate evaluation in June 2023.

The District Failed to Meet its Child Find Obligation in June 2023

20. The Parents contend the District failed to meet its child find obligations dating back to April 28, 2023 (two years prior to the filing of the Complaint). In support of this argument, the Parents contend the June 2023 evaluation of the Student did not assess him in all areas of suspected disability, including autism, writing, and "other potential learning disabilities." Parents' Brief at 14.

21. Pursuant to WAC 392-172A-02040(1), school districts are obligated to conduct child find activities:

School districts shall conduct child find activities calculated to reach all students with a suspected disability for the purpose of locating, evaluating and identifying students who are in need of special education and related services, regardless of the severity of their disability. The child find activities shall extend to students residing within the school district boundaries whether or not they are enrolled in the public school system.

22. School districts' precise obligations regarding child find in Washington State are not clear. However, courts within the Ninth Circuit have generally held that the child find duty is triggered when a school district has reason to suspect a child has a disability and that special education may be needed to address that disability, and/or when a district is on notice that a child has displayed symptoms of a disability. See *Dept. of Educ., Haw. v. Cari Rae S.*, 158 F. Supp. 2d 1190 (D. Haw. 2001); *Timothy O. v. Paso Robles Unified Sch. Dist.*, 822 F.3d 1105, 1119-20 (9th Cir. 2016).

23. In the present case, the District identified and evaluated the Student for special education eligibility in 2018 and found he did not qualify. That determination falls

outside the IDEA's two-year statute of limitations¹⁹ and is not at issue here. However, it demonstrates that the District had located, identified and evaluated the Student as required. When the Parents again referred the Student for a special education evaluation in 2023, the District agreed to conduct a new evaluation, thereby identifying and evaluating him again. At this point, the analysis of the child find issue overlaps with the analysis of the evaluation's appropriateness. As determined above, the District was not required to assess the Student for autism as of June 2023, but it was required to assess the Student's written language skills and failed to do so. This constitutes a child find violation to the extent child find requires districts to evaluate a student in all areas of suspect disability. However, no additional relief will be granted for this claim since it relies on the same failure to evaluate as does the inappropriate evaluation claim decided in favor of the Parents above.

The District's January 2024 Evaluation was Appropriate

24. The Parents contend that the District's January 2024 evaluation was not appropriate because it did not fully consider Dr. Lowe's private evaluation.²⁰

25. The January 2024 evaluation expanded on the June 2023 evaluation by adding the diagnoses made by Dr. Lowe, adding the social emotional data from her report, and reviewing Smarter Balance standardized assessments. Additional data was gathered as to the Student's behavior, and the academic portion was supplemented with administration of the sentence composition and essay composition subtests of the WIAT-4. A new communication evaluation was performed, and the motor portion was revised. Dr. Custer also observed the Student in his general education classroom and added the data to the evaluation. Additionally, an FBA was performed and the report was later added to the January 2024 evaluation by way of an assessment revision.

26. This evaluation assessed the Student in all areas of suspected disability, and otherwise complied with the requirements of the IDEA. The record does not support the Parents' contention that Dr. Lowe's evaluation was not fully considered. It is therefore concluded that the January 2024 evaluation was appropriate.

¹⁹ WAC 392-172A-05080.

²⁰ If the Parents contend there were other deficiencies in the January 2024 evaluation, those contentions cannot be determined from the Parents' briefing.

The District Did Not Predetermine the Student's Educational Programming Relating to His Sensory Needs

27. The Parents contend the District predetermined the support the Student would receive for his sensory challenges. Parents' Brief at 21. Their argument appears, in part, to dispute the decision made by the evaluation team in June 2023 that the Student did not qualify for special education services. As set forth above, the appropriateness of the eligibility determination made in June 2023 was not at issue in the hearing and is not appropriate to consider.

28. "A school district violates the IDEA if it predetermines placement for a student before the IEP is developed or steers the IEP to the predetermined placement." *K.D. ex rel. C.L. v. Dep't of Educ., Hawaii*, 665 F.3d 1110, 1123 (9th Cir. 2011). "Predetermination violates the IDEA because the Act requires that the placement be based on the IEP, and not vice versa." *Id.* 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." *Ms. S. v. Vashon Island Sch. Dist.*, 337 F.3d at 1131. A school district may not enter an IEP meeting with a "take it or leave it" position. *Id.*

29. The Student was determined to be eligible for special education services in January 2024, and a PWN was issued stating the Student would receive an OT/PT consultation to support his sensory needs. There is no evidence in the record as to what this consultation showed. When the IEP team met to develop the Student's IEP in February 2024, the Parents both attended and participated. The record does not indicate that the services the IEP provided for the Student's sensory needs were presented in a "take it or leave it" fashion or were otherwise predetermined by the District. Rather, the record shows that the IEP team decided on accommodations after seeking more information about the Student's needs by way of an additional consultation. Accordingly, it is concluded that the District has met its burden to demonstrate that predetermination did not occur as to the Student's sensory programming.

The Student's February 2024 IEP was Not Reasonably Calculated to Provide the Student FAPE

30. The Parents contend that the Student's initial IEP developed in February 2024 did not provide him with FAPE.

31. In developing an IEP, WAC 392-172A-03110(1) requires an IEP team to consider the strengths of the student; the concerns of the parents for enhancing the

education of their student; the results of the initial or most recent evaluation of the student; and the academic, developmental, and functional needs of the student.

32. An IEP must contain a statement of a student's present levels of academic and functional performance, including how the student's disability affects involvement and progress in the general education curriculum. WAC 392-172A-03090(1)(a). In addition, an IEP must include a statement of measurable annual goals, including academic and functional goals designed to meet the student's needs that result from their disability to enable them to be involved in and make progress in the general education curriculum and to meet each of the student's other educational needs that result from the student's disability. WAC 392-172A-03090(1)(b).

33. An IEP must also include a statement of the special education and related services and supplementary aids and services to be provided to the student to enable the student to advance appropriately toward attaining the annual goals, to be involved in and make progress in the general education curriculum, to participate in extracurricular and other nonacademic activities, and to be educated and participate with other students, including nondisabled students. WAC 392-172A-03090(1)(d).

34. An IEP team must review a student's IEP periodically and not less than annually to determine whether the student is achieving their goals. WAC 392-172A-03110(3). A student's IEP should be revised, as appropriate, to address:

- (i) Any lack of expected progress toward the annual goals described in WAC 392-172A-03090 (1)(b) and in the general education curriculum, if appropriate;
- (ii) The results of any reevaluations;
- (iii) Information about the student provided to, or by, the parents, as described under WAC 392-172A-03025;
- (iv) The student's anticipated needs; or
- (v) Other matters.

The SDI and Accommodations in the IEP

35. The Parents contend that the February 2024 IEP was not reasonably calculated to provide the Student FAPE because it did not provide occupational therapy as a related service to address the Student's sensory issues, and did not adequately address his need to develop social skills.²¹

²¹ It is difficult to ascertain from the Parents' brief exactly what they contend was deficient in this IEP because the brief addresses multiple issues and multiple time periods in the same argument/section.

36. “An ‘appropriate’ public education does not mean the absolutely best or ‘potential-maximizing’ education for the individual child.” *Gregory K. v. Longview Sch. Dist.*, 811 F.2d 1307, 1314 (9th Cir. 1987)(quoting *Rowley*, 458 U.S. at 197 n.21). The District’s decisions must be upheld if they are reasonably calculated to provide the student with educational benefits. 811 F.2d at 1314. The IEP must be reasonable, not ideal. *Endrew F.*, 580 U.S. at 399 (quoting *Rowley*, 458 U.S. at 206-07). The IDEA does not impose on the states an obligation to provide “an education that aims to provide a child with a disability opportunities to achieve academic success, attain self-sufficiency, and contribute to society that are substantially equal to the opportunities afforded to children without disabilities.” *Id.* at 403. The Supreme Court purposely did not attempt to “elaborate on what ‘appropriate’ progress will look like from case to case” because “[t]he adequacy of a given IEP turns on the unique circumstances of the child for whom it was created.” *Id.* at 404.

37. The determination of reasonableness must be made as of the time the IEP was developed, not in retrospect. However, a reviewing court may fairly expect school district authorities “to be able to offer a cogent and responsive explanation for their decisions that show the IEP is reasonably calculated to enable the child to make progress appropriate in light of his circumstances.” *Endrew F.*, 580 U.S. at 404.

38. In the present case, the February 2024 IEP provided SDI in written language, social emotional, and behavior. It provided 180 minutes of SDI in a special education setting, and 435 minutes in general education. It did not provide for occupational therapy, but it did provide almost all of the accommodations the District physical therapist recommended to address the Student’s sensory issues. The IEP also provided most of the educational interventions recommended by Dr. Lowe. Accordingly, the evidence does not demonstrate that the Student needed more support for his sensory issues than was provided in the IEP’s accommodations and 300 minutes of behavior SDI. Similarly, the evidence does not demonstrate that the Student needed more social skill support than was provided in the IEP’s 255 minutes of social emotional SDI.

The IEP’s Goals

39. Pursuant to WAC 392-172A-03090, and IEP must include “a statement of measurable annual goals” and a description of “how the district will measure the student's progress toward meeting the annual goals.” IEP goals must be stated with enough specificity that they are understandable, and must be measurable so that it can be determined whether a student is making progress toward the goals. See *North Middlesex Reg’l Sch. Dist.*, 120 LRP 3638 (SEA MA 01/29/20) (goal stating that student “will read fictional, expository, and informational texts at his independent and

instructional reading level with satisfactory comprehension and appropriate fluency” deemed not to be measurable); *Thurston Sch. Dist.*, 124 LRP 32177 (SEA WA 07/19/24) (goal that contained numerous grammatical errors and omitted words deemed not measurable).

40. The Student’s February 2024 IEP contained three goals. The Parents contend that all three were not sufficiently measurable. The behavior goal focuses on work completion and provides:

Annual Goal: Behavior

Skill: Work completion

By 02/14/2025, when given an assignment, or a modified assignment, from a teacher or [REDACTED] will initiate the assignment and work until it is completed to the best of his ability ask for a compromise ("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?", "Can I read instead?", "Can I write about this instead?", etc.) improving behavior skills and the amount of work completed in the classroom from initiating and completing classroom assignments or asking for a compromise on 20% of opportunities to initiating and completing classroom assignments or asking for a compromise on 70% of opportunities as measured by teacher and special education staff data collection.

Although the first two lines of this goal have phrasing issues and at least one dropped word which make the goal confusing to read, the goal is nonetheless sufficiently clear. However, this goal requires the Student to either complete the assignment “to the best of his ability” or ask for a compromise on the assignment. This requires the person collecting data to determine whether the Student completed the assignment to the best of his ability, but no method for determining this is specified. Consequently, teachers and staff could not consistently determine whether the Student had met the goal on any occasion where he did not ask for a compromise. This renders the goal unmeasurable.

41. The social emotion goal that focuses on engaging with peers provides:

Annual Goal: Social Emotional

Skill: Engaging with peers

By 02/14/2025, when given a situation with peers in which [REDACTED] would like to participate in [REDACTED] will verbally ask if he can join the activity/task improving social skills and peer interactions from asking peers if he can join on 0% of opportunities to asking peers if he can join on 50% of opportunities as measured by teacher and special education staff data collection.

This goal requires the teachers and staff to know when the Student would like to participate in an activity or task with peers. No method for determining this is specified, so teachers and staff could know in which situations they should measure whether the Student asked to join. This renders the goal unmeasurable.

42. The written language goal that focuses on paragraphing provides:

Annual Goal: Written Language

Skill: Paragraphing

By 02/14/2025, when given a writing prompt [REDACTED] will respond to the writing prompt, and utilize paragraphs within his writing to group together and organize improving writing organization skills from independently utilizing paragraphs within his writing on 0% of opportunities to independently utilizing paragraphs within his writing on 50% of opportunities as measured by teacher and special education staff data collection.

The Parents contend this goal does not sufficiently define terms and phrases that must be applied consistently. This argument is not persuasive. The terms and phrases used in this goal are understandable to teachers and special education staff. It is concluded that this goal is measurable.

43. Behavior and social emotional were significant area of need for the Student, and the lack of measurable goals in these areas prevented the Parents and the District staff from reliably assessing whether the Student was making progress. This, in turn, prevented the Parents and the District from determining that the IEP needed revision due to lack of goal progress as required by WAC 392-172A-03110. Consequently, it is concluded that the District has failed to meet its burden to demonstrate that the IEP was reasonably calculated to allow the Student to make progress, or that it was appropriately ambitious, because it did not allow for progress to be measured in two of the three areas of focus.

The 2024 BIP

44. In the case of a child whose behavior impedes the child's learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports to address that behavior. WAC 392-172A-03110(2)(a)(i); 20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.324(a)(2)(i).

45. A BIP is a plan incorporated into a student's IEP if the IEP team determines that it is necessary for the Student to receive FAPE. WAC 392-172A-01031. At a minimum, it must describe the following:

1. The pattern of behavior(s) that impedes the student's learning or the learning of others;
2. The instructional and/or environmental conditions or circumstances that contribute to the pattern of behavior(s) being addressed by the IEP team;
3. The positive behavioral interventions and supports to:
 - a. Reduce the pattern of behavior(s) that impedes the student's learning or the learning of others and increases the desired prosocial behaviors;
 - b. Ensure the consistency of the implementation of the positive behavioral interventions across the student's school-sponsored instruction or activities;
4. The skills that will be taught and monitored as alternatives to challenging behavior(s) for a specific pattern of behavior for the Student.

WAC 392-172A-01031.

46. The Parents argue that the Student's February 2024 BIP was inadequate for several reasons: it did not provide a plan for the Student to learn to use self-regulation strategies; it did not provide for fidelity checks, interval data collection, or progress monitoring; and it was vague regarding the support provided for the Student's sensory needs. Parents' Brief at 32-34. These arguments are not persuasive.

47. The evidence shows that the February 2024 BIP was well-developed and thorough. It met all the criteria laid out in WAC 392-172A-01031. Its target behavior was physical aggression, which was appropriate given the Student's concerning behaviors including yelling, throwing things, hitting, pushing, banging, and ripping up papers. Conditions that triggered the target behavior were identified. The replacement behavior, functional communication, was also appropriate. Strategies to teach the Student communication skills were laid out. To the extent the Student's behavior was thought to be sensory seeking, the BIP provided that the Student could request breaks or ask for alternative tasks, and would be assigned "jobs" in the classroom. This would allow him to move around, to seek a quiet space as needed, and to use the sensory supports available to him in his accommodations.

48. The BIP was not required to be ideal in the Parents' eyes. It was required to offer FAPE to the Student at the time it was developed, and it did. For these reasons, it is concluded that the Student's February 2024 BIP was reasonably calculated to provide him with FAPE.

Conclusion

49. The services provided in the February 2024 IEP, and the attendant BIP, were appropriate. However, two of the three areas of IEP goals were not measurable. Taken as a whole, the IEP was not reasonably calculated to provide the Student FAPE because the progress he might be making from his SDI, and any potential need to revise the IEP, could not be determined.

The District Did Not Fail to Implement the Student's February 2024 IEP and BIP

50. A school district's obligation to provide the special education and related services specified in a student's IEP does not require "perfect adherence to the IEP." *Van Dyun v. Baker Sch. Dist.* 5J, 481 F.3d 770, 779 (9th Cir. 2007). The *Van Dyun* court stated:

"[S]pecial education and related services" need only be provided "*in conformity with*" the IEP. There 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 a free appropriate public education.

* * *

We hold that a *material* failure to implement an IEP violates the IDEA. A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP.

Id. at 821 and 822 (italics in original). Failure to implement an IEP constitutes a denial of FAPE only “when the services provided to a disabled child fall significantly short of those required by the IEP,” so as to constitute a material failure. *Id.* at 773.

51. It is not clear what elements of the February 2024 IEP and/or BIP the Parents contend were not implemented. The Student participated in Learning Center activities and set a good example for younger students. The Student was deemed to be making sufficient progress on his annual goals (although, as noted above, some of these goals were not adequately measurable). The Student continued to have difficulty interacting with peers during unstructured time, such as recess. As a result, his IEP was amended in May 2024. None of this indicates a failure to implement the services in the IEP or the BIP.

52. Accordingly, it is concluded that the preponderance of the evidence in the record shows that the February 2024 IEP and BIP were implemented appropriately. The District has met its burden of proof as to this issue.

The Student's May 2024 IEP and BIP Were Not Reasonably Calculated to Provide the Student FAPE.

53. The Student's IEP was amended in May 2024 to provide that the social emotional services delivered in general education would be provided during recess so the Student could receive “in the moment coaching” around interacting with his peers. Nothing else was changed in the IEP or BIP. The IEP goals remained the same. As discussed above, two of the three goals were not measurable. Consequently, the IEP was not reasonably calculated to provide the Student FAPE.

The District Did Not Fail to Implement the Student's May 2024 IEP and BIP

54. The Student's June and November 2024 IEP progress assessment showed he was making sufficient progress to achieve all of his annual goals (although two of the goals were not measurable). On his year-end fourth grade report card, the Student's teacher noted he was calmer in the classroom, was better at following directions, and was slowly building friendships. His episodes of yelling had decreased and he was better at turning in homework. During fifth grade, a special education staff member

was always available to the Student at recess to coach him. His fifth-grade special education teacher noted the Student's peer interactions improved, and he required less prompting. The November 2024 incident with scissors was significant, but the evidence does not indicate that it was precipitated by any failure to implement the Student's IEP.

55. Accordingly, it is concluded that the preponderance of the evidence in the record shows that the May 2024 IEP and BIP were implemented appropriately. The District has met its burden of proof as to this issue.

In December 2024, the District was Not Required to Conduct a New FBA, and the District Developed an Appropriate Amended BIP

56. After the November 2024 incident with scissors, a safety plan was developed for the Student. A new FBA was not performed, but the Student's behavior was tracked and unsafe behaviors were documented. An amended BIP was written by the Student's special education teacher and a District BCBA. In the amended BIP, aggressive behavior was broken into five levels and supports for each level were delineated.

57. The IDEA only requires an FBA when a student's placement is changed due to a violation of a code of student conduct and the violation is determined to be a manifestation of the student's disability. *Butte Sch. Dist. No. 1 v. C.S.*, 817 F. App'x 321 (9th Cir. 2020); 20 U.S.C. §1415(k)(1)(D)(ii); 392-172A-05147. That is not the case here. The Student was suspended for only five days and was then returned to his placement as usual. A manifestation determination was not required because the placement had not changed. Accordingly, any assertion by the Parents that a new FBA was required at this point is incorrect.

58. The amended BIP was appropriate to address the Student's aggressive behavior. It is therefore concluded that the Student's February 2024 BIP was reasonably calculated to provide him with FAPE.

The Student's December 2024 IEP was Not Reasonably Calculated to Provide the Student FAPE.

59. Additional accommodations were added to the December 2024 IEP, and the Student's behavior SDI minutes were all moved to the special education setting, rather than being partially delivered in general education. However, the goals were not changed and two of the three remained unmeasurable. Taken as a whole, this IEP was not reasonably calculated to provide the Student FAPE due to the lack of measurable

goals in two crucial areas – behavior and social emotional. Accordingly, it is concluded that the District has not met its burden of proof as to this issue.

The District Did Not Fail to Implement the Student's December 2024 IEP and BIP

60. The Student's January 2025 goal progress report indicated that he was making sufficient progress on his social emotional and behavior goals (although these goals were not sufficiently measurable), and that he had mastered his written language goal. His special education teacher noted that the Student had made great growth as a writer and was independently organizing his writing into paragraphs much more frequently. The Student's report card showed that he was exhibiting behaviors that support learning and was at standard for language arts. The Student had no significant behavior issues during the time period at issue.

61. Accordingly, it is concluded that the preponderance of the evidence in the record shows that the December 2024 IEP and BIP were implemented appropriately. The District has met its burden of proof as to this issue.

The District Provided the Parents With Timely Progress Monitoring Reports as to the Student's IEP Goals Through March 2025

62. The Parents contend that the District did not provide them with timely progress monitoring reports pertaining to the Student's IEP goals up until March 17, 2025. The Parents appear to assert that they were entitled to more than "simple quarterly reports" that contained only "general, overarching notes." Rather, they wanted to receive detailed "service logs." Parents' Brief at 23. These contentions are not supported by the evidence.

63. Progress was reported on the IEP goals in April 2024, June 2024, November 2024, and January 2025. The IEPs at issue all specified that progress would be reported quarterly, and it was. More frequent or detailed "service logs" were not required by the IEPs.

64. Accordingly, it is concluded that the preponderance of the evidence in the record shows that the District has met its burden of proof as to this issue.

The Student's Current Social Emotional Goal in the March 2025 IEP is Not Measurable

65. The social emotional goal in the Student's most recently implemented IEP, the March 2025 IEP, is:

Annual Goal: Social Emotional

Skill: Engaging with peers

By 03/24/2026, when given a social or academic activity with peers in which he would like to participate, [REDACTED] will ask if he can join the activity improving social skills and peer interactions from asking peers if he can join in 20% of opportunities to asking peers if he can join in 70% of opportunities as measured by teacher and special education staff data collection.

Like the social emotional goal in previous IEPs, this goal requires the teachers and staff to know when the Student would like to participate in an activity with peers. No method for determining this is specified such that teachers and staff could know in which situations they should measure whether the Student asked to join. This renders the goal unmeasurable.

66. Consequently, it is concluded that the District has not met its burden of proof as to this issue.

The Student's Current Writing Goal Pertaining to "Writing Production" in the March 2025 IEP does Not Deny the Student FAPE

67. The March 2025 IEP contains two written language goals. The first pertains to "paragraphing" and addresses the Student utilizing paragraphs to organize and improve his writing. The other goal is:

Annual Goal: Written Language

Skill: Writing Production

By 03/24/2026, when given when given an assignment, or a modified assignment, from a teacher, [REDACTED] will work to the completion of the assignment or ask for a compromise ("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?", "Can I read instead?", "Can I write about this instead?", etc.) improving behavior skills from completing an assignment or asking for a compromise in 30% of opportunities to 80% of opportunities as measured by teacher and staff collected data.

By its own language, this goal is aimed at behavior skills. It is a very slight variation of the "behavior: attend to completion" goal contained above it in the March 2025 IEP. The Parents contend this goal does not deliver FAPE because it is not reasonably calculated to increase the Student's writing production.

68. The writing portion of the March 2025 IEP does not mention "writing production" as an area needing a goal. Although the hearing record is not clear, the inclusion of the "writing production" goal seems to be some sort of an error in that writing production is not identified as an area of need, and the goal actually pertains to behavior, which is an area of need. While this might be a point of confusion for someone reading the IEP, it does not amount to a denial of FAPE.

The Student's March 2025 IEP was Not Reasonably Calculated to Provide the Student FAPE

69. The March 2025 IEP contains two behavior goals:

Annual Goal: Behavior

Skill: Task Initiation

By 03/24/2026, when given an assignment, or a modified assignment, from a teacher [REDACTED] will independently initiate the assignment and work until it is completed to the best of his ability or ask for a compromise

("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?", "Can I read instead?", "Can I write about this instead?", etc.) improving task initiation from initiating classroom assignments or asking for a compromise in 30% of opportunities to initiating classroom assignments or asking for a compromise on 80% of opportunities as measured by teacher and special education staff data collection.

Annual Goal: Behavior

Skill: Attend to completion

By 03/24/2026, when given an assignment, or a modified assignment, from a teacher [REDACTED] will work until it is completed to the best of his ability or ask for a compromise ("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?", "Can I read instead?", "Can I write about this instead?", etc.) improving behavior skills and the amount of work completed from completing an assignment to the best of his ability or asking for a compromise in 30% of opportunities to 80% of opportunities as measured by teacher and staff collected data and observations.

Both of these goals require the Student to complete an assignment “to the best of his ability” or ask for a compromise. As discussed above, this wording requires the person collecting data to determine whether the Student completed the assignment to the best of his ability. But no method for determining this is specified. Consequently, teachers and staff cannot consistently determine whether the Student has met the goal on any occasion where he did not ask for a compromise. This renders the goals unmeasurable.

70. The March 2025 IEP contains one social emotional goal. As decided above, this goal is not measurable.

71. The March 2025 IEP contains two written language goals:

Annual Goal: Written Language

Skill: Paragraphing

By 03/24/2026, when given a writing prompt [REDACTED] will respond to the writing prompt, and utilize paragraphs within his writing to group together and organize improving writing organization skills from independently utilizing paragraphs within his writing on 0% of opportunities to independently utilizing paragraphs within his writing on 50% of opportunities as measured by teacher and special education staff data collection.

Annual Goal: Written Language

Skill: Writing Production

By 03/24/2026, when given when given an assignment, or a modified assignment, from a teacher, [REDACTED] will work to the completion of the assignment or ask for a compromise ("Can I do 5 problems instead of 10 problems?" "Can I do i-Ready math instead?", "Can I read instead?", "Can I write about this instead?", etc.) improving behavior skills from completing an assignment or asking for a compromise in 30% of opportunities to 80% of opportunities as measured by teacher and staff collected data.

As discussed above, the “writing production” goal appears to be a behavior goal. It is measurable but confusing in that it is identified as a written language “writing production” goal but it measures behavior.

72. The paragraphing goal uses the wrong baseline and wrong improvement goal. In the writing section of the IEP it is noted that the Student should receive a new paragraphing goal with a baseline of 20% of opportunities and an improvement goal of 80%. However, that goal as written sets a baseline of 0% and an improvement goal

of 50%. The goal appears to have been carried over from the February 2024 IEP without revision, despite the language directly above it calling for an explicit revision.

73. In short, the goals in the March 2025 IEP are not measurable, are misidentified, and/or set an inaccurate baseline and goal level. The Parents and District staff cannot reasonably be expected to navigate this confusion. The poorly written goals prevent the Parents and the District from reliably assessing whether the Student is making progress. This, in turn, prevents the Parents and the District from determining whether the IEP needs revision due to lack of goal progress as required by WAC 392-172A-03110. Consequently, it is concluded that the District has failed to meet its burden to demonstrate that the March 2025 IEP was reasonably calculated to allow the Student to make progress, or that it was appropriately ambitious, because it did not allow for progress to be properly assessed.

The District Did Not Fail to Implement the March 2025 IEP and BIP from March 2025 Through the End of the 2024-25 School Year

74. In the spring of 2025, the Student was getting along better with peers and had a group of friends to play with at recess. His incidents of agitation were decreasing. Principal Bowers observed the Student to ultimately have a very successful fifth grade year. Although the evidence of IEP implementation from March 2025 through June 2025 is scant, the preponderance indicates that the District was properly implementing the Student's IEP. It is therefore concluded that the District has met its burden of proof as to this issue.

The District Failed to Provide the Student with SDI as Required from September 2025 Through the Issuance of the Stay Put Order in February 2026

75. On February 25, 2026, an order granting the Parents' motion for stay put was entered in this action. The stay put order concluded that the March 2025 IEP was the Student's stay put placement. After the stay put order was issued, the District began implementing the placement set forth in the March 2025 IEP. However, prior to that time during the 2025-26 school year, the Student's case manager testified that District was implementing the portion of the June 2025 IEP placement that pertained to middle school. This placement was implemented by providing the Student with 30 minutes of social emotional and behavior support in roundtable four days per week, 15 minutes of writing support in English class each day, and support from paraeducators in science and history class. The paraeducators did not coordinate with the Student's case manager, and all the SDI was provided in general education.

76. In contrast, the March 2025 IEP called for the Student to receive 255 minutes per week of SDI in a special education setting in the areas of social emotional and behavior (105 minutes in social emotional and 150 minutes in behavior). It called for 60 minutes of written language SDI per week in general education. Thus, the writing SDI the Student received from September 3, 2025, until February 25, 2026, was 15 minutes above what was required each week. However, the services were deficient in behavior and social emotional SDI in the special education setting in that none were provided. Moreover, the amount of SDI the Student received in behavior and social emotional from paraeducators in science and history classes cannot be ascertained. The District has the burden to show what SDI was provided by paraeducators but has not done so.

77. Accordingly, it is concluded that the evidence demonstrates the Student did not receive the SDI he was entitled to under his stay put IEP in for a lengthy period of time. This impeded his right to FAPE, and caused a deprivation of educational benefits that constitute a denial of FAPE.

The District Did Not Fail to Provide the Parents with Required Progress Data from September 2025 through December 2025

78. The Parents contend they were not provided with IEP progress data from September through December 2025. They also contend they should have received “service logs” documenting the services the Student received during this time. These contentions are not supported by the evidence.

79. The District issued an IEP progress report on November 3, 2025. These reports were required quarterly, and the District provided the report as required.

80. As concluded in the stay put order issued earlier in this action, it is undisputed that the Student’s IEP team met in June 2025. The District agreed to provide bi-weekly progress reports only up until that meeting, and the reports were provided by the Student’s case manager. The evidence does not establish that the Parents were ever entitled to receive “service logs.”

81. It is therefore concluded that the District did not fail to provide the Parents with the required progress data from September 2025 through December 2025. The District has met its burden of proof as to this issue.

The Student’s IEP was not Revised when He Entered Middle School in September 2025, but this was Not a FAPE Denial

82. As was set forth in the stay put order issued earlier in this action, “during the pendency of any administrative hearing or judicial proceeding regarding the due

process hearing proceedings, the student involved in the hearing request must remain in his or her current educational placement, unless the school district and the parents of the child agree otherwise.” WAC 392-172A-05125(1). See *also* 20 USC § 1415(j); 34 CFR § 300.518(a). This is commonly referred to as the “stay-put” provision. See, e.g., *K.D. ex rel. C.L. v. Haw. Dep’t of Educ.*, 665 F.3d 1110, 1120 (9th Cir. 2011). Its purpose is to maintain the status quo while an administrative or judicial dispute about a student’s education is pending. *Id.*

83. The Parents contend, and it has been found, that they did not agree to an IEP amendment in June 2025. The Parents then refused to meet with the District to discuss the Student’s IEP in November 2025 because they erroneously insisted they were entitled to “service logs.” Without agreement from the Parents, the stay put requirement prevented the District from amending the Student’s IEP after this due process action was filed in April 2025. Therefore, it cannot be said that the District denied the Student FAPE by failing to update the IEP to reflect the Student’s transition to middle school in the fall of 2025.

The Student’s Placement Change in February 2026 was Mandated by the Stay Put Order and Did Not Constitute a “Unilateral” Placement Change by the District

84. The Parents contend the District deprived the Student of FAPE when it “unilaterally” placed the Student in academic lab class after the issuance of the February 25, 2026 stay put order.

85. A student’s placement is determined by their IEP. WAC 392-172A-02060. The Student’s stay put IEP called for him to receive SDI in a special education setting for 255 minutes per week. The District was ordered by the ALJ to implement this IEP, and it did so by adjusting the Student’s schedule to allow him to attend academic lab - the special education setting for delivery of SDI at Canyon Park. After the schedule adjustment, the Student still retained five general education classes: integrated science, health/fitness, pre-algebra, English, and ancient/medieval world history. The Parents cite no legal authority in their briefing for the proposition that the IDEA guarantees students eligible for special education participation in elective general education classes to the same degree as nondisabled students. Nor does the IDEA mandate that a student’s teachers or class periods for various subjects cannot be changed part way through the school year. Rather, common sense would dictate that the Student could not be two places at once, and if instruction in a special education setting is required by his IEP, he cannot simultaneously be in an elective general education class.

86. This claim has no legal support and the District has prevailed on its burden to show by a preponderance of the evidence that changing the Student's schedule after the issuance of the stay put order did not deny the Student FAPE in any way.

The Parents are Entitled to Remedies for the Denials of FAPE Identified Above

87. Tribunals adjudicating IDEA cases generally have broad latitude to fashion equitable remedies appropriate for the denial of a FAPE. See *School Comm. of Burlington v. Dep't. of Educ.*, 471 U.S. 359, 370 (1985); *Parents of Student W. v. Puyallup Sch. Dist.*, No. 3, 31 F.3d 1489, 1496 (9th Cir. 1994). To remedy a FAPE denial, a student is entitled to relief that is appropriate in light of the purpose of the IDEA. The purpose of the IDEA is to provide students with disabilities "a [FAPE] which emphasizes special education and related services designed to meet their unique needs." *Burlington*, 471 U.S. at 369. The award "must be reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have supplied in the first place." *Reid v. Dist. of Columbia*, 401 F.3d 516, 524 (D.C. Cir. 2005).

88. Compensatory education is an equitable remedy. "There is no obligation to provide a day-for-day compensation for time missed. Appropriate relief is relief designed to ensure that the student is appropriately educated within the meaning of the IDEA." *Puyallup*, 31 F.3d at 1497. Reimbursement for expenses already incurred by parents may be awarded, and is a form of compensatory education. See *Burlington*, 471 U.S. at 369 (1985).

89. Fashioning an appropriate compensatory award has been described as a "profound discretionary responsibility" such that ALJs may award compensatory education "to whatever extent necessary to make up for the child's lost progress." *Smith v. Cheyenne Mountain Sch. Dist.*, 2018 U.S. Dist. Lexis 132152 *9-10 (D. Colo. 2018). However, a student who recoups an educational loss is not necessarily entitled to compensatory education. *Id.* at *14-17.

90. The Student at issue here was denied FAPE in multiple ways. His June 2023 evaluation was not appropriate, and the District did not meet its child find obligations at that time. He was not found eligible for services until six months later. All four of the Student's IEPs contained unmeasurable goals in behavior and social emotional. And the Student did not receive SDI in behavior and social emotional in a special education setting for approximately six months, from September 2025 through February 2026.

91. The Student has completed sixth grade and is doing reasonably well. He had no incidents of problematic behavior in sixth grade, and he made friends in several of

his classes. He received grades of A, B, or C in all of his sixth-grade classes. His writing skills are now close to grade level. However, the Student got far behind in turning in homework and had difficulty in math class. He also perceived that other students bully him. Ms. Barolin recommended the Student's IEP be updated to call for 30 minutes of SDI per week in written language in general education, and 15 minutes per week each of behavior and social emotional SDI in general education. Dr. Pastor opined that the Student's ADHD impairs his executive functioning and that he could benefit from social skill instruction. BCBA Wooding opined that the Student needs support with social skills and navigating peer interactions.

92. As described above, the purpose of relief in a due process action is to provide the Student with services designed to meet his unique needs. The relief must be reasonably calculated to provide the Student with educational benefits that likely would have accrued from special education services the District should have supplied. However, no remedy is required for losses the Student has recouped. Accordingly, after reviewing the record carefully, relief is ordered as set forth below.

Award of Reimbursement Relief

93. Dr Lowe's evaluation of the Student led the District to reopen the June 2023 evaluation and ultimately determine the Student was eligible for special education services. The District is therefore required to reimburse the Parents in the amount of \$120, which they have identified as the amount they paid out of pocket for Dr. Lowe's evaluation.

94. The Student's IEPs contained unmeasurable behavior and social emotional goals, and he did not receive the required SDI in behavior and social emotional in sixth grade. The District is therefore required to reimburse the Parents for the Friendship Club skills group the Student attended with Ms. Nilsen. It cannot be determined how much of the \$840 requested for Ms. Nilsen's services was for the Friendship Club. The Parents shall therefore provide documentation to the District of the amount they paid for the Friendship Club within 15 days of the date of this order, not to exceed \$840.

95. The District shall reimburse the Parents \$3000 for the cost of the Andy Center Camp which taught the attendees social skills.

96. The District shall also reimburse the Parents for the \$80 they requested for BCBA Tanner Wooding's services. Because the Parents did not present adequate evidence as to the timing and nature of the services provided by BCBA Alexandria Meyer, that reimbursement request is denied.

97. The Student was not eligible for SDI in math, so the reimbursement for tutoring by Ruth Katz is denied. There is inadequate evidence that Samuel Dodson is a qualified or appropriate tutor for writing, or that the Student required a tutor for writing, so that request for reimbursement is denied.

98. Reimbursement for the cost of medications, medical care, and psychiatric services is not an appropriate compensatory education award, so those reimbursement requests are denied. Similarly, the cost of nanny services used by the family for care for their other children and to drive the Student to therapies is not an appropriate award and is denied.

Prospective Relief

99. Development of social skills remains an area of need for the Student. His IEPs did not have measurable goals in this area. He did not receive the required 105 minutes per week of social emotional SDI in a special education setting for approximately 22 weeks during sixth grade.²² This amounts to 2310 minutes, or 38.5 hours, of missed SDI. Accordingly, to compensate for the unmeasurable goals and missed SDI, the District shall provide the Student with 50 hours of social emotional services within fifteen months of the date of this order. The method for providing these services shall be chosen by the Parents and can consist of private occupational therapy, private behavior therapy, other private therapy/services, a camp, or another outside activity designed to help the Student develop social skills. The cost of such services shall not exceed \$175 per hour. If the Parents choose a more expensive service, they may make up the difference in cost per hour for the 50 awarded hours. The Parents must identify and enroll the Student in the service of their choice promptly so that the 50 hours can be completed within fifteen months. Otherwise, any unused hours will be forfeited. The District can either pay the service provider directly or reimburse the Parents for payments they make to the service provider.

100. The Student has recouped the denials of FAPE that pertain to behavior, so no specific award of compensatory education in behavior is warranted.

101. The Student is due for a reevaluation. The District shall conduct a reevaluation which must include assessments in the following areas: medical-physical, academic including math and writing at a minimum, social emotional, executive functioning, behavior, communication, and motor including assessment of the Student's sensory

²² See the school year calendar at D40.

needs. If a reevaluation has been completed by the time this order is issued, it shall be reopened to assess any of these areas that were not included.

102. One private service provider of the Parents' choosing shall be permitted to observe the Student in school, without delay, prior to the IEP meeting that is ordered below. The District shall pay the service provider's fee for the observation in an amount not to exceed \$900.

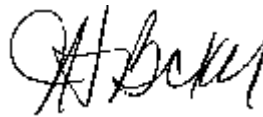
103. Following completion of the reevaluation, the District shall conduct an IEP meeting to determine the Student's services. The Parents shall be given enough notice of this meeting to invite any outside service providers they wish to include. The District shall pay the hourly fee charged for this meeting, including preparation time, by one outside provider selected by the Parents.

ORDER

The Northshore School District denied the Student FAPE in numerous ways as set forth above. The District is ORDERED to reimburse the Parents as set forth in the "award of reimbursement relief" section above, within 30 days of the date of this order. The District is further ORDERED to provide the "prospective relief" set forth above.

All other remedies and relief requested by the Parents have been considered and, based on the IDEA violations that have been established, are DENIED.

SERVED on the date of mailing.



Jacqueline Becker
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:

Parents

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Dated September 16, 2026, at Spokane Valley, Washington.

Lan Le

Representative
Office of Administrative Hearings
16201 E. Indiana Avenue, Suite 3000
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cc: Administrative Resource Services, OSPI