

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Lake Washington School District

Docket No. 12-2025-OSPI-02801

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

Agency: Office of Superintendent of
Public Instruction

Program: Special Education

Cause No. 2025-SE-0203

A due process hearing was held before Administrative Law Judge (ALJ) Dana Diederich on April 1, May 20, May 21, June 3, June 8, June 25, and June 30, 2026, via videoconference. The Parent of the Student whose education is at issue¹ appeared and represented herself. The Lake Washington School District (District) was represented by Carlos Chavez,² attorney at law. Also present for the District was Erin Romanuk, director of special services.

STATEMENT OF THE CASE

Procedural History

The Parent filed a due process hearing request (Complaint) with the Office of Administrative Hearings (OAH) on December 29, 2025. A scheduling notice was issued on December 29, 2025, assigning the case to ALJ Diederich and setting a prehearing conference for January 16, 2026. The District filed its response to the Parent's Complaint on January 9, 2026. The Parent filed an amended complaint on March 2, 2026. The issues for hearing were set out in the Second Prehearing Order issued on March 9, 2026.

Due Date for Written Decision

The deadline for a written decision in this case was extended at the District's request to thirty days after the record of the hearing closes. The hearing ended on June 30, 2026, and the record closed on July 28, 2026, when the parties timely filed post-hearing briefs. The due date for a written decision is August 27, 2026.

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

² Sam Chalfant, another attorney at the same law firm as Mr. Chavez, appeared in Mr. Chavez's place on June 25 and June 30, 2026.

The Parent requested by email on August 13, 2026, to reopen the record so she could submit additional records from events that took place after the completion of the hearing. Because these records are not relevant to the issues for hearing, this request was denied. Exhibits submitted after the hearing concluded but before the record closed were considered.

EVIDENCE RELIED UPON

Exhibits Admitted:³

District's Exhibits: D1 – D14

Parent's Exhibits:⁴ P1, P4, P5, P8 – P10, P12 – P14, P18 – P44, P48 – P67, P200 – P209, P300 – P304, P400, P888 – P897, P988, P999 – P1000, P8888 – P8890, P10001 – P10003

Witnesses Heard (in order of appearance):

The Parent⁵

Rapeeporn (Tammy) Sophonsiwong, Northwest Premier Care LLC

Erin Romanuk, District Director of Special Services

ISSUES

The Issues for the due process hearing are:

- a. Whether the District violated the Individuals with Disabilities Education Act (IDEA) and denied the Student a free appropriate public education (FAPE) by:
 - i. Excluding the Student from school from April 2024 through the end of the school year due to alleged vaccination issues;

³ All exhibits submitted by the parties were admitted to the record. Parties were instructed to state any objection to specific exhibits in their post-hearing brief. No objections were made.

⁴ The Parent submitted many exhibits with duplicate exhibit numbers. Those exhibits were renumbered and marked by OAH staff to ensure there were no duplicate exhibit numbers.

⁵ The Parent provided oral testimony at the hearing through the use of a TTY device. T36. She was also allowed to submit written statements in her exhibits that were considered as additional testimony. The Parent attested during the hearing that the written statements were true. The District was able to cross examine the Parent regarding these written statements.

- ii. Failing to provide the Student with appropriate transportation in September 2024, resulting in police intervention;
- iii. Misrepresenting the Individualized Education Program (IEP) math services being delivered to the Student during the 2024-2025 school year, including misrepresenting who was providing such services;
- iv. Placing the Student in inappropriate math placements during the 2025-2026 school year including:
 - a. Placing the Student in a class with Ms. Chandler despite objections;
 - b. Placing the Student in first period math despite medical inaccessibility;
 - c. Promising home tutoring and then later rescinding the offer;
 - d. Placing the Student in a general education math class with unfamiliar staff;
- v. Removing Ms. Pepa as the Student's aide and replacing her with an unfamiliar staff member;
- vi. Failing to implement the Student's IEP since September 25, 2025, when District staff entered a locked bathroom occupied by the Student, which prevented the Student from being able to access school;
- vii. Failing to implement the Student's IEP since May 2024;
- viii. Failure to provide autism-specific services since May 2024, including failure to implement Board Certified Behavior Analysis (BCBA)/Applied Behavior Analysis (ABA) supports and failure to provide a written behavioral plan;
- ix. Failing to properly respond after the September 2025 bathroom incident, including:
 - a. Failing to convene an emergency IEP meeting;
 - b. Failing to revise the IEP;
 - c. Failing to provide interim services;

- d. Failing to offer an alternative placement for the Student;
 - e. Failing to provide compensatory education;
 - f. Failing to issue Prior Written Notice (PWN);
 - x. Changing the Parent's District point of contact on October 8, 2025, interfering with the Parent's ability to participate;
 - xi. Denying the Parent meaningful participation by refusing to hold requested IEP meetings, failing to provide a single point of district contact, and creating communication barriers impacting the Parent's ability to access information;
 - xii. Refusing to place the Student at other middle schools including Timberline, Finn Hill, and Evergreen in the District and failing to issue PWNs documenting the denial;
 - xiii. Refusing home/hospital services and requiring medical documentation, rather than providing the Student services since the September 2025 incident;
 - xiv. Failing to timely produce the Student's 8th grade educational records;
 - xv. Improper handling of transition planning, including treating the Eastlake variance as a general education request rather than a special education placement;
- b. And, whether the Parent is entitled to their requested remedies:
- i. Placement at a new middle school with homebound instruction in the interim;
 - ii. Compensatory Education for all instruction and services missed;
 - iii. Long term placement in a small, structured educational setting;
 - iv. Services delivery model including the following:
 - a. Hybrid model with in-home and school based instruction;
 - b. Female providers prioritized;
 - c. Trauma-informed staff training;

- d. Weekly written plans, schedules, and progress reporting;
- v. Accommodations to allow the Parent to participate including:
 - a. Single executive-level point of contact for the Parent;
 - b. Phone participation;
 - c. Written communication in plain language;
- vi. Or other equitable remedies, as appropriate.

FINDINGS OF FACT

Background

1. Prior to the spring of 2024, the Parent and Student lived in [REDACTED]. The Student was found eligible for special education under the Other Health Impairment category on July 13, 2023. P20p2.⁶
2. The Student's school in [REDACTED] put together a Behavior Support Plan for the Student dated August 1, 2023. P12p1. The document identified the following behavioral areas for the Student: social skills, self-advocacy, and coping skills. P12p1-2. The plan included three goals and multiple classroom interventions. P12p4-6. The document also included designated "break areas" for the Student and designated "safe adults" for the Student. P12p9.
3. The Behavior Support Plan was a separate document not attached to the Student's IEP. T227-28.⁷ It had been implemented prior to the Student's IEP. T228. The document had several versions and additions had been made based on the Parent's input. T228. The District reviewed this document when the Student entered the District. T348.
4. The State of [REDACTED] Department of Education developed an IEP for the Student dated October 26, 2023. P20p1. The IEP included goals in the following areas: (1) self-management, (2) advocacy, (3) language arts/writing, and (4) mathematics. P20pp6-9. It noted the Student would participate in general education with special education supports for English, math, social studies, and science. P20p11. It also noted she would

⁶ Citation to the exhibits of record is by exhibit number and page number, e.g. D1p1 is a citation to District's exhibit 1 at page 1.

⁷ Citation to the transcript is by the letter "T" followed by the transcript page number.

participate with non-disabled peers in advisory/homeroom, electives, recess, lunch, and school-wide activities/assemblies. *Id.* The Student was to receive all special education services in the general education setting. *Id.* The IEP also included multiple supplementary aids and services and modifications and supports. P20p10. The Student did not qualify for extended school year services. P20p10. There was no mention of a paraeducator or 1:1 aide assigned to the Student. T204.

5. While in [REDACTED] the Student took four dual-taught general education/special education classes and was in a class with a small number of students. Many of the Student's classmates were high-functioning autistic students. The Student had a 1:1 paraeducator working with her throughout the school day. T158-59.

Spring 2024

6. On April 16, 2024, the Parent emailed Daryl Yao, a school nurse in the District, and asked what vaccines are required for the Student to start school. P28p2. He responded by email the same day including the link the Parent could use to see what vaccines are required. He also stated she could submit a Certificate of Exemption if the Student was unable to receive a specific vaccination. P28p1.

7. On May 10, 2024, Mr. Yao emailed the Parent stating that the Student needed to be up to date on her Tdap and MMR vaccines before she could start school in the District. D1p1. He noted the records indicated the Student previously had an allergic reaction to the MMR vaccine and included as an attachment to the email, a Certificate of Exemption form that could be signed by the Student's medical provider. D1p2-3. He told the Parent she would need to provide either proof of vaccination or the certificate of exemption for Tdap and MMR before the Student could start school. D1p1. He also noted that the Student could start on conditional status if the Parent provided proof that the Student had an appointment scheduled with her medical provider. *Id.*

8. On May 10, 2024, Mr. Yao sent the Parent a second email. D1p4. Mr. Yao informed the Parent that because the Student used an inhaler, the District would need two forms completed for their records, an Inhaler Medication Authorization form, and a General Individual Health Plan form. *Id.* Both forms were attached to the email. *Id.*

9. The Student was enrolled in the District at Redmond Middle School on May 16, 2024. D4p3. The Student did not start school on that date. It is unclear from the record when the Student started attending school, but it was on or shortly before June 13, 2024. P8.

10. On June 7, 2024, the Parent emailed Whitney Meissner and Erin Romanuk⁸ in the District stating that the Student had received her updated vaccines and asked them to check the online system to see if it was showing up. P28p9. Ms. Meissner replied the same day indicating the system still showed the Student needed the MMR and TDAP vaccines. *Id.*

11. Ms. Romanuk was employed as the Director of Special Services in the District during the relevant time period. T196. In that role she supports eight elementary schools, four middle schools, and three high schools in the District. She supports all students with IEPs at those schools. *Id.* Generally, her support involves working with principals, administrators, and teachers and helping them implement programs and supports and doing problem-solving. She also supports parents directly with some issues. T197.

12. Special Education teacher Mary Chandler was the Student's case manager when she entered the District. Ms. Chandler also acts as the special education department chair at Redmond Middle School where the Student was enrolled. T209.

13. During the Spring of 2024, Ms. Romanuk communicated with the Parent by email and phone calls. T201. She also did home visits on at least two occasions. T201. During one of the visits, Ms. Romanuk helped the Parent login to ParentSquare, one of the websites used by the District. T325. Ms. Romanuk did not provide this level of support to any other family in the District. T201.

14. While in the District, the Parent participated in IEP meetings virtually over Microsoft Teams. The District would call the Parent by telephone and connect her to the Teams meeting. T221-22. Meetings were done this way to accommodate the Parent's needs. The Parent had also informed the District that it was difficult for her to get to the school in person. T222. The Parent was allowed to make audio recordings of meetings with the District. T324. The Parent did not use a TTY device to communicate when the Student first entered the District but began using it at some later point. T231.

15. On June 7, 2024, the Parent sent another email to Ms. Meissner and Ms. Romanuk asking what the District would be doing to make up for the school days the Student has lost due to the vaccine issue. P28p8.

⁸ Ms. Romanuk has a Bachelor of Arts degree in Psychology and a master's degree in social work. T197. She is credentialed as a special education administrator. T198. She has been employed with the District for four years. T196.

16. On June 10, 2024, the Parent emailed Ms. Meissner and Ms. Romanuk stating that the Student needed to be in school with an aide. P28p12. She again asked how the District was going to make up for the school days the Student has missed. P28p14.

School Bus Incident

17. On June 13, 2024, the Redmond Police Department received a phone call from the Parent reporting that the Student was put on the wrong bus from school and the Student's phone was dead. P8p1. The Student had become worried and confused about which stop to get off on and was messaging her Parent prior to her phone dying. T208. The police contacted the school and were informed that the Student was put on the correct bus and was dropped off at the correct stop. P8p2. At 3:01 p.m. it was noted that the Student made it home and the police informed the school. *Id.*

18. On June 13, 2024, Ms. Chandler emailed Ms. Romanuk and other District staff explaining that the Student had had an issue getting home on the school bus that resulted in the Parent calling the police because she thought the Student was lost. D2p1. Ms. Chandler stated in the email that she had spoken to the Parent and the Parent stated the Student would be taking ACCESS⁹ transportation instead of the school bus for the remainder of the school year. *Id.*

Summer 2024

19. On June 25, 2024, the District sent the Parent a letter stating the Student was assigned a tutor for 5-7 hours per week through mid-August to provide instruction in math, English, and behavior. D3p3. The assigned tutor was Brooke Shumaker. *Id.*

20. On August 29, 2024, the Parent emailed Ms. Romanuk and Mr. Bede asking who the Student's aide would be and whether they had been shown the Student's records. P28p19.

21. Mr. Bede responded to the Parent by email on August 29, 2024, and provided the Students class schedule and stated he would provide more information tomorrow about the Students 1:1 aide. P28p19.

22. On August 29, 2024, the Parent sent two emails to Mr. Bede and Ms. Romanuk with dozens of questions about the Student's schedule and the knowledge of the assigned teachers regarding the Student's accommodations. P28p17-28. She noted that the Student is "terrified" of Ms. Chandler and requested she have no contact with

⁹ ACCESS transportation is a specialized form of public transportation for individuals with disabilities. T51.

the Student. P28p18. She also stated the Student could not have a first period class due to her disabilities. P28p18.

23. Mr. Bede responded to the Parent by email on August 29, 2024, suggesting they move the Student's history class to later in the day and drop her art class to accommodate the Student's inability to attend first period. P28p17. The Parent replied the same day stating, "Absolutely not" to the suggestion and stating "[s]omeone wanted to come into the home to help [the Student] with history." P28p17. Mr. Bede responded by email that Ms. Romanuk could respond to that request, but for the start of school, the Student would only have 5 classes, periods 2-6, and asking what 5 classes the Parent wanted those to be. P28p16.

24. On August 30, 2024, the Parent responded to Mr. Bede by email stating the Student's schedule should stay as is, but that the Student would be late for period 1 most days. P28p16.

2024-2025 School Year – 7th Grade

25. September 3, 2024, was the first day of school in the District for the 2024-2025 school year. D8.

26. The Student's case manager was changed for the 2024-2025 school year because the Parent had expressed concerns about Ms. Chandler. T211. The District did not believe Ms. Chandler had done anything inappropriate, but they made the change to be supportive of the Parent's request. T212.

27. Ms. Pepa was the Student's primary paraeducator during the 2024-2025 school year. T110.

28. The Student primarily communicated using her phone to type or by using nonverbal gestures. T213.

29. On September 3, 2024, the Parent emailed Mr. Bede and Ms. Romanuk stating the Student would not be at school. P9p7. She stated that the Student thought Ms. Chandler hated her and that the Student was scared. *Id.* Mr. Bede responded the same day indicating that the Student's paraeducator, Ms. Pepa, would be with the Student all day and asking if she would attend the next day. *Id.* The Parent replied that she did not know if the Student would attend, but noted the Student liked Ms. Pepa. P9p6-7.

30. Mr. Bede again emailed the Parent on September 3, 2024, stating they could change the Student's case manager to someone other than Ms. Chandler. P9p6. In

another email the same day, Mr. Bede indicated the Student was signed up for Grade 7 Math which was co-taught by Ms. Chandler. P9p5. He stated they could come up with a new plan if that did not work for the Student. *Id.*

31. Mr. Bede emailed the Parent again on September 3, 2024, stating that the only Grade 7 math class available was the one co-taught by Ms. Chandler, and suggested the Student give it a try the following day. P9p4.

32. Ms. Romanuk submitted a paraeducator request form for the Student on October 3, 2024. D5. It indicated that the Student's IEP team was meeting on October 8, 2024, and the 1:1 paraeducator would be added to the Student's IEP at that time. D5p3.

33. A prior written notice (PWN) was issued by the District on October 3, 2024, proposing to provide the Student with compensatory tutoring services during the summer of 2024. D4p3. It indicated the Student had missed 18 days of school in the spring of 2024 due to a delay in vaccination paperwork. The Student received 39.75 hours of 1:1 tutoring between the dates of June 26, 2024, and August 25, 2024. *Id.*

34. The District received consent and reevaluated the Student in February 2025. T332. Keenyn Odam was the school psychologist who conducted the reevaluation. T335. It was determined the Student continued to qualify for special education services. D6.

35. A new IEP was developed for the Student on May 23, 2025. D6. The IEP included the following service matrix:

Services 05/28/2025 - 05/22/2026

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Special Education							
No	Mathematics	General Ed Teacher	Special Ed Teacher	120 Minutes / 1 Times Weekly	General Education	05/28/2025	05/22/2026
No	Behavior	Special Ed Teacher	Special Ed Teacher	25 Minutes / 1 Times Weekly	Special Education	05/28/2025	05/22/2026
No	Social / Emotional	Special Ed Teacher	Special Ed Teacher	25 Minutes / 1 Times Weekly	General Education	05/28/2025	05/22/2026
Related							
No	Speech and Language Therapy	Speech and Language Pathologist	Speech and Language Pathologist	15 Minutes / 1 Times Weekly	Special Education	05/28/2025	05/22/2026

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:

40 minutes per week

Percent of time in general education setting:

97.66% in General Education Setting

Supplementary Aids and Services:

Concurrent	Service(s)	Service Provider for Delivering Service	Monitor	Frequency	Location (setting)	Start Date	End Date
Yes	1:1 Paraeducator	1:1 Paraeducator	Special Education Teacher	40 Minutes / 1 Times Weekly	Special Education	05/28/2025	05/22/2026
Yes	1:1 Paraeducator	1:1 Paraeducator	Special Education Teacher	1760 Minutes / 1 Times Weekly	General Education	05/28/2025	05/22/2026

Description of Services:

1:1 para support = 1800 minutes per week/6.0 hours per day.

D6p19. The IEP also included twenty-eight accommodations and modifications. D6p15-17. The IEP included annual goals in the following areas: social/emotional, behavior, and mathematics. D6p11-12. The IEP indicated the Student was not eligible for extended school year services. D6p21. The IEP team determined the Student did not need a behavior intervention plan. T229.

36. The District issued a PWN on May 23, 2025, proposing to implement the Student's new IEP on May 28, 2025. D6p22.

37. The last day of the 2024-2025 school year in the District was June 24, 2025. D8.

38. On June 27, 2025, Ms. Romanuk sent an email to the Parent and Kristie Villa. It stated that Ms. Villa was a teacher in the District who would be providing tutoring services to the Student over the summer. D7. The email indicated the tutoring would focus on math, social studies, and social/emotional skills. *Id.* The tutoring was offered to the Student because the Student had missed a significant amount of school and the District wanted to support a transition into eighth grade. T232. The District ended up changing the tutor and Natalie Bangs was assigned to provide the Student's summer tutoring. T233.

2025-2026 School Year – 8th Grade

39. The first day of the 2025-2026 school year in the District was September 2, 2025. D14p1.

40. During the start of the 2025-2026 school year, the Parent worked closely with Danielle Eidenberg, from the Washington State Governor's Office of the Education Ombuds. T114; T223. Ms. Eidenberg attended meetings with the Parent and worked to help facilitate communication between the Parent and the District. T113-115; T223-24. Later in the year, Carla Rogenmuser took the place of Ms. Eidenberg working with the Parent. T115.

41. The Student attempted to use the regular school bus as transportation to and from school at the beginning of the 2025-2026 school year. T122. This was done because the Parent had told the District that the Student was interested in doing typical student things, such as taking the bus. T233. Ms. Romanuk went to the Student's home on the first day to help show her the route to the bus pick-up spot. T233. It lasted roughly one week and then the Student was unable to use the school bus due to anxiety. T122. After that, the Student used ACCESS transportation or other methods coordinated by the District, including Hop Skip Drive. T124.

42. The Student continued to work with Ms. Pepa as her paraeducator for part of the day during the 2025-2026 school year. T269. The Student also worked with another paraeducator named Valerie. T270.

43. In the fall of the 2025-2026 school year, the District tried to place the Student in two different math classes. T271. The first class offered was a co-taught algebra class during first period. T271; T342. Ms. Chandler was the special education teacher in this class. T272. The second option was a second period general education algebra class. T271; T342; T421. For the second option, the Student would receive support from Valerie, her paraeducator, and the general education teacher would coordinate with a special education teacher regarding the curriculum for the Student. T271.

44. In late September 2025, an incident happened where the Student was in the bathroom for an extended period, roughly thirty minutes. T234-35. She was communicating with the Parent by text during this time. T127. The Parent was communicating via text message with the Redmond Middle School vice principal during the event. *Id.* District staff had tried to make contact with the Student but were unsuccessful. T235. Ms. Chandler attempted to enter the bathroom to ensure the Student was safe. *Id.* She unlocked the door but did not enter the room after determining the Student was not in danger. T235. The Parent contacted the Redmond Police Department on September 27, 2025, and filed a report about the incident. P32; P33.

45. On October 6, 2025, the Parent filed a report with the Redmond Police Department alleging that Ms. Chandler was harassing the Student while at school. P35p2. The Parent told the police that she thought Ms. Chandler entered the bathroom while the Student was in there in order to humiliate the Student and reported Ms. Chandler had a history of harassing the Student. P35p3.

46. In October 2025, Ms. Romanuk stepped back from acting as the Parent's primary contact in the District. T162; T433. It had become difficult for Ms. Romanuk to balance her other job duties while still being the main point person for the Parent. T238. Samantha McGarry, a program specialist in the District, was asked to step in and support the Parent and Student in place of Ms. Romanuk. T239. Ms. McGarry continued to work closely with Ms. Romanuk. *Id.*

47. On October 7, 2025, the Parent emailed Mr. Bede stating the Student might return to school tomorrow using the ACCESS bus but that the Student is still traumatized by Ms. Chandler. P10p10. She stated there was an order of protection against Ms. Chandler requiring her to stay away from the Student. *Id.* She also stated the Student could not attend the first period of school but could do second period math with Ms.

Pepa and “intensive tutoring.” *Id.* She went on to say the Student needed more support than she is receiving from Ms. Pepa. She asked how the District plans to provide history class for the Student now that she cannot attend first period. P10p11. She requested the Student’s IEP include private car transportation with a female driver. *Id.* She asked who she should contact at the District when the Student is constantly texting her “HELP” throughout the day. *Id.*

48. Mr. Bede replied to the Parent by email on October 7, 2025, stating he would make the schedule change for the Student and that he would work with Ms. Pepa and the math teacher to catch the Student up on what she has missed. P10-10. He also noted the Student could do math during “WIN time” which is a flexible time of the day where the Student can get extra support. *Id.* He stated history class would be third period and that Ms. Romanuk could answer any questions about transportation. *Id.* Mr. Bede told the Parent she could email him with any questions and that she could call the front desk if there is an emergency. He also stated Ms. Piver, the Student’s IEP case manager, could help figure out a support plan for when the Student is feeling distress at school. *Id.*

49. The Parent replied to Mr. Bede by email on October 7, 2025, asking that the Student not be removed from her third period science class because the Student liked that teacher. P10p9. She stated they could make up history in another way, “even if it is online.” *Id.*

50. On October 8, 2025, the Parent emailed Mr. Bede. D9p1-2. She stated that the Student had come home happy today and that the Student liked her new math teacher. D9p2. She also indicated the Student had a medical appointment the next day and may miss school. *Id.*

51. Mr. Bede replied to the Parent the same day stating that the Student would have a paraeducator during math named Valerie Hunter. He indicated she had a master’s in education with a certification in biology and math. D9p1. He also included the Student’s results on the ELA and Math Smarter Balanced test, which indicated the Student scored Level 4. *Id.*

52. On October 10, 2025, the Parent emailed Kaylie Piver. P9p2. She stated that while she is being told by Mr. Bede that the Student is doing well in math, the Student is coming home and crying. *Id.* She indicated that the Student’s disabilities as well as her culture impact her ability to express herself and the Student will often say she is “good” even if that is not true. P9p2-3. The Parent indicated the Student is very behind in math and asked if this is something that needs to be discussed at an IEP meeting. *Id.*

53. Ms. Piver replied to the Parent by email on October 13, 2025. P9p1-2. She stated that going forward they would ask the Student's math paraeducator to keep a closer eye on her and ensure she is making progress and not just saying she is okay. She also stated that they could set an IEP team meeting and include the math teacher. *Id.* The Parent replied the same day indicating she would like an IEP meeting scheduled and stating that the Student needs 1:1 tutoring with a qualified teacher. P9p1.

54. On October 13, 2025, The Parent emailed Mr. Bede indicating that the Student was having difficulty in her math class. D10p3-4. She requested the Student be moved to her preferred spot in the classroom and that the District provide math tutoring to make up for the school she has missed since the September bathroom incident. *Id.* The Parent also stated that the Student should not be disturbed in the bathroom as long as the Student is texting with the Parent and communicating with the paraeducator by knocking on the wall. *Id.*

55. Mr. Bede responded to the email the same date indicating a new paraeducator, Valerie Hunter, will be working with the Student in math, and asked that the recent change be given time to see if it is successful. *Id.* He also stated that the Parent's request for different seating was passed on to the math teacher and that the paraeducator would be working with the Student toward her goal of "self-advocating." *Id.* He confirmed that the Student would not be disturbed if she communicates she is safe by texting the Parent and knocking on the wall for the paraeducator. *Id.*

56. Later on October 13, 2025, the Parent emailed Ms. Romanuk, Ms. Piver, and Mr. Bede stating that she felt the District's decision to not let the Student transfer to Timberline Middle School was discrimination. She also said that a trusted adult in the District needed to talk to the Student about the bathroom incident and assure her it would not happen again. D10p2.

57. Mr. Bede responded to the Parent by email on October 13, 2025, providing the Parent with contact information if she had questions about the District's decision to deny her request to transfer to Timberline Middle School. D10p1. He also indicated that the Student's seat in math was moved as requested, and a trusted adult would have a conversation with the Student about the bathroom incident. *Id.* He also stated:

As a reminder, at no time did Mary enter the restroom. [The Student] was unresponsive in the bathroom for over 30 minutes, so Richard asked Mary to make sure [the Student] was okay. Mary put the key in the door, and [the Student] blocked it from opening. [The Student] then came out on her own. Both Erin and I were aware of the situation. The

day it happened, we met in-person, and you understood that this is a safety issue as [the Student] could have needed medical attention.

D10p1. He also stated that he understood it was a difficult situation for the Student and that the new plan for communication should prevent any future issues. *Id.*

58. The Student was able to attend school sporadically for the remainder of October 2025. The Student did not attend Redmond Middle School after November 10, 2025. D12; T237-40; T441.

59. The District issued a PWN on November 4, 2025, indicating that an IEP meeting had been held to discuss what math supports the Student needed after changing to a new math class. D11p3. It stated that they decided to hold an IEP meeting to ensure the Student's academic needs and emotional wellbeing were being met. It noted that the Student had been spending an increasing amount of time in the bathroom at school. *Id.* The PWN stated that the Parent shared that the Student uses the restroom often when she is feeling anxious. *Id.* At the meeting, the Parent requested the Student be assigned a preferred 1:1 paraeducator for the entire day. The District agreed to look into this request. *Id.*

60. On November 10, 2025, the Parent emailed Ms. Piver. D9p3. The Parent stated that the Student was going to attempt to attend school that day and included suggestions to help the Student be successful at school. D9p4. She suggested that Ms. Pepa be the Student's paraeducator. She also suggested that the Student be removed during unstructured time and given an opportunity to interact with a trusted adult, like Ms. Pepa. *Id.* The Parent also indicated the Student did not feel safe since the "Mary situation." *Id.*

61. Mr. Bede replied to the Parent by email on November 11, 2025. D9p3. He indicated they could not make Ms. Pepa the Student's full time paraeducator and indicated that "...Val would continue to support her in Math. Nadine will support her in Science, Robotics and ELA. Pepa will support her in Orchestra." D9p3. He also stated he understood the Parent was making a new request for "Home Hospital" and would work on next steps. *Id.*

62. Between September 2, 2025, and November 24, 2025, the Student was absent 29.92 days (28.58 excused absences, 1.33 unexcused absences) and tardy five times. D12.

63. The District issued a PWN on December 15, 2025, indicating an IEP team meeting had been held on December 8, 2025. D13p3. It stated the Parent had confirmed by email on December 9, 2025, that she wanted to try homebound tutoring

and three classes at Redmond Middle School for the Student. *Id.* It then stated the Parent declined that offer on December 12, 2025. *Id.* The District offered to have the Student attend one highly preferred class at Redmond Middle School with homebound tutoring, and that offer was declined by the Parent. *Id.* The PWN stated that the Student had not attended school since November 10, 2025, and the overall purpose of the meeting was to try and help the Student reengage with school. D13p4.

64. Between July 2025 and March 2026, the Student worked with Rapeeporn (“Tammy”) Sophonsiwong to learn how to engage with the community. T264. Ms. Sophonsiwong went with the Student to locations in the community, such as grocery stores, and helped the Student pick items and go through the check-out process. P894p3. Each trip took roughly three hours. T264. In all of her time working with the Student, Ms. Sophonsiwong has never heard the Student speak out loud. T261.

65. The Parent’s variance request for the Student to attend Timberline Middle School was approved in January 2026. T288; T317.

66. On January 16, 2026, the Parent emailed Shannon Hitch at the District requesting an “IEP meeting focused on implementation and access prior to [the Student’s] start at Timberline.” P1000p22. Dr. Hitch responded by email the same day to the Parent indicating that the team at Timberline could set up a meeting to discuss the Student’s schedule, transportation, supports for the start of the day, and a transition plan. *Id.* She noted that they would not be discussing anything related to compensatory services and that they could not provide her with a single point of contact for her questions. P1000p22-23. Dr. Hitch instructed the Parent to reach out to the District’s attorney for questions related to the Student’s “current IEP, services, or compensatory education.” P1000p23. She informed the Parent to reach out to the principal at Timberline, Liz Spier, with questions about the Student’s transition or supports at Timberline. Dr. Hitch instructed the Parent to reach out to her with any other questions. *Id.*

67. The Student attended school at Timberline in the District for the first time on February 9, 2026. P1000p45. The District was not aware the Student would be attending that day. T289. She only attended Timberline for a few days before she stopped attending all together. T286.

68. The Student’s IEP team, including the Parent, met in February 2026 to discuss the Student’s transition to Timberline Middle School. P18p4. A PWN was issued on February 23, 2026, which stated the Student’s special education transportation services would continue with a late start pickup of 8:45 a.m. It noted this start time will result in the Student missing first period and at least part of second period every

day of the week. P18p4. It stated the Student would be assigned a 1:1 paraeducator once one was hired, and substitute staff would work with the Student until then. *Id.* It also laid out the Student's class schedule and indicated the Student would continue on in general education math class. *Id.* It proposed adding Board Certified Behavior Analyst (BCBA) support for the school team to help them understand the Student's needs. *Id.*

69. On February 24, 2026, the Parent sent an email to District staff indicating her strong disagreement with the PWN and included multiple specific concerns. P18p1.

70. On February 25, 2026, the Parent submitted an In-District Variance Request Form by email to several District staff members. P37p1. She requested the Student transfer to Eastlake High School. P37p2.

71. The variance process in the District is a general education process. T283. Families can request to attend a different school in the District, and the request may be granted if the requested school has space in the building and grade level. T283.

72. The Student's medical provider, Rachel Betts, PA-C, completed an "Application for Long-Term Illness Tutoring" for the Student on March 27, 2026. P67p45. She noted the Student is diagnosed with autism spectrum disorder, language impairment, anxiety, and disrupted sleep-wake cycle. *Id.* She recommended the Student have a home/hospital school program. *Id.*

73. The Parent submitted multiple public records requests to the District after filing her due process hearing request. P38; P41; P42; P43; P400. The District provided records to the Parent on several occasions with the last installment provided on May 14, 2026. P400p3. The Parent acknowledged that she received records from the District, however, she found the format to be inaccessible. She stated:

I want to be extremely clear for the record that this issue has never simply been whether documents were technically "sent" at some point during litigation.

The issue has been whether I, as a disabled parent with known ADA-related communication and accessibility limitations, was provided meaningful, timely organized, and accessible access to the educational and special education records necessary to prepare my case before critical deadlines.

P400p1 (emphasis in original).

74. The Parent believes the Student is unable to tolerate a large, mainstream public school. T168. The Parent wants the Student to be placed at a small private school such as Trillium, with transportation provided. T183. Trillium is a school that serves twice-exceptional students in grades 5 to 12. It is a small school that offers a structure more comparable to what the Student had at school in [REDACTED] T192-94.

CONCLUSIONS OF LAW

Jurisdiction and Burden of Proof

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

2. The District bears the burden of proof in this matter. RCW 28A.155.260(1). In a due process hearing, the burden of proof must be met by 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).

6. "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.

7. In reviewing an IEP, "the question is whether the IEP is *reasonable*, not whether the court regards it as ideal." *Id.* at 999 (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.*

Excluding the Student from school from April 2024 through the end of the school year due to alleged vaccination issues (Issue (a)(i))

8. The Parent argues that the District violated the IDEA and denied the Student FAPE by keeping the Student out of school in the spring of 2024. While the Student did miss school during this time, it was not a violation of the IDEA or denial of FAPE.

9. Parties agree that the Student was not in school between May 18, 2024, and the middle of June 2024. The Student missed 18 days of school. However, while the Student missed school, and in turn did not receive any special education services during this time, the reason she was not able to attend school was due to a lack of vaccine verification. Enrollment requirements, including vaccine verification, apply to all students. It is clear from the record that the Parent was informed before enrollment

that she would need to provide specific verification or proof of vaccine exemptions. The Parent found this process confusing and had difficulty understanding the requirements of enrollment. Regardless, the District complying with state law regarding enrollment did not violate the IDEA or deny the Student FAPE.

10. Further, even if the District had violated the IDEA in this regard, the District provided the Student with 1:1 tutoring over the summer to make up for the 18 days that the Student missed. While the Student did not receive 18 full days of school, she received almost 40 hours of 1:1 tutoring. This compensated for any IEP services the Student missed during that time period. Therefore, even if the District had violated the IDEA by keeping the Student out of school until vaccine requirements were met, the Student was not denied FAPE.

11. The District has met its burden regarding this issue.

Failing to provide the Student with appropriate transportation in September 2024, resulting in police intervention (issue (a)(ii))

12. The Parent next argues that the District violated the IDEA and denied the Student FAPE by failing to provide the Student with appropriate transportation in September 2024 that resulted in police intervention. Given the facts presented, the ALJ understands the Parent is referring to an incident that happened in June 2024, not September 2024. The ALJ does not agree that this incident violated the IDEA or denied the Student FAPE.

13. On June 13, 2024, the Student took the regular school bus home from school. During the ride, the Student became worried and confused and messaged her Parent. Then the Student's phone died and the Parent was unable to communicate with her. This resulted in the Parent calling the Redmond Police Department. The Student rode the bus to her appropriate bus stop and made it home safely.

14. While it is understandable that this incident caused worry and confusion for the Parent and the Student, it does not amount to a violation of the IDEA, nor did it deny the Student FAPE. The District has met its burden regarding this issue.

Misrepresenting the Individualized Education Program (IEP) math services being delivered to the Student during the 2024-2025 school year, including misrepresenting who was providing such services

15. The Parent next alleges that the District violated the IDEA and denied the Student FAPE by misrepresenting the IEP math services being provided to the Student. The ALJ does not agree.

16. The record indicates multiple emails between the Parent and Mr. Bede regarding the Student's schedule. Mr. Bede stated that the Student was being placed in a co-taught math class and that Ms. Chandler was the special education teacher. He also informed the Parent that Ms. Pepa would be with the Student throughout the day. The facts do not establish that the District misrepresented the Student's math services during the 2024-2025 school year.

17. The District has met its burden regarding this issue.

Placing the Student in inappropriate math placements during the 2025-2026 school year including: Placing the Student in a class with Ms. Chandler despite objections; Placing the Student in first period math despite medical inaccessibility; Promising home tutoring and then later rescinding the offer; Placing the Student in a general education math class with unfamiliar staff (Issues (a)(iv)(a)-(d))

18. The Parent alleges the District violated the IDEA and denied the Student FAPE by placing the Student in inappropriate math classes. The ALJ does not agree.

The Parent first argues the District erred by placing the Student in a class with Ms. Chandler despite objections. Under the IDEA, a school district may generally select the staff that serves a student. *Mercer Island Sch. Dist.*, 119 LRP 21258 (SEA Wash. 2019). Unless only one particular individual can provide the services a student needs to receive FAPE, school districts retain the right to select staff to provide instruction and services to a student eligible for special education. *Id.* As long as a classroom teacher is properly qualified, the IDEA provides no authority for parents to request one teacher over another. *Yuba City Unified School District*, 114 LRP 17835 (SEA CA 2014), *aff'd*, *Swanson v. Yuba City School District*, 68 IDELA 215 (E.D. Cal. 2016) (Addressing issue of parent's preference for one nurse over another nurse where there were no unique circumstances to support parent's preference).

19. The evidence establishes that Ms. Chandler, who served as a special education teacher, special education case manager, and special education department chair, was properly qualified to teach the Student. There is no evidence that a specific teacher was necessary to provide the Student FAPE. As such, the District's assignment of Ms. Chandler over the Parent's objection does not violate the IDEA or deny the Student FAPE.

20. The Parent next argues that the District violated the IDEA by assigning the Student to a first period math class. The Student was assigned to a first period co-taught math class because it was the class deemed appropriate for the Student's

needs and it was the only period in which that class was offered. Further, the District offered to move the Student to a second period general education math class with push in support from a paraeducator with a math credential and coordination of the special education teacher regarding curriculum. It is clear the District attempted to work with the Student to find an accessible math class during the 2025-2026 school year. The District did not violate the IDEA by initially placing the Student in a first period math class.

21. Next the Parent argues the District violated the IDEA by promising home tutoring and then rescinding the offer. While the parties may have discussed home tutoring at some point, the record does not show that the District offered those services or rescinded such an offer. When it was determined that the first period math class was not working for the Student, the District offered a second period general education class with additional supports. The District did not violate the IDEA regarding this issue.

22. Finally, the Parent argues the District violated the IDEA by placing the Student in a second period math class with unfamiliar staff. As discussed above, the District has authority to determine which staff members provide services to students. The Parent's preference for the Student to be with specific staff members does not amount to a violation of the IDEA.

23. The evidence does not show that the District violated the IDEA or denied the Student FAPE regarding the Student's math placement during the 2025-2026 school year.

Removing Ms. Pepa as the Student's aide and replacing her with an unfamiliar staff member (Issue (a)(v))

24. The Parent argues the District violated the IDEA and denied the Student FAPE by removing Ms. Pepa as the Student's 1:1 paraeducator. The ALJ does not agree.

25. Ms. Pepa worked with the Student during the 2024-2025 school year and part of the 2025-2026 school year. The Student also worked with a paraeducator named Valerie who was assigned specifically because of her experience teaching math and the Parent's expressed concern about the Student's math deficits.

26. As stated above, parents do not have authority to dictate which staff members work with a student. The District assigning specific staff members to work with the Student does not violate the IDEA or deny the Student FAPE.

Failing to implement the Student's IEP since September 25, 2025, when District staff entered a locked bathroom occupied by the Student, which prevented the Student from being able to access school (Issue (a)(vi))

27. The Parent argues the District violated the IDEA and denied the Student FAPE by failing to implement the Student's IEP since the September 2025 bathroom incident. The ALJ does not agree.

28. Only material failures to implement an IEP violate the IDEA. *Van Duyn v. Baker Sch. Dist.* 5J, 502 F.3d 811 (9th Cir. 2007). Minor discrepancies in the services required by the IEP do not violate the IDEA. *Id.*

"[S]pecial education and related services" need only be provided "*in conformity with*" the IEP. [20 USC §1401(9).] 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 821-22 (*italics in original*).

29. Reasonable delays incurred in implementing an IEP while a school district conducts assessments and negotiates with parents are not material. See *J.S. v. Shoreline Sch. Dist.*, 220 F. Supp. 2d 1175, 1189 (W.D. Wash. 2002) (finding that implementation delay that occurred at "behest of the parents ... was reasonable and was not ... error"); *cf. Tracy N. v. Haw. Dep't of Educ.*, 715 F. Supp. 2d 1093, 1112 (D. Haw. 2010) (finding that delay in determining student's educational placement was reasonable because there were "ongoing discussions regarding placement in response to [the student's mother's] concerns, a reassessment of [the student's] cognitive and academic skills, and a reevaluation of [her] behavior").

30. After the bathroom incident in September 2025, the Student had difficulty attending school. She attended sporadically in October 2025 and then ceased attending in November 2025. The District held IEP meetings in November 2025 and December 2025 to discuss what additional supports the Student needed. The District offered options including homebound tutoring combined with three classes at

Redmond Middle School as well as having the Student only attend one highly preferred class at Redmond Middle School combined with homebound tutoring. Those offers were declined by the Parent. In January, the Parent's request to transfer the Student to a different middle school, Timberline, was approved. However, the Student did not start attending Timberline until February 9, 2026. The Student only attended school at Timberline for a few days.

31. While it is clear the Student experienced difficulty attending school during the relevant time period, the District went above and beyond to try and address these issues. They held multiple meetings, offered different hybrid programs, and transferred the Student to a different middle school. The District continuously tried to work with the Parent on strategies to get the Student to attend school. As such, the failure of the District to implement the Student's IEP was not material.

32. The District did not deny the Student FAPE by failing to implement the Student's IEP after the September 2025 bathroom incident. The District has met its burden regarding this issue.

Failing to implement the Student's IEP since May 2024 (Issue (a)(vii))

33. The Parent argues that the District violated the IDEA and denied the Student FAPE by failing to implement the Student's IEP since May 2024. As discussed above, the District did not deny the Student FAPE in the spring of 2024 by requiring vaccination verification prior to starting school. The District also did not deny the Student FAPE by failing to implement the Student's IEP after the September 2025 bathroom incident. The remaining time period is the 2024-2025 school year. The ALJ does not find that the District violated the IDEA or denied the Student FAPE by failing to implement the Student's IEP during this time period.

34. The operative IEP during the 2024-2025 school year, up until May 2025, was the [REDACTED] IEP. The Parent's primary argument is that the District did not provide multiple dual-taught general education/special education classes with small class sizes for the Student like was provided in [REDACTED]. However, the Student's [REDACTED] IEP does not require the Student to be taught in four dual-taught classes or dictate class size. It states the Student will be in general education classes with special education supports and accommodations and modifications. The District provided the Student with one dual-taught class and provided the Student with a 1:1 paraeducator who could provide support to the Student in the general education curriculum. Further, while small class sizes are likely beneficial to the Student, as with most students, the District did not fail to implement the IEP by failing to provide small class sizes.

35. The Parent also argues that behavioral supports and speech-language supports were not implemented. However, the Student's [REDACTED] IEP did not include a behavior intervention plan or speech-language services. The Parent did provide the District with a behavioral support plan that was developed by the District prior to the Student being found eligible for special education services. That document, while not part of the IEP, was reviewed by the District. Further, the Parent argued at hearing that the District failed to provide autism specific supports. It is unclear what specific supports the Parent is referencing, but the Student's [REDACTED] IEP did not call for any specific BCBA or ABA therapy, as mentioned by the Parent in her closing brief.

36. The evidence supports a finding that the District materially implemented the Student's [REDACTED] IEP up to May 2025 when the District reevaluated the Student and developed a new IEP.

37. Between May 2025 and the September 2025 bathroom incident, the District IEP was in place. There is limited evidence provided to indicate what services were provided during this limited time period. However, even if services were missed, the District provided 1:1 tutoring to the Student during the summer of 2025 to make up for the Student's frequent absences from school. These services would compensate for any alleged services missed during this limited time frame.

38. The District has met its burden regarding this issue.

Failure to provide autism-specific services since May 2024, including failure to implement Board Certified Behavior Analysis (BCBA)/Applied Behavior Analysis (ABA) supports and failure to provide a written behavioral plan (Issue (a)(viii))

39. The Parent argues that the District violated the IDEA by failing to implement BCBA or ABA supports and failing to create a written behavioral plan. As mentioned above, these services were not included in any of the IEPs at issue, thus the District did not materially fail to implement the Student's IEPs regarding these services. To the extent the Parent is arguing the IEPs were inappropriate because they did not include these services, the ALJ does not agree.

40. The only IEP at issue is the May 2025 IEP. The determination of reasonableness is made as of the time the IEP was developed. *Adams v. State of Oregon*, 195 F.3d 1141, 1149 (9th Cir. 1999). An IEP is "a snapshot, not a retrospective." *Id.* The May 2025 IEP included services in the area of Behavior and social/emotional. The IEP team determined the Student did not require a behavior intervention plan but would benefit from behavior SDI. There was no history of the Student receiving BCBA/ABA services or having a BIP while in [REDACTED]. The evidence also does not demonstrate that a BIP or BCBA/ABA services were required for the

Student or recommended by any District staff or medical professionals at the time this IEP was developed.

41. To the extent the Parent argues that a diagnosis of autism in itself requires BCBA services, the ALJ does not agree. The IDEA does not require District's to provide specific services solely based on specific diagnoses. Further, the record does not support a finding that BCBA services were required for the Student at the time the IEP was developed.

42. The District did not violate the IDEA or deny the Student FAPE by failing to provide BCBA services or failing to develop a BIP. The District has met its burden regarding this issue.

Failing to properly respond after the September 2025 bathroom incident, including: (a) Failing to convene an emergency IEP meeting; (b) Failing to revise the IEP; (c) Failing to provide interim services; (d) Failing to offer an alternative placement for the Student; (e) Failing to provide compensatory education; (f) Failing to issue Prior Written Notice (PWN) (Issue (a)(ix)(a)-(f))

43. The Parent argues the District violated the IDEA and denied the Student FAPE by failing to take appropriate actions after the September 2025 bathroom incident. The ALJ does not agree.

44. The Parent first argues that the District erred by failing to convene an emergency IEP meeting after the bathroom incident. However, the record does not establish that the Parent requested an IEP meeting after the bathroom incident. Further, the District held a meeting with the Parent after the incident as referenced in Mr. Bede's email. The District also held IEP meetings in November and December 2025, once the Student's attendance became an issue. The record does not establish that the District violated the IDEA by failing to hold an emergency IEP meeting after the bathroom incident.

45. The Parent next argues the District violated the IDEA by failing to revise the IEP in response to the bathroom incident. Under WAC 392-172A-03110, a District must ensure an IEP team revises a student's IEP, when 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.

46. Here, the Parent informed the District after the bathroom incident that the Student was feeling traumatized and was having difficulty attending school. In response the District communicated consistently with the Parent by email to try and address the issue. The District also changed the Student's paraeducator to try and address the Parent's concerns about the Student's math performance. The District held IEP meetings in November and December 2025 to try and address the issue and to determine if changes to the IEP were needed. The Parent rejected the District's proposed placement changes. The evidence supports a finding that the District attempted to revise the IEP in response to the incident as required by the WAC.

47. The Parent also argues the District violated the IDEA by not offering interim services, an alternative placement, or compensatory services after the bathroom incident. As stated above, the record shows the District regularly communicated with the Parent and scheduled two IEP meetings to determine what type of placement was appropriate for the Student. The District also changed the Student's paraeducator and moved the Student's place in the classroom at the request of the Parent. The District suggested two different alternative hybrid placements for the Student to address the school refusal concerns expressed by the Parent. Those requests were rejected by the Parent. After that, the District agreed to transfer the Student to a new middle school to try and address the Student's attendance issues. The record shows that the District made multiple attempts to address the aftereffects of the bathroom incident. The District did not violate the IDEA regarding this issue.

48. Finally, the Parent argues the District violated the IDEA by not issuing a PWN after the bathroom incident. A district must provide a PWN to the parents of a child eligible or referred for special education a reasonable time before it proposes to initiate or change the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student, or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student. WAC 392-172A-05010.

49. The District did not propose or refuse to initiate or change the identification, evaluation, or educational placement or the provision of FAPE to the Student after the bathroom incident. Therefore, the District was not required to issue a PWN after the incident. The District issued PWNs after the IEP meetings in November and December 2025, as required by the WAC. The District did not violate the IDEA by not issuing a PWN after the bathroom incident.

50. The record establishes that the District did not violate the IDEA or deny the Student FAPE regarding this issue.

Changing the Parent's District point of contact on October 8, 2025, interfering with the Parent's ability to participate (Issue (a)(x))

51. The Parent argues the District violated the IDEA and denied the Student FAPE by changing the Parent's point of contact in October 2025. As stated above, the Parent does not have a right to dictate which staff or administrators work with a parent or student. The District did not violate the IDEA by changing the Parent's point of contact from Erin Romanuk to another District staff member.

Denying the Parent meaningful participation by refusing to hold requested IEP meetings, failing to provide a single point of district contact, and creating communication barriers impacting the Parent's ability to access information (Issue (a)(xi))

52. The Parent argues the District violated the IDEA and denied the Student FAPE by denying the Parent meaningful participation by refusing to hold IEP meetings, failing to have a single point of contact, and creating communication barriers. The ALJ does not agree.

53. As stated above, the evidence in the record does not show that the Parent requested and was denied any IEP meetings. The third allegation from the Parent, that the District created communication barriers for the Parent, is also not supported by the record. It is clear from the record that the Parent has communication difficulties based on her own disabilities. In response to this, the District communicated with the Parent primarily through writing, as requested by the Parent. This is evidenced by the numerous emails and text chains included in the record. The District also held IEP team meetings remotely and called the Parent to join the meeting. The District did not prevent the Parent from using her TTY device and the District allowed the Parent to audio record meetings. The District also went to the Parent's house on at least two occasions to get records and to help the Parent log in to district websites. The evidence does not show that the District created communication barriers for the Parent.

54. The facts show that the District changed the Parent's point of contact in October 2025. However, this did not deny the Parent meaningful participation. The Ninth Circuit has stated:

Among the most important procedural safeguards are those that protect the parents' right to be involved in the development of their child's educational plan. Parents not only represent the best interests of their child in the IEP development

process, they also provide information about the child critical to developing a comprehensive IEP and which only they are in a position to know.

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

55. The IDEA requires that parents have the opportunity to “participate in meetings with respect to the identification, evaluation, and educational placement of the child.” WAC 392-172A-03100; 34 CFR §300.322. To comply with this requirement, parents must not only be invited to attend IEP meetings, but must also have the opportunity for “meaningful participation in the formulation of IEPs.” *H.B. v. Las Virgenes Unified Sch. Dist.*, 239 Fed Appx. 342, 48 IDELR 31 (9th Cir. 2007).

56. A district violates this procedural requirement if it predetermines a student’s placement, meaning that 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 1115, 1131 (9th Cir. 2003). Likewise, a district “may not enter an IEP meeting with a ‘take-it-or-leave-it’ approach.” *Id.* However, preparation by a district prior to an IEP meeting, including developing a draft IEP, does not itself establish predetermination. *Lee’s Summit R-VII Sch. Dist.*, 112 LRP 14677 (SEA MO 2012). Also, parents do not have veto power over individual provisions or the right to dictate any particular educational program. *Ms. S.*, 337 F.3d at 1131.

57. Here, the District did not deny the Parent meaningful participation. The Parent was invited to and was able to participate in all IEP meetings. The District communicated with the Parent consistently through email and often made adjustments to the Student’s classes and paraeducators based on the Parent’s request. The District also changed the Student’s case manager to accommodate the Parent’s request. The District met with the Parent and tried to come up with solutions to help the Student access school. They also provided summer tutoring for the Student to make up for attendance issues that were not caused by the District denying the Student FAPE.

58. The Parent had significant input on the Student’s placement in the District. While it is clear she felt comfortable working with Ms. Romanuk and did not want to transition to communicating with another District staff member, this discomfort did not deny the Parent meaningful participation. The District did not deny the Student FAPE regarding this issue.

Refusing to place the Student at other middle schools including Timberline, Finn Hill, and Evergreen in the District and failing to issue PWNs documenting the denial (Issue (a)(xii))

59. The Parent argues the District violated the IDEA and denied the Student FAPE by denying her intradistrict transfer requests and failing to issue PWNs about the denials. The Parent filed multiple requests to transfer the Student to different schools within the District after the September 2025 bathroom incident. While some of the requests were denied, the Parent's request for the Student to attend Timberline Middle School was eventually accepted in January 2026. To the extent the Parent argues that the earlier denials violated the IDEA, the ALJ does not agree.

60. A district's decision to accept or deny an intradistrict transfer is not governed by the IDEA. Under the IDEA, the educational placement of a student with a disability shall be "as close as possible to the child's home" and that "unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school he or she would attend if nondisabled." 34 CFR 300.116. However, a student does not have the absolute right to be placed in the neighborhood school. A district can place a student at a different school if it cannot implement the student's IEP at the neighborhood school. See, e.g., *Schuldt v. Mankato Indep. Sch. Dist.*, 18 IDEALR 16 (8th Cir. 1991) cert denied, , [112 LRP 24740](#), 502 U.S. 1059 (1992) (holding that a Minnesota district did not have to modify the neighborhood school of a student with spina bifida so that she could navigate the building in her wheelchair); and *Murry v. Montrose County Sch. Dist.* RE-1J, [22 IDELR 558](#) (10th Cir. 1995), cert. denied, [112 LRP 24673](#), 516 U.S. 909 (1995) (holding that the IDEA expresses "at most a preference for education in the neighborhood school").

61. Here, the Parent requested to transfer the Student to a school that was not her neighborhood school. There is no evidence that her IEP required her to attend any other specific middle school in the District. The IDEA does not require a district to grant a parent's request for an intradistrict transfer. As such, the initial denial of the Parent's intradistrict transfer requests did not violate the IDEA or deny the Student FAPE.

62. Further, the decision to deny the requests did not trigger the District's obligation to issue PWNs. The location where services are delivered is not the same as a student's educational placement. *R.M. v. Gilbert Unified Sch. Dist.*, 768 Fed. Appx. 720 (9th Cir. 2019) (change in elementary school a student attends does not constitute a change in placement). As such, the District's determination about whether to grant or deny an intradistrict transfer to a different middle school was not a proposal or refusal to change the identification, evaluation, educational placement, or provision of FAPE to the Student, and a PWN was not required.

63. The District has met its burden. The District did not violate the IDEA or deny the Student FAPE regarding this issue.

Refusing home/hospital services and requiring medical documentation, rather than providing the Student services since the September 2025 incident (Issue (a)(xiii))

64. The Parent argues that the District violated the IDEA and denied the Student FAPE by refusing to provide home/hospital services and requiring medical documentation after the September 2025 bathroom incident. The evidence does not support this contention.

65. “Home or hospital instruction shall be provided to students eligible for special education services . . . who are unable to attend school for an estimated period of four weeks or more because of disability or illness.” WAC 392-172A-02100(1). To receive such services, the parent must provide the District with “a written statement to the school district from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks.” WAC 392-172A-02100(2).

66. Here, the District informed the Parent that home/hospital instruction would require medical documentation from the Student’s medical provider. This is required by state regulation, and the District did not violate the IDEA by following such requirements. Further, the Student’s IEP team discussed alternative placement options including a hybrid placement with the Student doing some classes at home and some at school to try and ease the Student back into school. These options were rejected by the Parent.

67. The District met its burden. It did not violate the IDEA or deny the Student FAPE by requiring medical documentation for home/hospital services.

Failing to timely produce the Student’s 8th grade educational records (Issue (a)(xiv))

68. The Parent argues that the District violated the IDEA and denied the Student FAPE by failing to timely produce the Student’s eighth grade educational records. The record does not support this contention.

69. Districts must permit the parents of a student eligible for special education to inspect and review, during school business hours, any educational records relating to the student that are collected, maintained or used by the district. WAC 392-172A-05190. “The school district shall comply with a request promptly and before any meeting regarding an individualized education program or resolution session relating to the identification, evaluation, educational placement of the student or provision of FAPE to the student.” *Id.* A school district must respond within forty-five (45) calendar days. *Id.* The right to inspect records includes a right to copies of the records “if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records” *Id.*

70. The record shows that the Parent made several public records requests to the District and that records were produced to the Parent on several occasions. The Parent stated at the hearing and in her closing brief that she did receive records, but the format was inaccessible for her. The evidence does not demonstrate what format would have been accessible to the Parent. Further, it is not clear what, if any, educational records were not produced to the Parent.

71. While it is understandable that it may be difficult for a parent to review an extensive number of records, either digitally or physically, this difficulty does not amount to an IDEA violation. The District was obligated to let the Parent inspect and review the Student's educational records. If that was inaccessible to the Parent, the District was required to provide copies of the records to the Parent. The District did both of these steps. The IDEA does not require the District to organize the documents in a certain way or make them searchable.

72. The District did not violate the IDEA regarding this issue.

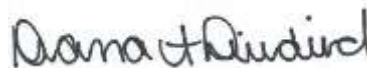
Improper handling of transition planning, including treating the Eastlake variance as a general education request rather than a special education placement (Issue (a)(xv))

73. The Parent argues the District violated the IDEA and denied the Student FAPE by treating the Parent's request to transfer the Student to Eastlake in the District as a general education request rather than a special education placement request. The record does not include evidence indicating that a request to transfer to Eastlake was made, or that it was denied. Regardless, as discussed above, a change in location of services is not the same as a change in the Student's educational placement. The District did not violate the IDEA or deny the Student FAPE by denying the Parent's requests to transfer the Student to a different school in the District.

ORDER

The District has proven by a preponderance of the evidence that it did not violate the IDEA or deny the Student FAPE regarding the Parent's alleged issues. The Parent's requested remedies are DENIED.

SERVED on the date of mailing.



Dana Diederich
Administrative Law Judge
Office of Administrative Hearings

Right To Bring A Civil Action Under The IDEA

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

DECLARATION OF SERVICE

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

Parent

via E-mail

[REDACTED]

Dr. Shannon Hitch
Executive Director of Special Services
Lake Washington School District
PO Box 97039
Redmond, WA 98073

via E-mail
shhitch@lwsd.org
edferrian@lwsd.org

Carlos Chavez
Pacifica Law Group LLP
401 Union St., Suite 1600
Seattle, WA 98101

via E-mail
carlos.chavez@pacificallawgroup.com
grace.mcdonough@pacificallawgroup.com

Dated August 21, 2026, at Spokane Valley, Washington.

Lan Le

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

cc: Administrative Resource Services, OSPI