

Special Education Community Complaints: Results and Trends



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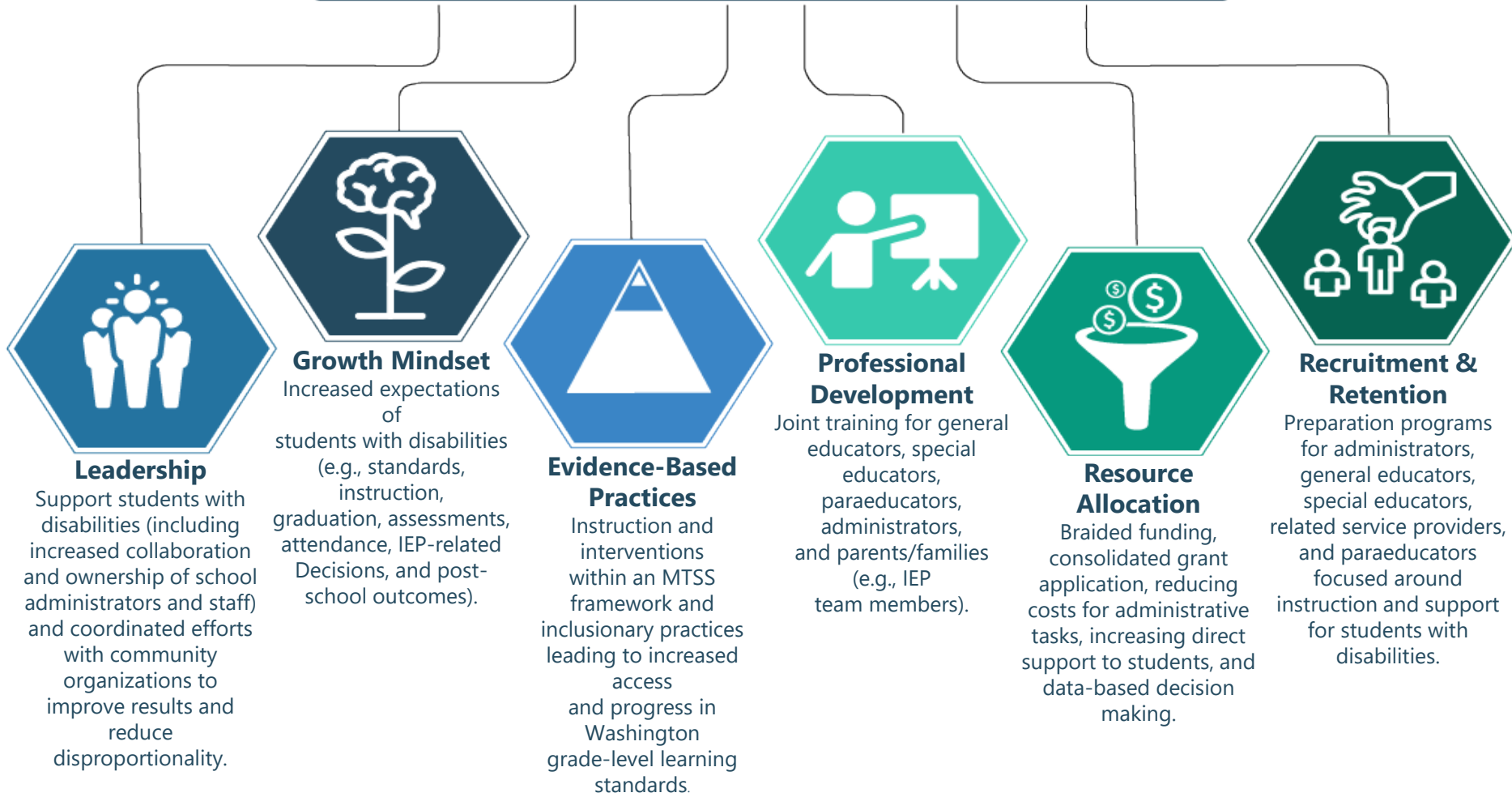


Today's Topics

- Data Summary: Most Common Allegations (Past Year)
- Examples
- Tips



OSPI Priorities: Improving Outcomes for Students with Disabilities



Data Summary: 2021

- 113 Complaints filed – 73 investigated
 - 22 not opened
 - 18 withdrawn



Data Summary: Most Common Allegations (Past Year)

1. IEP Implementation
2. IEP Content (includes all elements, addresses all areas of need, individualized, based on sufficient data)
3. Placement Procedures
4. Prior Written Notice
5. IEP Procedures (timely meeting invitations, required IEP team members)



Decision Example: IEP Implementation

➤ 18-102:

- **Allegation:** District did not implement the Student's IEP while Student was placed at a nonpublic agency (NPA).
- **Finding:** NPA did not implement the Student's IEP.
 - Law: Districts are responsible for ensuring IEP implementation when Student placed at NPA. WAC 392-172A-04085.
- **Remedy:** Compensatory education: ½ of the total time missed—in a one-to-one setting.
 - Law: There is no requirement to provide day-for-day compensation for time missed. Generally, services delivered on a one-to-one basis are delivered effectively in less time than if the services were provided in a classroom setting.



Decision Example: Progress Reporting

➤ 18-93:

- **Allegation:** District did not provide Parent with progress reporting, as detailed in the Student's IEP.
- **Finding:** District did not provide data to the Parent on each of the Student's measurable annual goals; some reports were not timely; some progress reporting was so vague as to not permit the Parent to actually identify what, if any, progress the Student had actually made on his goals.
- **Remedy:** Hold IEP meeting to review progress and either develop a new IEP or amend the old IEP.



Decision Example: Parent Participation

➤ 19-17:

- **Allegation:** District did not follow proper procedures for responding to Parent's request for before-school transportation and supervision.
- **Finding:** District followed proper procedures when it: **a)** convened a properly constituted IEP meeting that included the Parent; **b)** considered the Student's needs resulting from the Student's disability by looking at recent, accurate data on the Student; **c)** determined that a transition plan at the start of the regular school day was sufficient to address the student's needs; and, **d)** documented the disagreement with the Parent in a thorough, timely, and clearly-worded prior written notice.
- **Remedy:** None.



Preventing Community Complaints

- Timely and thorough communication with the Parent.
- Progress Reporting.
- Facilitated IEP meeting or mediation through Sound Options.



Responding to Community Complaints

- If requested, please produce all evaluations and IEPs in effect during the one year prior to the filing of the complaint.
 - In many cases, a Student will have 2 IEPs that were in effect during the one year investigation period. Oftentimes, the evaluation that informed the first of those IEPs took place before the one year investigation window. Districts occasionally forget to produce this earlier evaluation.
- Include a detailed narrative response, wherein you:
 - Deny or admit the allegation(s) made by the Parent;
 - Address any conflicting information or data; and,
 - Propose a remedy or corrective action (if you admit there has been an error or believe that OSPI will find one).
- Organization: Either group like-documents (prior written notices, IEPs, etc.) together or present them in chronological order.



Responding to Community Complaints

- Organize emails chronologically and include the email header (sender, recipient, date, time).
- Paginate your response.
- Alphabetize the staff list by last name.
- Include a timeline or chronology of events.
- Redact personally identifiable information for other students.
- In email communications with the assigned investigator, identify the citizen complaint number in the subject line of the email.



Timelines

- They are important.
 - OSPI's 60-day deadline can only be extended for "exceptional circumstances." OSEP has found that the following do not constitute "exceptional circumstances" warranting an extension: staff shortages, heavy caseloads, school vacations and breaks.
 - However, the 60-day deadline can be extended if both parties agree, in writing, to pursue mediation through Sound Options.
- The community complaint regulations establish deadlines using "calendar days" i.e., not "school days."
- You can always submit your response earlier than the 17-day deadline.





Questions?

Comments?