

## SPECIAL EDUCATION CITIZEN COMPLAINT (SECC) NO. 12-00

### PROCEDURAL HISTORY

On XX, 2012, the Office of Superintendent of Public Instruction (OSPI) received a Special Education Citizen Complaint from the parent (Parent) of a student (Student) attending the XX School District (District). The Parent alleged that the District violated the Individuals with Disabilities Education Act (IDEA), or a regulation implementing the IDEA, with regard to the Student's education or insert others.

On XX, 2012, OSPI acknowledged receipt of this complaint and forwarded a copy of it to the District Superintendent. The District was asked to respond to the allegations made in the complaint.

On XX, 2012, OSPI received the District's response to the complaint and forwarded it to the Parent(s) on XX, 2012 (or the same day). The Parent(s) was/were invited to reply with any information he/she had that was inconsistent with the District's response.

On XX, 2012, OSPI received additional information from the Parent(s) regarding the complaint. The information was forwarded to the District on XX, 2012. Insert, as necessary, any additional procedural information.

On XX, 2012, OSPI received the Parent(s) reply. The information was forwarded to the District on XX, 2012.

On XX, 2012, OSPI received additional information from the District and forwarded it to the Parent(s) on the XX, 2012.

On XX, 2011, the OSPI complaint investigator conducted a site visit/interviews.

OSPI considered all of the information provided by the Parent(s) and the District as part of its investigation. It also considered the information received and observations made by the complaint investigator during the site visit.

### OVERVIEW

#### SCOPE OF INVESTIGATION (ONLY USE IF NECESSARY)

The investigation was limited to a review of whether the allegations made in the complaint demonstrate a violation of Part B of IDEA, its implementing federal regulations, or corresponding state regulations. It did not extend to a review of the following claims: USE THIS SCOPE SECTION ONLY IF THERE ARE ISSUES WE ARE NOT INVESTIGATING AND WHY, such as: issue is beyond the one year

limitation for complaints, some issues are in abeyance, issue alleged is not an issue that can be investigated under IDEA.

## ISSUES

1.

## LEGAL STANDARDS

Compensatory Education: Compensatory education is an equitable (not legal) remedy. The length of the award is based on the student's individual needs and circumstances and is not necessarily a day to day compensation for time missed. A state educational agency (SEA) is authorized to order compensatory education through the special education citizen complaint process. *Letter to Riffel* 34 IDELR 292 (OSEP 2000). A student with disabilities is entitled to only so much compensatory education as is required to provide FAPE. *Parents of Student W. v. Puyallup School District No. 3*, 31 F.3d 1489, 21 IDELR 723 (9<sup>th</sup> Cir. 1994).

## FINDINGS OF FACT

1.

## CONCLUSIONS

1.

## CORRECTIVE ACTION(S)

On (date or dates CAP is due from District) the District will provide documentation to OSPI that the following corrective action(s) has/have been completed.

### STUDENT SPECIFIC:

If compensatory education is ordered – explain the reasoning behind award

### DISTRICT SPECIFIC:

The District will submit a completed copy of the Corrective Action Plan (CAP) Matrix documenting the specific actions it has taken to address the violations and will attach any other supporting documents or required information.

*NOTE: The district may request an electronic version of the matrix by e-mailing Think Le at [Thinh.Le@k12.wa.us](mailto:Thinh.Le@k12.wa.us).*

**RECOMMENDATION(S) (USE IF NEEDED)**

Dated this \_\_\_\_ day of XX, 2012

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Douglas H. Gill, Ed. D.  
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**THIS WRITTEN DECISION CONCLUDES OSPI'S INVESTIGATION OF THIS COMPLAINT**

IDEA provides mechanisms for resolution of disputes affecting the rights of special education students. This decision may not be appealed. However, parents (or adult students) and school districts may raise any matter addressed in this decision that pertains to the identification, evaluation, placement, or provision of FAPE to a student in a due process hearing. Decisions issued in due process hearings may be appealed. Statutes of limitations apply to due process hearings. Parties should consult legal counsel for more information about filing a due process hearing. Parents (or adult students) and districts may also use the mediation process to resolve disputes. The state regulations addressing mediation and due process hearings are found at WAC 392-172A-05060 through 05075 (mediation) and WAC 392-172A-05080 through 05125 (due process hearings.)