

FINAL REPORT Complaint Investigation Garden Valley School District #71 / C-23-09-19a

The Idaho Department of Education (Department) received a state administrative complaint on September 19, 2023, from (Complainant), on behalf of (Student), against the Garden Valley School District #71 (District). The 60-day timeline for the investigation of this complaint began on September 19, 2023, and expires on November 18, 2023. The Complaint alleged that the District violated the Individuals with Disabilities Education Act (IDEA).

Complaint Issues and Allegations

The Idaho Department of Education accepted the following issues for investigation:

1. Did the District ensure that special education and related services, including specially designed instruction, were made available to the Student in accordance with the Student's Individualized Education Program (IEP)? [34 CFR § 300.34, 34 CFR § 300.323, 34 CFR § 300.39]

The Complaint alleges that one week before a meeting

District notified the Complainant that the Student was

Complainant notified the District that they had been

, the

2. Did the District properly develop, review, and revise the IEP in compliance with the Individuals with Disabilities Education Act (IDEA) and provide written notice to the parents when changing or refusing to change the educational placement of or provision of free appropriate public education (FAPE) to the Student? [34 CFR § 300.324] and [34 CFR § 300.503]

The Complaint alleges the District is refusing to allow the Student .

3. Did the District provide periodic progress reports towards measurable goals? [34 CFR § 300.320]

The Complaint alleges that one week before a ______, the District notified the Complainant that the Student was _____.

4. Did the District ensure the parent was involved in all decisions related to the Student's placement? [34 CFR § 300.114, 34 CFR § 300.116, 34 CFR § 300.501(c)]

The Complaint alleges that the District is	s refusing to	
that the Student has done what the Distric	ct required to	nd
that instead, the District	the Student .	

Scope of the Idaho Department of Education's Review and Authority

The Idaho Department of Education administers federal and state regulations governing special education programming requirements for students with disabilities. Ensuring implementation of the federal regulations from the Individuals with Disabilities Education Act (IDEA) and any corresponding state rules requires the Department to investigate state complaints regarding violations of these provisions. The Department has investigated this complaint and now issues this report and Corrective Action Plan (CAP) pursuant to 34 CFR § 300.152(a)(5).

Facts discussed that occurred prior to September 19, 2022, or after September 19, 2023, are for background information only. Federal regulations limit the investigation of state complaints to violations that occurred not more than one year prior to the date the complaint was received. 34 CFR § 300.153(c).

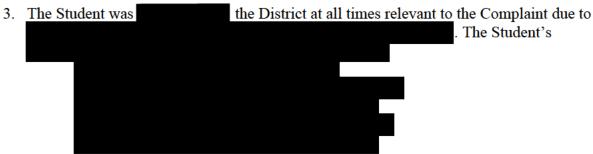
Complaint Investigation Review

The Idaho Department of Education's complaint investigation included the following:

- Review of the submitted complaint and supporting documentation.
- Review of District-produced documents.
- In-person review of the Student's physical file.
- An on-site investigation.
- In-person and virtual interviews with District staff.
- In-person interview with sheriff deputy/school resource officer (SRO).
- In-person interviews with the Student, the Complainant, and the Student's other parent.
- Telephone interview with the Student's general education teacher,
- Review of the District's online Policy Manual.
- Review of the District's online service contracts.
- Review of the District's publicly available financial audit.
- Review of the School Board's publicly available online meeting agendas and meeting minutes.
- Review of the Idaho *Special Education Manual* (2018), the IDEA and the applicable Code of Federal Regulations, and relevant case law.

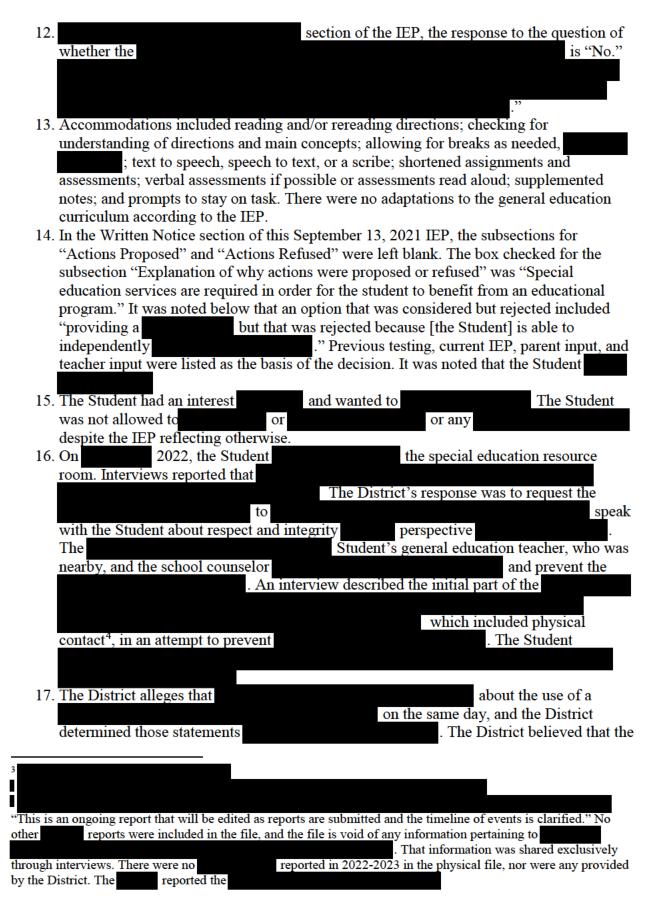
Findings of Facts

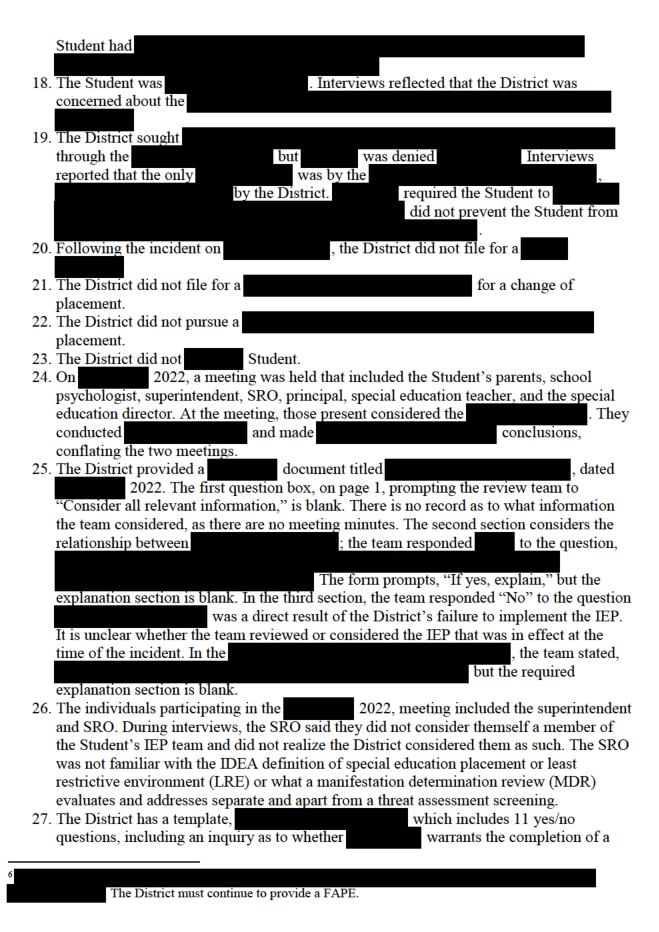
- The Complainant filed a complaint on September 19, 2023. No issues raised in this
 complaint are currently subject to a due process hearing, nor have these issues been
 previously decided in a due process hearing.
- 2. The Student is and in



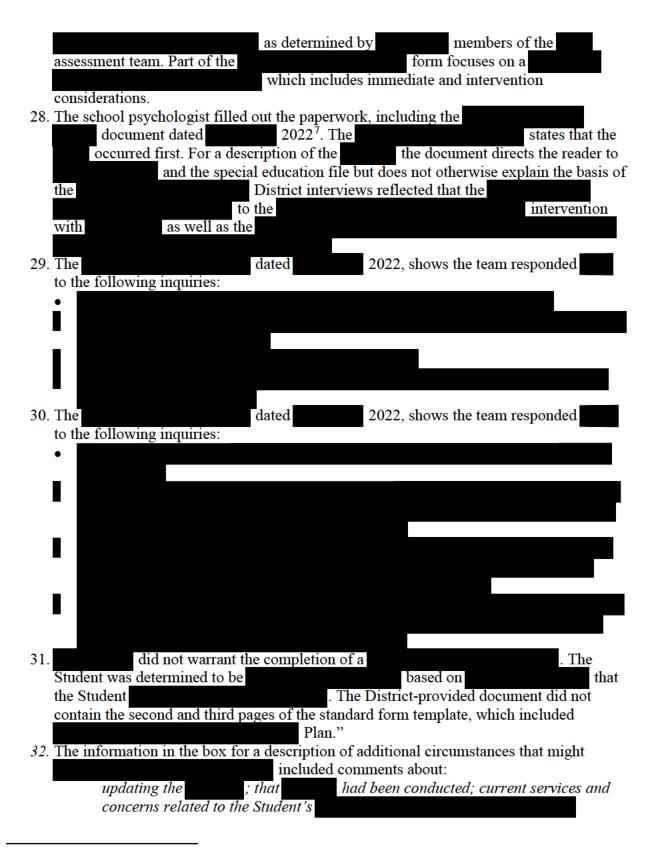
- 4. The Student is currently eligible for special education services under the eligibility
- 5. A review of the District's online Policy Manual reflected that there is no policy regarding special education services or the IDEA. The Policy Manual did reflect that Policy 3340P explains how the District with IDEA. The District accepts federal funds to support special education.
- 6. There is nothing in the record to reflect that the Board adopted as policy the Idaho Special Education Manual (2018) at any time during or before the 12 months prior to this investigation.
- 7. A review of the District's online Policy Manual reflected that there is no policy regarding .2 The Student's IEP Interviews reflected that not all staff assigned to work with the Student are
- 8. The Student's education file contained an unsigned Consent for Assessment dated August 17, 2022, for a 3-year re-evaluation. The document identified that previous testing and previous academic performance would be the information used to determine the areas to be assessed. The parent who attended the September 26, 2022, eligibility meeting did not recall ever seeing or being given a copy of the Consent for Assessment.
- 9. The Student's file contained a signed annual IEP dated September 13, 2021, which included a projected re-evaluation date of May 12, 2022. This was for the Student's . The Student's eligibility category was IEP included a reading comprehension goal, a math goal, an occupational therapy goal, and a behavioral study skills goal.
- 10. The service grid reflected 720 minutes weekly of special education services to be provided by the special education teacher in the special education classroom from August 30, 2021 through August 31, 2022.
- 11. The Student was to receive 30 minutes weekly of Optional Statement of Service Delivery section of the IEP included: "Other services will be math, reading, and study skills, plus positive behavior support and will be provided by the special education teacher or a paraprofessional under the direction of the special education teacher." The Least Restrictive Environment (LRE) identified that the Student would be inside the general education environment for 1,200 minutes per week and outside the general education environment for 720 minutes per week.

² A review of the October 18, 2023, Board agenda reflected a first reading of a proposed policy.



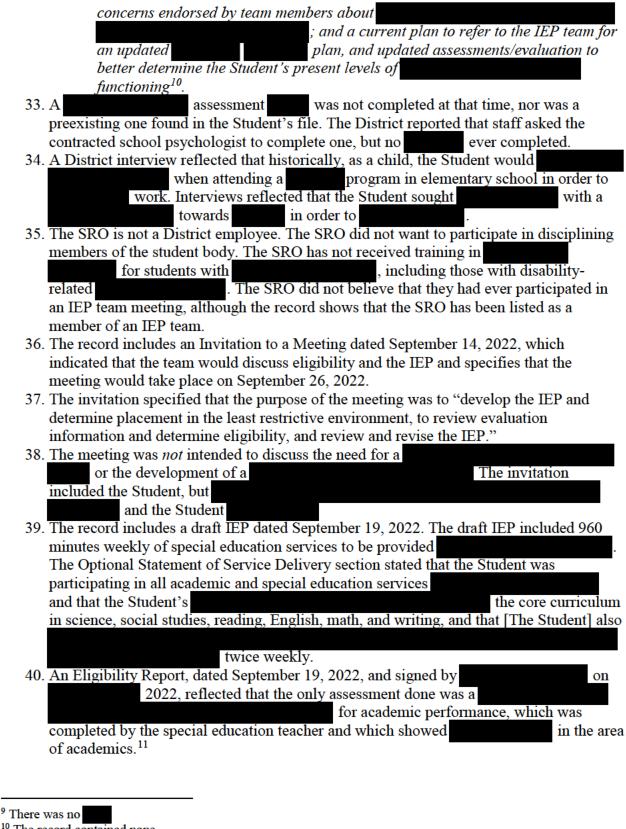


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⁷ The District reported that the contracted school psychologist provides 4 hours of services monthly.

⁸ The Student responded



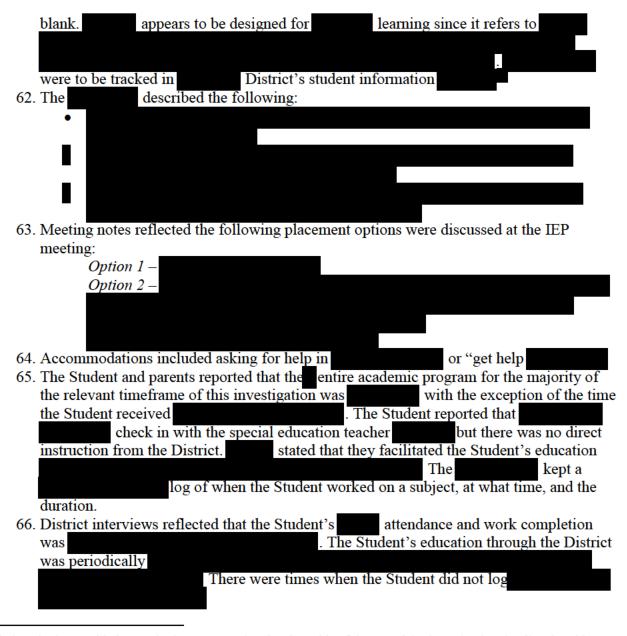
¹⁰ The record contained none.

¹¹ A review of the Student's education file produced an Eligibility Report which included

41.	The Classroom Observation section was blank. The Results section indicated that the Student's least restrictive environment (LRE) had been moved to and
	referenced the written notice for additional information.
42.	The eligibility report described the adverse effect on educational performance, stating
	that the Student and that these
	impact the Student's
12	impacts the Student's performance. The Eligibility Report described the Student's need for specially designed instruction in
43.	to help the Student be successful and further
	stated that the Student also needed to help them and
44.	Interviews reflected that the Student's placement was decided by the District
	outside of an IEP meeting following the District's unsuccessful attempt to
	Interviews reflected that the primary concern was for
	based on the Student's
45.	The District's Policy states:
	saces.
46.	Eligibility and IEP team meeting participants at the meeting on 2022,
	included a parent, the special education teacher, the contracted school psychologist who
	appeared virtually, and the district representative who appeared telephonically. A general education teacher did not participate in the meeting. There was no excusal form in the
	file, nor was there written input from a general education teacher. While there are no
	meeting minutes, it appears that the eligibility determination and IEP development both
	took place during a single meeting on 2022. The file did not contain a
	written notice for this meeting.
47.	Interviews described the plan as
	on a quarterly
	timeline. The Student would be and the expectation would be that the
	Student would be by the end of the year.
	However, interviews also reflected that a District official was clear that A District interview reflected that if
	required by the District, the Student would
	but the Student was successfully. The District

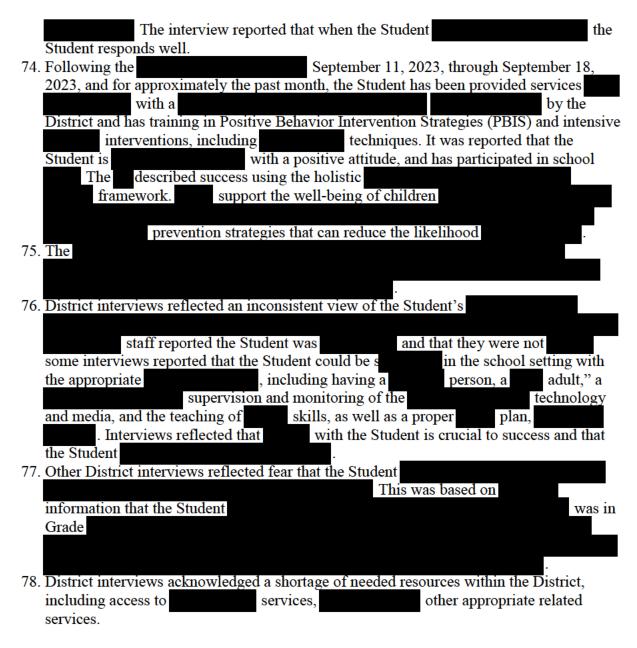
	pointed to the as contributing to the success in meeting the IEP
10	goals. The draft IEP dated 2022, did not outline plan.
	On 2022, the was amended by the contracted
	school psychologist via a letter. The
	and there was no The Amendment was based on information provided to the District by the Which had been obtained from
	another which had been obtained from
50.	Prior to 2022, the Student was
	The information that the
	Student may have
	was the basis for the team to conclude
	that the Student was ," and, consult with school special education team to
	determine next steps in [the Student's] placement,
	did not involve any individual associated with the District or the student body.
51.	The parents the information in the Amendment
	to make a special education placement decision. The Student was not
	for the information was . The parents maintained that the by the District to the Student
	oy the District to the Stateent
52.	The Written Notice dated October 31, 2022, indicated that the District received a
	from because the Student was pursuant to the above-referenced
53.	The IEP was amended on 2023, without convening an IEP team meeting. It was signed by a parent and the District 2023. The amendment details read:
	The team met to make a plan for [the Student's] gen ed now
	that [the Student] has [the District]. [The Student's] IEP is being
	amended to reflect [] new service time. The team considered and rejected keeping the Student's
	The team considered and rejected keeping the stadem s
	nder other factors, the information included that the Student
54.	On February 6, 2023, an email was sent from the
	to the District notifying the District that the Student was and that for the next
	and that for the next
	The Student
	. The email clarified that the Student would only have
	he email inquired about

	notified the District that the Student would be eligible to
	The email was circulated among District staff on 2023.
55	MobyMax's website states that it offers a web-based curriculum that "specializes in
	finding and fixing missing skills, creating a unique learning path for each student that is
	ideal for special education," and "MobyMax is the only automatic IEP tracking system
	available for Special Ed teachers. Teachers set standards-based objectives and MobyMax
	automatically assigns the necessary skills and practice. Even better, MobyMax
	automatically tracks the student progress against the goals set."
56.	On February 16, 2023, the District and the
	regarding the Student's program and . The District's email stated:
	[t]o be clear, [the Student's] plan does not have [the Student]
	school this year or next until we can get
5/.	On February 24, 2023, the notified the District of system errors
	and trouble signing into the Student's MobyMax account. Following receipt of the email, the District emailed parents that the Student was not
	and that "we are no longer going to
	until [the Student] completes
58.	On March 7, 2023, a meeting was held to amend the IEP. The document is not signed and
	does not indicate whether Procedural Safeguards were offered, accepted, or declined. The
	area to identify IEP team members invited was blank. The services on the amended IEP
	were for the time period of March 7, 2023, to September 18, 2023.
	discussed above. The service grid reflected
	minutes per week of special education services to be provided by the
	special education teacher. Other services included minutes of
	special education services by a specialist. The Student's day consisted of hours per day to core curriculum in science, social studies, reading,
	hours per day to core curriculum in science, social studies, reading, English, math, and writing. The Student was expected to with the special
	education teacher or a paraprofessional under the direction of the teacher
59.	
	support with strategies and skills. The baseline
	data indicated that the Student and % of the
	time. The annual goal reflected: "[g]iven a [the Student] will
	% of the time in 3 consecutive
	trials by September 18, 2023.
60.	The section of the IEP asking if the Student had "the opportunity to participate in
	and with nondisabled students" was marked "Yes."
	Interviews reported that the Student was excluded from all , including
61	The section of the IEP provides that the Student's
01.	, and there is a
	, including positive behavior supports. form includes
	preventative strategies, teaching , and responding with
	strategies. The area of form that would identify the teaching was left



¹² The District provided an Invitation to a Meeting dated outside of the complaint investigation timeline, but this document and the meeting are discussed due to their relevance to the Corrective Action Plan. The invitation was blank in terms of salutation, location of the meeting, and purpose. Page 3 of 20 of the IEP was titled identified the following team members: special education director, administrator, and school psychologist. The parents were not listed as team members. There is no listed general education teacher. The was identified as Assessment from a report dated 2022, almost a year prior to the states, "[p]er the 2022 assessment, the team has determined being based on the 2022, almost a year prior to the invitation. The rationale for the states, "[p]er the that [the Student] . Under "Summarize data or results from the student's FBA or other assessments," the document reads, "Per the 2022 assessment, [the Student] so least restrictive environment, at this has time, will be instruction, However, the and there was no specific updated information to support such a claim. The Student District did not conduct an at the time of the invitation . It does not appear that the school psychologist interviewed the Student or conducted a thorough review of records. Step 7 on page 7 of 20 is the "If [the Student] unsigned and predominantly blank, but with some goals, IEP followed.

67.	The Student's academic progress was monitored, using the program. The record included a document dated October
	17, 2023, which appears to track the Student's progress for different time periods, including
	October 2022 to September 2023. From August 17, 2023, to September 9, 2023, the usage
	varied from per day. Skills varied from
68.	Grade level progress for reflects an from
	September 27, 2022, through the end of August 2023, at which point the Student
	at the beginning of September and remained through October
	17, 2023. Between August 1 (year not identified) and October 17, was
	and skills
	from the beginning of September 2023 through October
	17, 2023. For from October 2022 to August 2023, the student's grade level
	the following month. The overall grade level for math from October 2022 until August 2023 was
	for math from October 2022 until August 2023 was 2023 to September 2023, the Student 2023 grade level.
69.	A progress report was included in the file. The progress report measured the Student's
	progress on the amended IEP dated March 7, 2023. The Progress Codes were valued at
	numbers 1-4. The Progress Projection Codes were valued at letters A and B; the progress
	reflected period 1, dated May 22, 2023. The goal was given a value which was
	"in progress." No Progress Projection Code was indicated. The area for criteria and
	comments was entirely blank. The same information was contained for the
	goal, as well as the goal. The Student's parents do not recall receiving progress reports. It is unclear how the goal was measured.
70.	A review of the Student's report card for the
	year reflected :
	The Student's
	attendance reflected for Semester 2,
71.	report was logged by the District on 2023. The description of
	the
	The District alleged that the Student
	The Student and the Complainant deny
	. Interviews reflected that the Student was
	September 11, 2023, through September 18, 2023. The Student and could no longer access educational services
72	The Student was not permitted to during the relevant time period of this
, 2.	investigation, nor was the Student permitted to attend school-sponsored
	other extracurricular activities, even if accompanied by a family member or
73.	An interview reflected that the Student has been participating in
	with a focus on It was
	reported that the Student has demonstrated attending this program, with a
	focus on sense of belonging. The Student is learning and practices. The interview reflected that
	there is doubt as to whether the Student



Analysis and Decision

1. Did the District ensure that special education and related services, including specially designed instruction, were made available to the Student in accordance with the Student's Individualized Education Program (IEP)? [34 CFR § 300.34, 34 CFR § 300.323, 34 CFR § 300.39]

Under 34 CFR § 300.39(a)(1), "special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. Specially designed instruction is defined as adapting the content, methodology, or delivery of instruction to address the unique needs of an eligible student that results from the student's disability and to ensure

access to the general education curriculum so that the student can meet the education standards of that district that apply to all students.

"Related services" include transportation and such developmental, corrective, and other supportive services required to assist a child with a disability to benefit from special education. These services include psychological services, recreation, including recreation therapeutic services, counseling services, social work services in schools, and parent counseling and training. 34 CFR §300.34.

Once a child is determined to have a qualifying disability under the IDEA, the District is obligated to develop an appropriate IEP, and the IEP team is responsible for determining what special education and related services are needed to address the child's unique needs.

The IEPs provided to the Student during the past 12 months were inadequate to meet the Student's needs. A further discussion of the District's failure to provide the Student with specially designed instruction is set forth below in Allegation 2.

The District did not discuss	s or offer related services to the Student	, such as
services, or	services, despite the need as	evidenced by such factors as
the Student's		, participation in the
program, the	results of the the need for outside	e and participation
in the	group. There were no	invited to or in
attendance at IEP team me	etings. The contracted school psycholog	gist's involvement in the IEP
team meetings was limited	, and besides the	, the contracted school
psychologist's input is not	evidenced in any documents.	
is needs. However, the	e District did not offer the needed service of there is a shortage of neede e lack of resources is not a defense to the	ed resources to support e District's failure to provide
1 , .	ruction and related services the Student	
FAPE. In this case, and in		needs, which the District
	but instead used as a means of excluding	
	ned the Student's LRE, the District's fail	lure to offer special education
and related services resulte	ed in a denial of FAPE.	

The allegation is **founded**, and the District is **out of compliance**.

2. Did the District properly develop, review, and revise the IEP in compliance with the Individuals with Disabilities Education Act (IDEA) and provide written notice to the parents when changing or refusing to change the educational placement of or provision of FAPE to the Student? [34 CFR § 300.324] and [34 CFR § 300.503]

The IDEA requires a district to identify a student's needs and develop an IEP with specific, measurable goals designed to enable the Student to make adequate progress in the general education curriculum. Specifically, the District's offer of FAPE by way of an IEP must ensure that the IEP is reasonably calculated to enable a student to make progress in light of their

circumstances. To do so, the IDEA requires districts to use a variety of assessment tools and strategies, including information provided by the parent, to identify the functional, developmental, and academic needs of the student in the development, review, and revision of the IEP. The development, review, and revision of the IEP is a comprehensive and collaborative IEP team process. The Idaho *Special Education Manual* (2018, p.40) mandates that "the evaluation shall be full and individualized and sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category."

On September 26, 2022, the IEP team met for an eligibility meeting. The eligibility report dated September 19, 2022, reflected that the sole assessment completed by the District was a for academic performance. The District did not use a variety of assessment tools and strategies, including information provided by the parent, to identify the functional, developmental, and academic needs of the student in the development, review, and revision of the IEP. This limited evaluation failed to evaluate the Student in all areas of suspected disability.

. A review of the

The Student had previously qualified under

rudent's education file showed a history of	Student's educa
. On 2022, the Student had	
. At that time, the Student	
This resulted in	
R). The	
	found the
, the District failed to conduct a	
	assess <u>ment</u>
	of the
igibility review and IEP development process or considered by the IEP team in order to ensure	
e Student was offered a free appropriate public education.	the Student was
art of the IEP team but did not conduct any assessments. The evaluation team assessment ocused solely on a cademic struggles lead to a cademic struggles lead to a cademic struggles lead to a cademic erformance. The need for specially designed instruction stated that the Student's needs were in also needs supports to	eligibility under void of any data between the inf observation wa . The pa T struggles, part of the IEP focused solely of that academic s
he draft IEP dated September 19, 2022, included goals. The bals were inadequate considering the Student's significant	

Throughout the 2022-2023 school year,
The Student had was not was not was not was not was not was not year, and had was not wa

needs and were not reasonably calculated to allow the Student to make appropriate

Further, the record did not contain a written notice for the draft IEP dated September 19, 2022, which resulted in the District failing to inform the Parent of its offer of FAPE and failing to provide Procedural Safeguards that could be used in the event the Parent disagreed with the District's offer.

The District failed to develop and offer an appropriate IEP to meet the Student's needs and failed to offer a free appropriate public education.

The allegation is **founded**, and the District is **out of compliance**.

progress in light of the Student's circumstances.

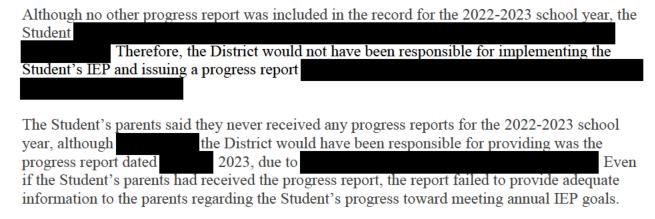
3. Did the District provide periodic progress reports towards measurable goals? [34 CFR § 300.320]

The IDEA requires that a student's progress towards meeting annual IEP goals be measured, that the IEP include the progress monitoring schedule, and how and when a parent will be informed of such progress towards goals, including the extent to which progress is sufficient to enable the student to achieve the goals by the end of the IEP time period. The minimum threshold of frequency of written progress statements is concurrent with the issuance of report cards, but the specific manner and format in which a child's progress is reported is within the District's discretion.

The Student's September 26, 2022 IEP, as well as amended IEPs, contained information to meet the threshold requirement under IDEA. Each goal explained how progress would be monitored, how often, and that progress reports would be provided to parents each semester. The record included a progress report pursuant to the March 7, 2023 IEP that monitored the Student's progress from March 7 through the end of the school year, May 22, 2023.

While each goal explained how progress reports would be provided to the parents, the actual progress information provided was lacking. The progress report dated May 22, 2023, marked each goal with a value of 2, which indicated that the goal was "in progress." There was no A or B value assigned to any of the goals that would allow a reader to determine if the Student was on track to reach the goal in the given timeframe. The area for criteria and comments was entirely

blank. The progress reports in this record do not give any indication as to how the Student is progressing toward annual IEP goals.



The allegation is **founded**, and the District is **out of compliance**.

4. Did the District ensure the parent was involved in all decisions related to the Student's placement? [34 CFR § 300.114, 34 CFR § 300.116, 34 CFR § 300.501(c)]

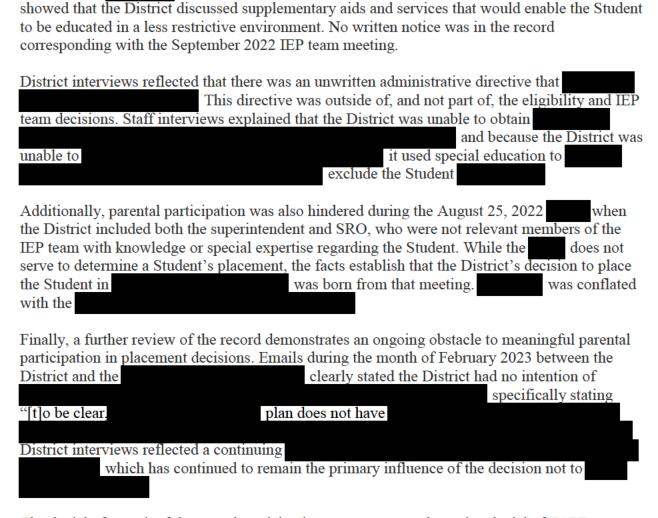
The IDEA regulations reflect the central role that parents play in the IEP development process, including placement decisions. A District violates a parent's right to participate in the IEP team process when a District independently develops an IEP before a meeting and then makes it clear to the parents that their input is either not welcome or will not effect change. Simply adding the word "draft" to a completed IEP, which included definitive service minutes and firm placement decisions, does not shield a district from a finding of predetermination, unilateral decisionmaking, and prevention of parental participation.

In this matter, the facts establish that parental participation was stifled in all decisions related to the Student's IEP development, including placement. The Student's placement and access to education were predetermined by the District. These decisions were not the result of a comprehensive evaluation and a collaborative IEP team discussion and decisions where options were explored. Parents were not given the opportunity of equal participation.

The September 19, 2022 IEP draft predetermined placement, which was unilaterally decided by the District prior to the eligibility meeting and finalizing the IEP on September 26, 2022. Parents were presented with the eligibility report and completed draft IEP at the September 26, 2022 meeting. The date on the September 19, 2023 draft was never updated, and the parent's signature of September 26, 2023, is on the September 19, 2023 document. There is nothing in the record to suggest that despite the September 19, 2022 IEP supposedly being a draft, there was a meaningful discussion on September 26, 2022, to explore the formulation of goals, service minutes, and the Student's needs

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¹³ W.G. v. Board of Trustees of Target Range School District No. 23, 18 IDELR 1019 (9th Cir. 1992), superseded by statute on other grounds, as recognized in L.M. v. Capistrano Unified School District, 109 LRP 17056, 556 F.3d 900 (9th Cir. 2009).



in the general education setting. There was nothing in the record that

The denial of meaningful parental participation amounts to a substantive denial of FAPE.

The allegation is founded, and the District is out of compliance.

Corrective Action Plan

The District is out of compliance in four (4) of four (4) allegations and is in violation of the IDEA. The following corrective actions are ordered by the Idaho Department of Education to address the findings of noncompliance addressed in this report.

Staff Training

that included

1. <u>SESTA Training</u>

The District shall participate in professional development training with Idaho Special Education Support and Technical Assistance (SESTA) prior to **March 1, 2024**, including the following:

A. Superintendent

- B. Special education director
- C. Any past and current special education staff currently employed by the District (case managers, paraprofessionals), related service providers (SLP, OT, PT, BI), support staff (classroom aides, detention monitor, SRO), general education teachers, and coaches who were or are involved or included in the development and implementation of any aspect of the Student's eligibility and IEP
- D. Other staff, identified by the District, SESTA, or the Idaho Department of Education prior to the training, whose participation in this training could benefit the Student.

The professional development training shall consist of the following topics

- Evaluation Process
- Designing IEPs to meet the unique needs of students, including
 - Specialized instruction
 - Related services
 - Least Restrictive Environment (LRE)
 - Placement considerations
 - Continuum of services
 - Positive behavior supports and interventions
- Prior Written Notice requirements
- · Progress monitoring and reporting
- Parent Participation
- •
- Benefits of IEP and eligibility meeting notetaking
- Team meetings
 - Invitations to
 - Mandatory members
 - Excusal requirements
- Confidentiality of education records
- Idaho requirements related to

2. Training Documentation

The District will consult with SESTA and the Idaho Department of Education Dispute Resolution Coordinator to determine the appropriate format for the training. It is the District's responsibility to reach out to the SESTA Coordinator to set up training dates, times, and topics as soon as possible. Please remember that the SESTA Coordinator will need at least three weeks ahead of the training to prepare adequately. Following the training, the District will provide the agenda for the training, the training materials presented, and the sign-in sheet with original signatures of the participants to the Dispute Resolution office no later than (TBD). The District shall upload the documents to the secure server and notify the Dispute Resolution office that the documents have been uploaded.

3. Six-Month Follow-Up

By August 2024 (approximately six months after the SESTA staff training ordered

above), the District's Special Education Director and Superintendent shall meet with the SESTA Coordinator to review the progress and implementation of the training outlined above and discuss any next steps.

Note: It is the District's responsibility to initiate contact, allowing adequate time for calendaring, with the SESTA Coordinator who provided the staff training.

The District shall upload the meeting minutes from the six-month follow-up to the secure server within seven (7) calendar days of the meeting and no later than August 30, 2024 (whichever date is earlier), providing same-day notification of the upload to the Dispute Resolution office.

Facilitated Meetings

4. Special Education Meetings

The District shall convene several legally constituted special education meetings, as defined by the IDEA and facilitated by an Idaho Department of Education assigned facilitator. The purpose of the meetings includes:

- Update and <u>expedite</u> assessments needed to ensure a comprehensive evaluation that considers the unique needs of the Student
- Develop appropriate IEP goals and services for the Student in light of their current circumstances
- Consider the possible need for plan assessment and
- Development of a plan for providing compensatory services

The first meeting for the team to determine appropriate assessments shall be convened no later than **December 8, 2023**. An <u>expedited</u> eligibility meeting shall take place no later than **January 19, 2024**.

The <u>District shall contact</u> the Dispute Resolution office at least 10 days prior to the first team meeting to schedule a facilitator.

The special education team shall include an impartial school psychologist assigned by the Idaho Department of Education and funded by the District. For the purposes of this CAP, the Department-assigned school psychologist will function as a member of the special education teams and will support them in determining appropriate assessments, conducting and/or coordinating needed assessments, providing written results for the eligibility report, and recommendations regarding eligibility determination and special education goals and services.

The District shall enter into a contract with and be financially responsible for all costs associated with the services conducted by the Department-assigned school psychologist (such as time, travel, accommodations, and other reasonable costs).

5. Meeting Documentation

No later than 14 days after the completion of each special education meeting, the District shall upload copies of the following documents to the secure server and notify the Dispute Resolution Coordinator:

- Invitation to the meeting
- Any updated special education documents, such as eligibility report, IEP, BIP
- Prior Written Notice of all decisions made
- Meeting Notes

Policy Adoption

6. **Documentation of Adoption**:

The District shall provide a copy of the Board Meeting Minutes to the Dispute Resolution Coordinator that demonstrates the District's Board has adopted the Idaho *Special Education Manual* (2018) and a restraint and seclusion policy by **March 15, 2024.**

Compensatory Services:

7. Team Meeting to Develop Proposal

Following the updated eligibility meeting and no later than **February 9, 2024**, the team shall meet to develop a plan for compensatory services. The team shall include a legally constituted IEP team, a Department-assigned facilitator, the impartial Department-assigned school psychologist, and the District's assigned SESTA coordinator.

Based on the information from the updated eligibility report, the proposed Compensatory Service Plan shall consider any and all deficient services missed by the Student since September 19, 2022 (not including the time the Student was not enrolled in the District) and include:

- Areas of specialized instruction to be provided
- Proposed dates and times that work for the Student and their family (after school, summer, Fridays)
- Location of services, taking into account where the Student currently resides (the District can consider entering into an agreement and compensating another district or Department-approved independent contractors to provide the services)
- Proposed setting of services (such as an alternative school or community-based setting)
- Required qualifications of service providers (must be highly qualified to provide the specific services)
- A reasonable number of hours to be provided, taking into account the amount of education time missed as well as the desire of the family to participate
- The expected cost of the proposed Compensatory Service Plan, including the cost for contracted services.

8. Submission of Compensatory Services Proposal for Approval

The Compensatory Services proposal shall be submitted to the Idaho Department of Education's Dispute Resolution office by or before February 16, 2024, for approval. *It is the District's responsibility to inform the Dispute Resolution office that the proposal is ready for review*.

Once approved, the District shall make the compensatory services available to the Student within 14 days.

Student absence or refusal of the parent to make the Student available shall result in a waiver of service scheduled for that day. Provider absences must be rescheduled. Any compensatory services declined or not utilized by **October 15, 2024**, shall be deemed waived, provided the District demonstrates it has made a good faith effort to provide all compensatory services in a timely manner.

9. Compensatory Services Log Submissions

Logs of compensatory services provided to date shall be submitted to the Dispute Resolution office no later than **April 5**, **May 15** and **August 15**, **2024**; a final log shall be submitted at the completion of services and **no later than October 30**, **2024**. The District shall upload these documents to the secure server and notify the Dispute Resolution office at the time of the upload.

This Final Report marks the end of the Complaint Investigator's involvement in this matter. All future inquiries should be directed to Kimberli Shaner, Dispute Resolution Coordinator, Idaho Department of Education.

Dated this 17 th day of November, 2023,	by:
/s/	
COURTNEY WUCETICH	
Complaint Investigator	
Accepted by:	
/s/	
CHYNNA HIRASAKI	
Special Education Director, Idaho Depar	tment of Education