


Dispute Resolution Trends

Alyssa Fairbanks
Assistant Director Dispute Resolution
May 13, 2026



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Vision

Mission

Values

All students prepared for post-secondary pathways, careers, and civic engagement.

Transform K–12 education to a system that is centered on closing opportunity gaps and is characterized by high expectations for all students and educators. We achieve this by developing equity-based policies and supports that empower educators, families, and communities.

- Ensuring Equity
- Collaboration and Service
- Achieving Excellence through Continuous Improvement
- Focus on the Whole Child



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Equity Statement

Each student, family, and community possesses strengths and cultural knowledge that benefits their peers, educators, and schools.

Ensuring educational equity:

- Goes beyond equality; it requires education leaders to examine the ways current policies and practices result in disparate outcomes for our students of color, students living in poverty, students receiving special education and English Learner services, students who identify as LGBTQ+, and highly mobile student populations.
- Requires education leaders to develop an understanding of historical contexts; engage students, families, and community representatives as partners in decision-making; and actively dismantle systemic barriers, replacing them with policies and practices that ensure all students have access to the instruction and support they need to succeed in our schools.



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Agenda / Concepts

OSPI Updates
Dispute Resolution & Trends
Corrective Actions (Discussion) (If Time)

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OSPI May Updates

- **MTSS Integrated Conference 2026, New Details and Travel Grants Available!**
- **Statewide IEP Project Request for Proposal (RFP) Launched!** [Statewide IEP Webpage](#)
- **Legislative Update**
 - **ESHB 2557***
 - [ESHB 1795](#) addresses restraint and isolation and is effective as session law on June 11, 2026. OSPI Special Education is collaborating with Student Engagement and Special Programs for rulemaking and guidance. We anticipate that guidance will be released in the coming months and will be shared widely.
- **Rulemaking!**
 - Written comments are due by 5 pm on June 3, 2026, to scott.raub@k12.wa.us or speced@k12.wa.us with the subject line "Attn: Rulemaking."
 - Two zoom public hearings – register links in the monthly update
- **Early Childhood – Office Hours**
- [Tip on Referrals](#)

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Special Education Dispute Resolution

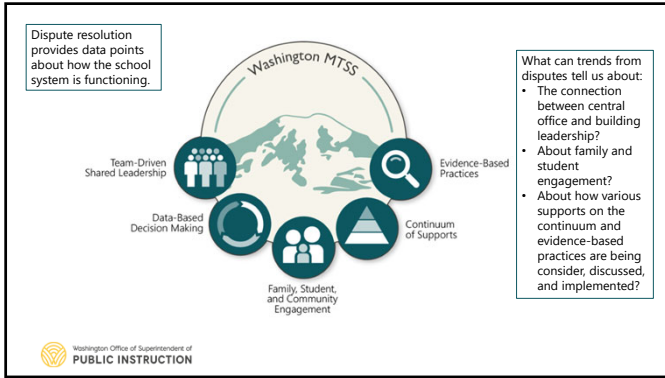
Mediation provided by a partner organization
Mediation

Written State Complaint
OSPI Special Education Community Complaint (SECC) Investigation

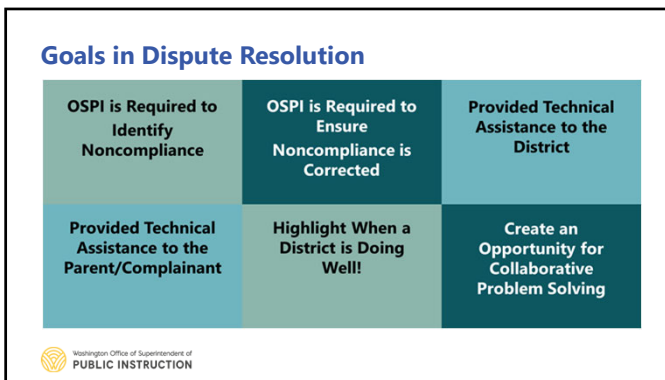
Due process proceedings, resolution session, and hearings provided by OAH
Due Process

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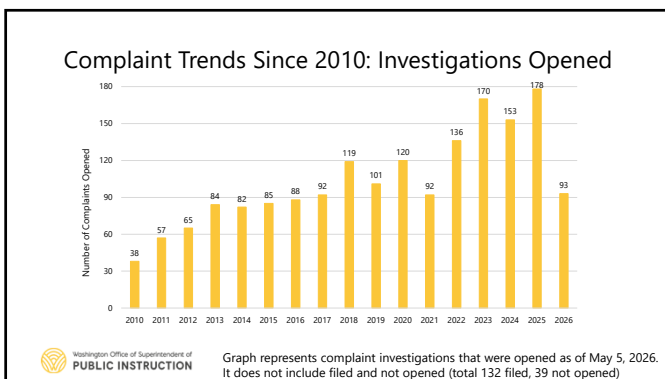
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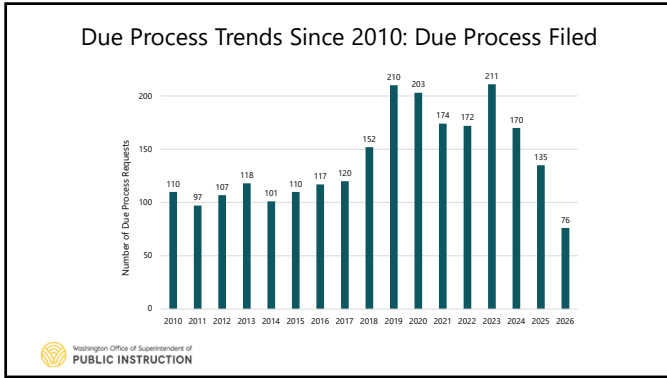
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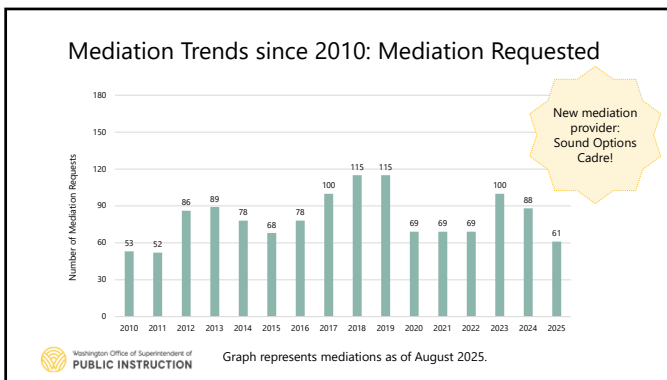
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Common Issues & Trends

- IEP Implementation
- Behavior & Discipline
 - Addressing behavior needs
 - Discipline regulations
 - Instruction while removed
 - Informal removals
 - Bullying
- IEP Development
- Referral, child find, initial evaluations

Emerging Trends...

- **Prior Written Notice!**

Let's Avoid...

- Complaints related to [ESHB 2557](#)

A Handful of Complaints...

- Complaints related to students being exited from services (following evaluation or at end of time in school graduation/age out)
- 504 allegations (not opened)
- Shortened school day
- Parent participation with divorced parents*

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ESHB 2557—Evaluation & Eligibility Determination Timelines Q&A

Q&A Version 2 Coming Soon!

Parent Friendly Summary Coming Soon!

Model Waiver Form Coming Soon!

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ESHB 2557—Evaluation & Eligibility Determination Timelines Q&A

Background
 During the 2025–26 legislative session Governor Ferguson signed ESHB 2557 into law, which addresses special education evaluation timelines and eligibility determination meetings. ESHB 2557 goes into effect on June 11, 2026.

OSPI has received multiple inquiries regarding the legislation. OSPI shares this Question-and-Answer document, current as of **April 7, 2026**, for districts', parents'/guardians, and IEP teams to support team decision making during the 2025–26 school year and beyond.

As additional information is known, we will update this document with additional guidance. If you have questions, please contact Dr. Tania May, Assistant Superintendent of Special Education, at 360-725-6075, or email OSPI.Special.Education.

A. Evaluation & Eligibility Determination Timelines
A1.A. When does the new timeline go into effect?
 The requirements of ESHB 2557 go into effect on June 11, 2026. For most students, this will impact evaluations initiated during the 2026-27 school year.

As discussed in Question A2.B, if an evaluation is currently in progress and the 35th school day falls after June 11, 2026, the district should follow the new timelines in ESHB 2557, including providing a copy of the evaluation report to the parent by the 35th school day and scheduling an eligibility determination meeting five school days later and within 40 school days of the receipt of consent.

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Prior Written Notice: Provision

Prior written notice must be given to the parent within a reasonable time before the district **initiates or refuses to initiate a proposed change to the student's identification, evaluation, educational placement or the provision of a free appropriate public education.**

It must explain why the district proposes or refuses to take action. It must describe any other options the district considered, and it must explain its reasons for rejecting those options.

34 CFR 300.503; WAC 392-172A-05010.


Share out instances that may trigger a prior written notice.

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Prior Written Notice: Contents

Prior written notice ensures that the parent is aware of the decisions a district has made regarding evaluation and other matters affecting placement or implementation of the IEP.



There is no requirement that a District address specifically every item of parent input or request, provided verbally or in writing to the IEP team, that was not incorporated into the IEP.

Orting Sch. Dist., 115 LRP 54867 (WA SEA 2015) (declining to rule that PWN must list all program content and service discussions raised by the parent absent legal authority.)

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Prior Written Notice: Timing

Prior written notice must be given to the parent within a **reasonable time before...**

- The Office of Special Education Programs (OSEP) has interpreted a "reasonable time" to be "at least 10 calendar days, although some fact situations would justify a more extended period of time."
- **However**, OSEP has not addressed whether a shorter prior of time would be acceptable. *Letter to Winston*, 213 IDELR 102 (OSEP 1987).
- *In re the Matter of Mercer Island School District*, OSPI Cause No. (WA SEA 2020) (quoting *Kroot v. District of Columbia*, 800 F. Supp. 976, 982 (D.D.C. 1992) (finding that "providing [prior written notice] and the final IEP proposing changes to be implemented the following school day, were not issued a reasonable time before the proposed initiation of the changes to the IEP. They were not issued before implementation except in the most minimal sense" and that the "virtual impossibility of filing a request for due process hearing in time to be legally entitle to stay-put (prior to the date of proposed implementation) underscores the inappropriateness of the issuance of the [prior written notice] and final IEP after 5:00 PM on the day before the proposed implementation date.")



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Extracurriculars & 504



OSPI requires—through its rules and guidelines—that school districts provide students with disabilities equal access to athletic opportunities.

Depending on a student's needs, this may require that a school district provide disability-related accommodations or services to allow a student to participate.

These rules and guidelines are available online here:

- [WAC 392-190-025](#). Recreational and athletic activities.
- [Guidelines for school districts to implement](#) Chapters 28A.640 and 28A.642 RCW and Chapter 392-190 WAC (February 2012)—see pages 53-54.



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OCR Letters: [January](#) & [December](#) 2013

01

School districts must provide students with disabilities an equal opportunity to participate in and benefit from athletic opportunities. Schools should provide reasonable accommodations, determined on a case-by-case basis, to allow students with disabilities equal access to school athletic opportunities.

02

OCR clarified that, "[i]t does not mean every student with a disability has the right to be on an athletic team, and it does not mean that school districts must create separate or different activities just for students with disabilities."

03

OCR urges school districts to create additional opportunities for students with disabilities who cannot participate in the school district's existing extracurricular athletics program. OCR clarified that this is voluntary and not required.



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Extracurriculars & FAPE

- [WAC 392-172A-02025 Nonacademic Services.](#)
- (1) Each school district must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the student's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford students eligible for special education services an equal opportunity for participation in those services and activities.
 - (2) Nonacademic and extracurricular services and activities may include counseling services, **athletics**, transportation, health services, **recreational activities**, **special interest groups** or **clubs** sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.



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Extracurriculars & FAPE



- SECC 26-68**
- IEP team members (school counselor and parent) discussed that athletics was a motivator for the Student.
 - IEP team indicated that the Student "has the opportunity to participate in all extracurricular and nonacademic activities the same as his non-disabled peers."
 - PWN did not document Parent's concerns regarding the Student's behaviors and access to athletic participation.
 - Student throughout the fall began to struggle with behaviors that impacted access to athletics.
 - The Student was put on an athletic behavior contract.
 - **IEP development violation** – At minimum the IEP team should have reconvened to discuss whether the Student needed supplementary aids and services to access athletics



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Extracurriculars & FAPE



- SECC 24-65**
- The Parent alleged that the District failed to provide the Student transportation to an after school, school sponsored soccer team.
 - IEP included special education transportation, which was explained as being needed because the student attended an "non-attendance area school" ("disability related need???)
 - The Student rode a bus between school and home, along with several other students on the same bus, both students with IEPs and students without IEPs.
 - District did **not** provide transportation for any student to school sponsored soccer.
 - The transportation specialist noted that transportation **is provided** for students who have certain after school or off campus services in their IEPs or transportation is provided to extracurriculars for all students.



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Extracurriculars & FAPE

No violation.

While the Student's IEP did note that the Student "can participate in all non-academic and extracurricular activities," it did not include any information that the IEP team had determined any particular extracurricular activity was part of the Student's FAPE.

Additionally, while the prior written notice issued after the December 2023 IEP meeting mentioned soccer, this was in the context of a no-contact agreement between another student and the Student, and the prior written notice stated that "it is agreed that [Student] will participate in soccer while the other student will have basketball."

OSPI does not find that this is sufficient to show the IEP team agreed soccer was part of the offer of FAPE to the Student and that, thus, special transportation was needed.

Also, not clear there was a disability related need for transportation. Rather, the need seemed to be related to parent logistics/convenience.



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Corrective Actions: WAC 392-172A-05030

If the OSPI finds a violation, the decision will include any necessary corrective action to be undertaken and any documentation to be provided to ensure that the corrective action is completed.

If the decision is that a school district or other public agency has failed to provide appropriate services, the decision will address:

Student Specific

- How to remediate the failure to provide those services, including, as appropriate, compensatory education, monetary reimbursement, or other corrective action appropriate to the needs of the student; and

District Level

- Appropriate future provision of services for all students eligible for special education services.

Challenge: One time, procedural violations – what is an appropriate and effective corrective action?



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Discussion (If Time)


- What corrective actions have been challenging to implement?
- What corrective actions have been beneficial to the district?
- How do we feel about written guidance as a corrective action?
- Other thoughts?



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Questions?

Alyssa.Fairbanks@k12.wa.us







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