

OSPI Special Education Update - December 2024

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Special Education Updates



N.D. v. Reykdal Settlement

On November 22, 2024, the Federal District Court for the Western District of Washington approved the settlement agreement in *N. D. v. Reykdal*. For more details about this case, see the [9th Circuit Order](#) and [OSPI Q&A](#). As part of the settlement agreement in this case, students are a member of the class and eligible for consideration of compensatory education if they were eligible for special education and were exited from special education based on their age (often called “aging out”) prior to turning twenty-two years old at any time between November 11, 2020, and the present.

You can find more information about the [Court Order](#), [Settlement](#), and [Settlement Notice](#) on OSPI’s [Special Education webpage](#). The Court ordered districts to send out individualized settlement notices by December 6, 2024. **Districts that need to send the settlement notice and consider whether compensatory education is needed have been emailed directly and provided additional instructions.**

New Federal Guidance on Functional Behavioral Assessments (FBAs) and Behavioral Intervention Plans (BIPs)

In November, the US Department of Education’s Office of Elementary and Secondary Education (OESE) and Office of Special Education and Rehabilitative Services (OSERS) jointly released the guidance [Using Functional Behavioral Assessments to Create Supportive Learning Environments](#). This guidance focuses on the evidence-based practice of developing FBAs and BIPs to support students, *with or without disabilities*, whose behavior interferes with learning. This follows the Centers for Disease Control’s [October 2024 report](#) identifying inequitable use of school discipline as an urgent public health problem with long-lasting negative effects for students and parents.

In this guidance, the Department clarifies how educators can use FBAs and BIPs to support student inclusion and learning, not student exclusion. They call for improvements in these

processes, including using FBAs and BIPs more proactively, using them with students with and without disabilities, and using them to support greater student inclusion and access to educational, social, and extracurricular opportunities at school.

This guidance provides educators and families with information, tools, and resources to support the broader use of FBAs and BIPs for students with and without disabilities, and includes:

- Recommendations for incorporating function-based positive behavior support into all tiers of an inclusive multitiered system of support (MTSS), including the use of an FBA and BIP for any student, with or without a disability, who needs Tier 3 behavior support;
- Key components of FBAs and BIPs, guiding principles for their use, and recommendations for effective collaboration between qualified staff, parents, and the student when appropriate;
- For students eligible for special education services, how the IEP can address behavior that interferes with learning by meaningfully reflecting the content of an FBA and BIP;
- Discussion of when parent consent is and is not required to complete an FBA; and
- Sources of federal funding and technical assistance that can support the use of FBAs and BIPs and foster safe and supportive learning environments.

New Local Guidance Resources Available on the OSPI Website

The Office of Superintendent of Public Instruction (OSPI) Special Education Division, in collaboration with the TIES Center, has developed new resources to support educators, families, and administrators in fostering inclusive practices in Washington's schools. These tools are designed to provide practical guidance and address common myths and misconceptions about inclusion, helping ensure all students with disabilities have meaningful opportunities to access and make progress in general education.

Resources Overview

1. Extended Myths and Facts About Inclusionary Practices in Washington State

This guidance can serve as an essential tool for educators and school leaders working to build inclusive learning environments and effectively communicate the importance of inclusionary practices with educators, families, and community partners. It builds off the earlier Washington Myths and Facts document that dispelled common myths about inclusion and provides more targeted information to support inclusion for student groups experiencing the highest levels of exclusion in Washington. The resource challenges misconceptions, emphasizes the benefits of inclusive education for all students, and provides information on how to develop strategies to overcome barriers.

- [Access the Myths and Facts Guidance](#)

2. Comprehensive Inclusive Education Guide

This guide is a step-by-step resource for writing inclusive Individualized Education Programs (IEPs) and implementing effective instruction in general education settings. It includes a practical application story of a student with extensive support needs, examples of inclusive practices and tools for IEP teams to improve collaboration and outcomes. This guide is designed to support all IEP team members—students, families, general and special education staff, and administrators—in creating a cohesive and inclusive educational experience.

- [Explore the Comprehensive Inclusive Education Guide](#)

These resources align with Washington state's commitment to choice, opportunity, and inclusion for students and families. By equipping educators and families with clear, actionable tools, OSPI aims to enhance access to meaningful general education opportunities and improve outcomes for all students. To learn more about the statewide Inclusionary Practices Technical Assistance

Network (IPTN), visit the [OSPI Inclusionary Practices Technical Assistance Network \(IPTN\)](#).



Special Education Division Team Member Spotlight: Special Education Program Supervisor Paige Kelsey

What are your favorite things about the work you do at OSPI? One of the things I love most about working at OSPI is the opportunity to be part of a team that is genuinely making a difference in the lives of students and families. I'm passionate about the mission of creating inclusive and supportive educational experiences for all students, especially those with diverse learning needs. It's inspiring to be part of a community that is not just about meeting the minimum requirements but constantly striving to improve and advocate for every student's success. The fact that we're not only working toward equity but also actively shaping policies that can have a real and lasting impact is what keeps me motivated. Plus, the people I get to work with are amazing. The kindness, passion, and collaborative spirit in our division create an environment where everyone feels connected to the cause, and that sense of purpose makes every day fulfilling.

When you are not working, how do you like to spend your time? When I'm not working, I love exploring new experiences, whether it's doing a new workout at the gym (I'm a big CrossFit fan) or going on a spontaneous road trip. CrossFit has become a huge part of my routine. It's an amazing feeling to leave the gym knowing I've given it my all and worked through a tough workout. Outside of the gym, I'm all about new experiences, whether that's traveling to a new place or trying something I've never done before. My husband, Seth, and I love to explore together, whether it's a weekend hike, or an international adventure. And, of course, no adventure is complete without our little dog, Reggie, a Wheaten Terrier Poodle. He's an enthusiastic travel buddy who's always up for a good game of ball or hike, but also enjoys curling up with us at home. Whether we're in a new place or just hanging out, the time spent with Seth and Reggie is always the highlight of my day.

What is something that keeps you motivated or inspired working in special education? I'm deeply motivated by the knowledge that the work we do helps create better educational opportunities for students who may need extra support. It's incredibly rewarding to see how our efforts can lead to meaningful changes, whether it's through new programs, better resources, or just giving students the confidence to succeed. I'm inspired by the stories of students who start to believe in themselves as they gain the tools and support they need to thrive. Seeing their growth and progress, no matter how big or small, is what makes everything we do worth it. Additionally, knowing that we're all working toward the same goal—ensuring that every student has access to a fair, inclusive, and empowering education—keeps me inspired every day.

Program Improvement Updates

[Click here for this month's Program Improvement updates](#) on the following topics:

- Special Education Parent Survey – Pilot LEAs needed (extended to January 15th)
- Annual LEA Special Education Determination Levels – Updated
- OSPI Special Education Data, Fiscal, and Program Office Hours

Fiscal and Data Updates

[Click here for this month's Fiscal & Data updates](#) on the following topics:

- Important Safety Net Information and Reminders
- OSPI Special Education Data, Fiscal, and Program Office Hours
- 2024 CEDARS Statewide Webinars
- Special Education November Federal Child Count
- Special Education Personnel Employed & Contracted
- Secondary IEP Transition Components (Indicator B-13) Data Application (NEW COMPLIANCE REPORTING REQUIREMENT) – File Selection Guide now available

Early Childhood Special Education (ECSE) Updates

[Click here for this month's ECSE updates](#) on the following topics:

- Voluntary Self-assessment for States to Support Military-connected Children with Disabilities and Their Families Under the IDEA
- ECSE Office Hours

Tips from the Special Education Division



Can a Washington state preschool or K–12 public school refuse enrollment or attendance based on whether a child is toilet trained?

[Tip of the Month!](#)

Reminders!



This section includes hyperlinks to important information shared in previous monthly updates.

Special Education and Institutional Education Directory

The [Special Education and Institutional Education Directory](#) is posted on the OSPI website. The directory is updated monthly, on the first working day of every month. Submit changes to the [Special Education email](#).

Please note, that districts must update their contact information with the Special Education office to receive emails sent out from the Special Education office. Updating your district's contact information in the Special Education and Institutional Education Directory does not update your district's information in EGMS or GovDelivery.

Got questions? Ask OSPI!

OSPI has launched a new publication that invites all Washington residents to ask OSPI questions directly and get answers publicly. Named, The Study Session, this publication is an opportunity for families and community members to engage with OSPI on all things public education. It is published once per month on the OSPI Blog. [Click to learn more about The Study Session](#), including how to submit questions.

ALL STUDENTS PREPARED FOR POST-SECONDARY PATHWAYS, CAREERS, AND CIVIC ENGAGEMENT.

Led by State Superintendent Chris Reykdal, OSPI oversees K-12 public education in Washington state. Our mission is to provide funding, resources, tools, data and technical assistance that enable educators to ensure students succeed in our public schools, are prepared to access post-secondary training and education, and are equipped to thrive in their careers and lives.

