


NW School of Innovative Learning

- Provisional Status – Currently cannot enroll new students/accept new placements
- Corrective action plan – In progress
 - Tania & Scott visited last week
- Legal Proceedings
 - NWSOIL filed with OAH and in district court challenging OSPI's authority to set provisional status
 - District court dismissed, holding NW SOIL failed to exhaust administrative remedies
 - OAH proceedings pending

Northwest School of
Innovative Learning,
Tacoma Campus 
Parent Organization:
Fairfax Hospital

Three Year Recertification
* Provisional status, not
accepting new placements
at this time.



Legal Updates: *N.D. v. Reykdal*

- Plaintiffs argue OSPI out of compliance with IDEA because Washington does not provide FAPE until 22nd birthday
- A key aspect of other lawsuits is that they look at whether there is free, public secondary education to all students until age 22, like a GED program.
 - WA has a high school equivalency option offered by State Board of Technical and Community Colleges
- OSPI's Argument: College system's high school option is not free (so there is no free public education for all students until 22) and that there are State rules that end eligibility at 21 (RCW that OSPI cannot change through rulemaking)

IDEA says "3-21, inclusive" = courts have found this means inclusive of the entire 21st year...

in other words, until age 22



Legal Updates: *N.D. v. Reykdal*

- Tide is shifting in other states
 - Several states had already changed law or faced lawsuits: Connecticut, Rhode Island, Hawaii
 - Pennsylvania just changed state law & districts filed lawsuit alleging State failed to follow rule making procedures
 - Minnesota court case just required this change
- Status:
 - Court ruled against plaintiff's motion for preliminary injunction (would have required immediate extension of services). Plaintiffs filed for reconsideration in federal district court. Judge ruled last Friday denying the preliminary injunction again.
 - Plaintiffs appealed to 9th Circuit. Was pending the federal district court, so now waiting to hear what the next steps will be with the 9th Circuit.

Concerns & Opportunities

- Could delay access to adult agencies
- Opportunity to think differently about transition services
- Opportunity for OSPI to emphasize collaboration with transition partners





Legal Updates: *Perez v. Sturgis Public Schools*

Holding: Plaintiff who files a lawsuit under another federal law is required to exhaust all administrative procedures outlined in the IDEA, but **only** when they are seeking a remedy that the IDEA also provides.

In this case, plaintiffs seeking monetary damages, which is not a remedy available under IDEA. Therefore, they did not have to exhaust IDEA remedies.

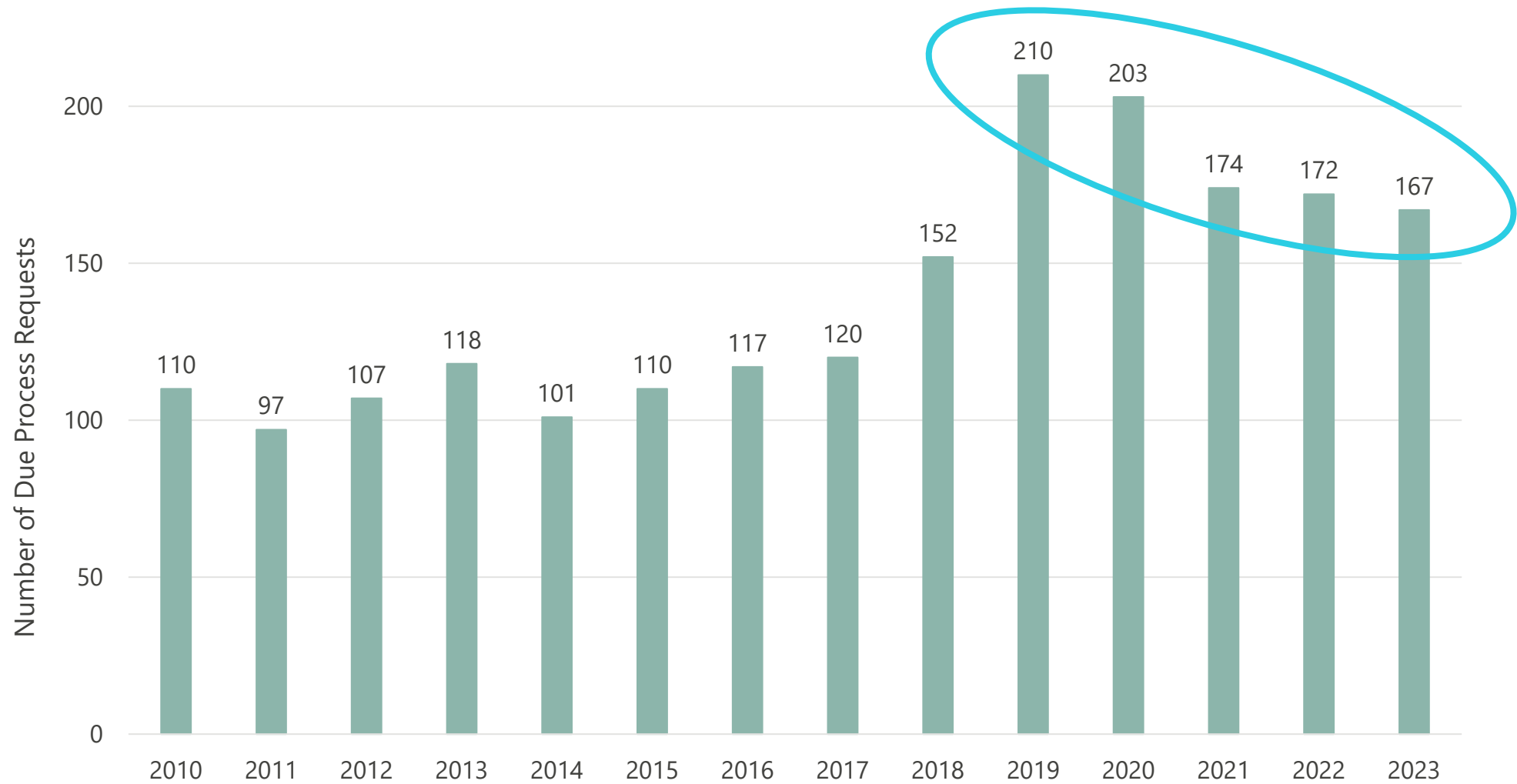
There is speculation that the Court's holding could lead to increased litigation as this case makes it easier to go directly to court for federal non-IDEA claims for monetary damages for students eligible for special education. This case may impact special education dispute resolution at the state level. If families want to resolve IDEA concerns and file a lawsuit for monetary damages without needing to exhaust administrative remedies, families may lean toward mediation or the state complaint process as faster ways to resolve concerns. Thus, it is possible that there will be an increase in mediation and written state complaints and a decrease in due process.

See: [Monthly Update Summary](#)



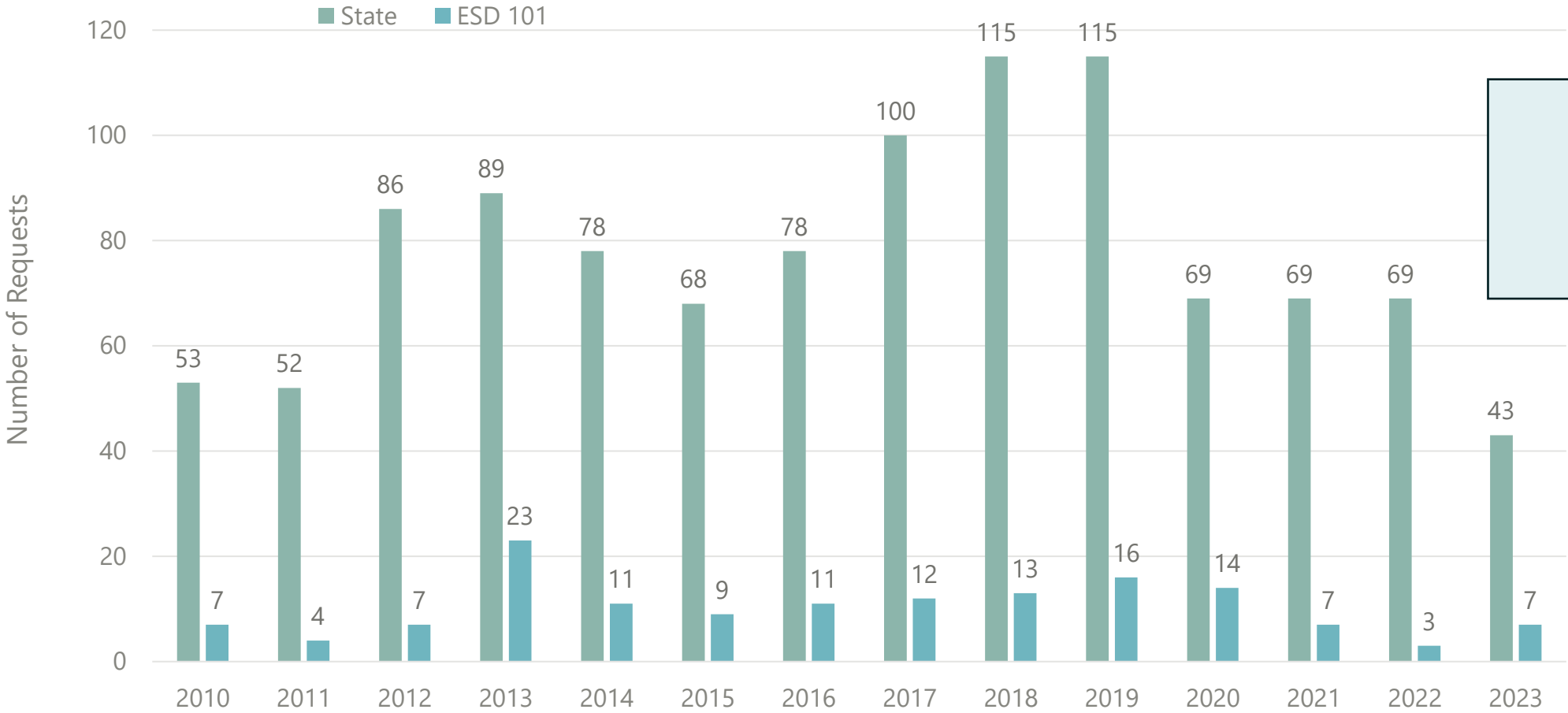


Due Process Trends Since 2010: Due Process Filed





Mediation by the numbers





Complaint Trends Since 2010: Investigations Opened

