

Press Release

For Immediate Release:

MOTHER WINS WASL/WAAS BATTLE THROUGH DUE PROCESS APPEAL

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A Spanaway mother has won an exemption from the state testing system for her son who is deaf-blind. Though state law requires that schools test all students using either the Washington Assessment of Student Learning (WASL) or the Washington Alternative Assessment System (WAAS), Nancy Vernon believes this requirement violates her son's rights under the Individuals with Disabilities Education Act (IDEA) and will cause him to be denied an education appropriate to his special needs.

After completing extensive research into state law, federal No Child Left Behind requirements, state assessment technical reports and the actual WASL and WAAS tests, Ms. Vernon filed, on February 6, 2008, a complaint against the Bethel School District and caused the State of Washington to be joined in the proceedings, using the Due Process Appeal system. Due Process Appeal allows parents of students with Individual Education Plans (IEPs) to file a legal claim on behalf of their children with disabilities without the use of an attorney.

Ms. Vernon was able to obtain an acceptable pre-hearing resolution. In response to her complaint, the Office of Superintendent of Public Instruction, represented by Assistant Attorney General Dierk Meierbachtol, agreed to exempt Ms. Vernon's son from testing for the 2007-08 school year and to establish a task force to "examine a range of education related matters for students with deaf-blindness, including how appropriate special education and related services are delivered, what special accommodations may be necessary, how the learning of students with deaf-blindness is appropriately assessed, and what level of support the state provides."

Ms. Vernon states, "I am pleased with the outcome and honored to work with Dr. Douglas Gill, State Special Education Director, with the goal of establishing appropriate and respectful assessment practices for my son and other children who are deaf-blind. I appreciate the time and effort Assistant Attorney General Meierbachtol dedicated to working with me, the Bethel District and OSPI in finding a fair and reasonable outcome for my son."

"Ms. Vernon spent months establishing her case, which was impeccable, before filing with the state" said Juanita Doyon, Director of Parent Empowerment Network (PEN). "This case sets a precedent for parents of students receiving services through IEPs. Ms. Vernon has generously offered to work with PEN in helping other parents protect the rights of their students with disabilities. All students deserve to be assessed with appropriate tools that preserve their dignity and self-esteem. Ms. Vernon's research has given our organization the tools to streamline Due Process Appeals for other parents."

Federal law requires states to assess all students including students with disabilities; however, the US Department of Education provides the following disclaimer in its approval of state assessment systems: "Please be aware that approval of Washington's accountability plan for Title I does not indicate that the system complies with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act."

Washington 1 (June 26, 2003) <http://www.ed.gov/admins/lead/account/letters/index.html#w>

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