

investigation which were included in the District response;

29. Inter-District email between special education staff and elementary school (Student's public home school based on residence) beginning November 1, 2018 through June 5, 2019 regarding the Student;
30. Emails between the Parent and District dated between May 17, 2019 and September 19, 2019

On October 3, 2019, the Investigator contacted the Parent and requested that the Parent sign a Release of Information ("ROI") to enable the Investigator to obtain records from the Student's former District and former private school. On October 4, 2019, the Parent returned the executed ROI to the Investigator which the Investigator then forwarded to the former District and former private school with a specific records request.

On October 9, 2019, the Investigator received the following materials from the private school that the Student previously attended:

1. Vaccination records
2. Birth Certificate
3. Student Progress Report for fall-spring term 2015
4. Private School Report Card School Year 2015-2016
5. Neurodevelopmental Evaluation dated January 15, 2016
6. IEP dated May 24, 2016
7. Private School Report School year 2016-2017
8. Private School Report Card – 4th Quarter, School Year 2016-2017
9. Developmental Disabilities Services Request for Client Information dated December 26, 2017
10. Private School Online Enrollment 2017-2018 school year
11. Private school report card for school year 2017-2018
12. Character report card for school year 2017-2018
13. Authorization to Disclose SSN dated January 10, 2018
14. Annual Measurable Goal Progress Report dated February 2, 2018
15. DHS questionnaire signed February 22, 2018
16. Notice of Team Meeting dated May 1, 2018
17. Prior Written Notice for IEP dated May 1, 2018
18. Student Placement Determination dated May 1, 2018
19. IEP dated May 1, 2018
20. Student recommendation form dated September 28, 2018
21. Speech Language Evaluation dated October 22, 2018
22. Trimester 2 report card for school year 2018-2019
23. Application for Admission dated October 29, 2018
24. Request for Student Records dated October 31, 2018
25. Confidential Reference Form dated October 31, 2018
26. Authorization for Interagency Release of Confidential Information dated December 12, 2018

On October 11, 2019, the Investigator received the following documents from the Student's previous school district:

1. Emails between former District and current home elementary school dated March 21, 2019 through April 5, 2019
2. Request for Student records from current school district dated April 4, 2019

Prior to interviewing any District personnel or the Parent, the Investigator contacted the Student's previous private school and thereafter the Principal of said private school contacted

the Investigator. As a result of that contact, an informal interview took place on October 2, 2019.

The Investigator determined that in person interviews were required. The Investigator interviewed District personnel on October 7, 2019. The Investigator interviewed the Parent on October 10, 2019. During the Parent interview, the Investigator requested specific records from the Parent.

On October 12, 2019, the Investigator received the following records from the Parent:

1. Lease agreement for housing within the District dated October 16, 2018
2. Student's IEP dated May 1, 2018

The Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of facts and conclusions of law contained in this order.

The Department has jurisdiction to resolve this Complaint.¹ Under federal and state law, the Department must investigate written complaints that allege Individuals with Disabilities Education Act (IDEA) violations that occurred within one year prior to the Department's receipt of the complaint. This Complaint covers the one-year period from August 29, 2018 through August 28, 2019. The Department must issue a final order within sixty days of receiving the complaint. This Order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Parent's allegations and the Department's conclusions are set out in the chart below. These conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV.

Allegations	Conclusions
<p>Failure to Create a Services Plan</p> <p>The Parent alleges that the District violated the IDEA when the District failed to create and implement an appropriate services plan for the Student while attending a private school.</p> <p>(34 CFR §§ 300.137, 300.138; OAR 581-015-2455, OAR 581-015-2460).</p>	<p>Substantiated</p> <p>The District did not timely locate and identify the Student as a student with a disability enrolled in a private school within the District. As a consequence, the District did not meet with the Parent to develop, review, or revise a services plan for the Student, or decide otherwise. The Department substantiates this allegation.</p>

REQUESTED CORRECTIVE ACTION
<ol style="list-style-type: none"> 1. The District should create a packet OR a parent resource guide OR a booklet listing a step by step process for parents with children on IEP OR ISP relocating within the District boundary in the language that is most convenient for families. 2. The aforementioned booklet or just a flyer be made available to parents at their first point of contact which maybe the neighboring school or the district reception desk or at the initial IEP meeting. 3. The District creates a clearly defined tracking or reporting system to document transitioning

¹ 34 CFR §§ 300.151-153; OAR 581-015-2030.

student's progress within the District with an emphasis on those in private educational settings.

4. A formal meeting with the entire team (Parent, service coordinator and teacher) within a specific pre-determined time frame to ensure that all needed services are aligned. The District can create a policy along these lines and add it to the booklet.
5. The District special education staff needs to provide alternative contact options to families. The website does not provide email contact which, in my case left me with no other options but to physically go to the district following weeks of unreturned phone calls.
6. From a personal stand point I will suggest that:
 - A. The District review the Student's IEP at the time of the relocation within the District and identify a school within the district that can closely accommodate the Student's learning style. The class size is adversely impacting the Student's ability to focus, learn and maintain the learning path she was on at the time we relocated to the District
 - B. Suggest placements options that can provide small group instruction, individualized and pre-teaching options in a quiet to non- distracting setting.

III. FINDINGS OF FACT

1. The Student is ten years old and is currently in the fifth grade. The Student is eligible for special education services under the categories of Communication Disorder and Other Health Impairment.
2. During the 2017-2018 school year, the Student was enrolled in a private school within the boundaries of a different Oregon school district. The Student did not have a services plan, though the school district where the private school was located had created an IEP for the Student.
3. The Parent moved and established a residence within the District's boundaries on October 16, 2018.
4. In mid-October 2018, the Parent made an appointment with administrators from the Student's neighborhood District elementary school to discuss registering the Student and discuss the issue of class size.
5. In mid-October 2018, the Parent visited the Student's neighborhood District Elementary School and met with at least two District staff members, one of whom was a Resource Specialist. The Parent provided the Elementary School staff a copy of the Student's May 1, 2018 IEP. The Parent was given a single page form during the meeting, which was completed and returned to school staff.
6. On October 28, 2018, the Parent enrolled the Student in a private school within the District's boundaries.
7. On October 31, 2018, a District teacher on special assignment (TOSA) called the Parent and left a voice mail.
8. On November 1, 2018, the TOSA contacted the Student's neighborhood District Elementary School to gather more information about the Student. The Parent had notified the District by phone that the Student was enrolled in a private school within the District. The Parent had initially contacted a District administrator, who forwarded the Parent's information on to the

TOSA.

9. On November 2, 2018, the Student's neighborhood District Elementary School administration confirmed with the District's special education office that the Elementary School had a copy of the Student's IEP. The TOSA then sent the Student's IEP to the District administrator, along with the Parent's full name and cell phone number.
10. On November 9, 2018, the District administrator called the Parent and left a message sharing the steps the Parent needed to take next to obtain services for the Student.
11. On November 26, 2018, the Parent called the TOSA and left a voice mail expressing a desire to move forward with a services plan for the Student.
12. On November 27, 2018, the TOSA advised the District administrator that the Parent had been in contact and wanted to move forward with a services plan.
13. On November 29, 2018, the TOSA referred the Parent to a District support specialist, noting that the Student was enrolled in a private school.
14. On December 10, 2018, the Parent received a voice mail from the District support specialist. The voice mail message stated that the District was aware the Student was enrolled in a private school within the District and that the District knew the Parent was looking for a services plan for the Student. The Parent returned the District support specialist's call and left a voice mail. The Parent did not receive a return call.
15. On March 11, 2019, the Parent contacted the Student's neighborhood District Elementary School to discuss possible enrollment of the Student in the District, specifically to attend the Student's neighborhood District Elementary School because the Student had been asked to leave the private school. On March 21, 2019, before the Parent enrolled the Student in the District, the District contacted the Student's previous school district to request the Student's educational file.
16. From October 31, 2018 through the Student's disenrollment from the private school, the District did not convene a meeting to develop and implement a services plan for the Student, nor did it develop or implement a services plan for the Student. Also, the District did not notify the Parent that it would not be developing a services plan.
17. On April 1, 2019, the Parent enrolled the Student in the District.
18. Once enrolled in the District, an IEP and placement team convened, reviewed the Student's educational record, established the Student's eligibility, and developed an IEP.

IV. DISCUSSION

The Parent alleges that the District violated the Individuals with Disabilities Education Act (IDEA) when it failed to create and implement an appropriate services plan for the Student while the Student attended a private school located within the District. School districts are responsible for locating, identifying, and evaluating all children with disabilities who are enrolled by their parents in private schools located in the area served by the school district.² School districts must consult with private school representatives and representatives of parents of parentally-placed

² 34 CFR § 300.131; OAR 581-015-2085.

private school children with disabilities regarding the child find process, proportionate share of funds, the consultation process itself, and the provision of special education and related services.³ These services are referred to as equitable services. When a student with a disability is enrolled in a religious or other private school by the student's parent, a services plan must be developed and implemented for each private school child with a disability who has been designated by the school district to receive special education and related services.⁴ The consultation process is key to carrying out this effort, including designating which students will receive services.

In mid-October 2018, the Parent relocated to a residence within the District's boundaries. Around this time, the Parent contacted the Student's neighborhood District Elementary School. The Parent visited the school and discussed potentially enrolling the Student. The Parent provided District staff with a copy of the Student's most recent IEP, dated May 1, 2018. The Parent also completed a District form and provided it to District support staff working at the Elementary School. Soon thereafter, the Parent enrolled the Student in a private school located in the area served by the District and the Student began attending the private school on October 31, 2018.

In November and December 2018, the District and the Parent exchanged communications, during which time the District became aware that: (1) The Student was enrolled in a particular private school within the District's boundaries; and (2) The Parent wanted to develop a services plan for the Student. While the Student was enrolled in the private school, the District did not initiate or conduct any meetings to develop, review, or revise a services plan for the Student—nor did it communicate to the Parent that the Student would not be receiving any special education or related services from the District. During this time, there is no indication in the investigative record that the District consulted with the Student's private school regarding the provision or delivery of equitable special education or related services. Between October 2018 and March 2019, the Student was not identified by the District as a student with a disability and eligible for special education services. The Department substantiates this allegation.

³ 34 CFR § 300.134; OAR 581-015-2480.

⁴ 34 CFR § 300.132; OAR 581-015-2455, OAR 581-015-2460.

V. CORRECTIVE ACTION⁵

*In the Matter of Hillsboro School District
Case No.19-054-034*

Based on the facts provided, the following corrective action is ordered.

	Action Required	Submissions⁶	Due Date
1	Calendar a mutually convenient meeting date with ODE OESO Education Specialist to review District’s existing process for determining services for parentally placed private school students and 2019-2020 consultation process.	Confirm selected meeting date and submit copies of existing District consultation records for the 2018-2019 school year.	November 8, 2019
	<i>Contingent upon results of “1” above:</i>	Contingent	
2	Revise processes and distribute revised information to District staff members and eligible private schools and representative parents.	Submit copies of revised processes and distribution list	March 1, 2020
	Post a link to the applicable 2019-2020 consultation process on the District’s website (according to District policy) and distribute in other formats used by the District.	Notify ODE when 2019-2020 information is distributed to private schools/representatives and made accessible to the general public. Include private school distribution list.	

Dated the 25th Day of October, 2019



Candace Pelt, Ed. D
Assistant Superintendent
Office of Enhancing Student Opportunities

Mailing Date: October 25, 2019

⁵ The Department’s order includes corrective action. The order includes documentation to be supplied to ensure the corrective action has occurred. (OAR 581-015-2030(13).) The Department requires timely completion. (OAR 581-015-2030(15).) The Department may initiate remedies against a party who refuses to voluntarily comply with a plan of correction. (OAR 581-015-2030(17)-(18).)

⁶ Corrective action submissions and related documentation as well as any questions about this corrective action should be directed to Rae Ann Ray, Oregon Department of Education, 255 Capitol St. NE, Salem, Oregon 97310-0203; telephone – (503) 947-5722; e-mail: raeann.ray@ode.state.or.us fax number (503) 378-5156.

Appeal Rights: Parties may seek judicial review of this Order. Judicial review may be obtained by filing a petition for review within sixty days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which the party seeking judicial review resides. Judicial review is pursuant to the provisions of ORS § 183.484. (OAR 581-015-2030 (14).)