

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland Public School )  
District 1J )  
)  
)

FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER  
Case No. 21-054-020

**I. BACKGROUND**

On August 6, 2021, the Oregon Department of Education (Department) received a letter of complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Portland Public School District (District). The Parent requested that the Department conduct a special education investigation under Oregon Administrative Rule (OAR) 581-015-2030. The Department provided the District with a copy of the Complaint by email on August 6, 2021.

On August 13, 2021, the Department sent a *Request for Response* (RFR) to the District, identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of August 27, 2021. The District completed its *Response* and the Department's Complaint Investigator (Investigator) received it on August 27, 2021 after resolving delivery issues. The *Response* included a narrative, partial exhibit listing, and the following documents:

1. Confidential Psychological Evaluation dated July 2, 2019
2. Evaluation Summary dated July 2, 2019
3. Student Discipline Reports dated between April 15, 2014 and January 22, 2020
4. Attendance Report recording daily attendance by week between August 28, 2019 and June 10, 2020
5. Section 504 Student Accommodation Plan dated September 9, 2019
6. Section 504 Eligibility Determination Report dated September 20, 2019 (incl team determinations)
7. Permission to Release or Exchange Information signed and dated September 20, 2019 (ROI is specific to Dr. Bennett)
8. Student Report card, academic year 2019-2020
9. Emails between Parent and District dated between August 26, 2020 and July 1, 2021
10. Attendance Report recording daily attendance by week between September 2, 2020 and June 16, 2021
11. Inter-District emails dated between September 8, 2020 and June 8, 2021;
12. Section 504 Student Accommodation Plan, signed by Parent dated September 20, 2019
13. Section 504 Student Accommodation Plan dated March 12, 2020
14. Section 504 Student Accommodation Plan dated May 19, 2021
15. Meeting Notes, undated (indication of May 19, 2021 meeting)
16. Student report card, academic year 2020-2021
17. Student cumulative grade reporting, starting academic year 2018-2019 and ending academic year 2020-2021.
18. Summary of Teacher Input – Behavioral Social
19. Prior Written Notice dated June 3, 2021

The Investigator determined that in-person interviews were necessary. On September 14, 2021 and on September 23, 2021 the Investigator interviewed District personnel. On September 17, 2021, the Investigator interviewed the Parents.

The Parent submitted the following documents to the Investigator in advance of the in-person interview:

1. Emails between the Parent and the District dated June 3, 2021; and
2. Email from the Parent advocate to the District dated May 20, 2021.

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

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. The Department must issue a final order within sixty days of receiving the complaint. The District and the Parent can agree to extend the timeline to participate in mediation. The timeline may also be extended for exceptional circumstances.<sup>1</sup> This order is timely.

## II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint.<sup>2</sup> 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. This Complaint covers the one-year period from August 7, 2020, to the filing of this Complaint on August 6, 2021.

<b>Allegations</b>	<b>Conclusions</b>
<p><b><u>Parent Participation</u></b></p> <p>The Parent alleges that the District violated the IDEA because it did not allow the Parent to participate in the evaluation process for the Student.</p> <p>(34 CFR §300.301; OAR 581-015-2190)</p>	<p><b><u>Not Substantiated</u></b></p> <p>OAR 581-015-2105(3)(b)(B) states that a meeting to determine whether an initial evaluation will be conducted is not required but, if such a meeting is held, it must comply with OAR 581-015-2190. Therefore, the parents must receive notice to understand what the meeting is about and when the meeting will occur. The district must also take whatever action is required to “understand the proceedings at the meeting.”</p> <p>The meeting in question was scheduled to review the Student’s 504 Plan. During the meeting, the School Psychologist stated that, in their opinion, the Student did not require the special education evaluation that the Parents had requested. The notes from this meeting indicate that the school team would provide feedback with respect to an evaluation. This, taken with the Prior Written Notice issued on June 3, 2021, indicates that no final decision was made with respect to evaluation during this meeting. Therefore, the requirements</p>

<sup>1</sup> OAR 581-015-2030(12).

<sup>2</sup> 34 CFR §§ 300.151-153; OAR 581-015-2030.

	of OAR 581-015-2190 did not apply to this meeting.
<p><b><u>Failure to Evaluate</u></b></p> <p>The Parent alleges that the District violated the IDEA because it did not evaluate the Student for special education services after the Parent submitted the Student's psychological evaluation to the District from a private therapist.</p> <p>(34 CFR §§300.301, 300.304, and 300.305; OAR 581-015-2105, OAR 581-015-2110)</p>	<p><b><u>Substantiated</u></b></p> <p>The District disproportionately relied upon the Student's previous academic performance while minimizing the present emotional challenges being faced by the Student. The Student has failed to attend class and failed to earn sufficient academic credit during the complaint period. While there is no way to know if the Student would have been found eligible for special education, there was sufficient evidence to require an evaluation for initial eligibility.</p>

<p><b>REQUESTED CORRECTIVE ACTION</b></p> <ul style="list-style-type: none"> <li>• The District should require training for District administration and teachers on the evaluation process.</li> <li>• The District should conduct an evaluation for the Student.</li> <li>• The District should hold, at the District's expense, a facilitated IEP meeting before the start of the 2021-22 school year.</li> </ul>
---

### III. FINDINGS OF FACT

1. The Student is eighteen years old and attends high school within the District.
2. The Student is an accomplished musician, a social individual, and enjoys being challenged. Historically the Student has been very social and is a good communicator but has had problems with organization, with being distracted, and with being overly chatty in classes. The Student had been academically strong. The Student began high school during academic year 2018-19.
3. The Student enjoys being challenged and does not want to complete pre-requisites before moving onto more difficult work. The Student is quite intelligent and achieves good grades on tests, which generally make up for the Student's lack of attention to timely remitting assignments.
4. The Student took a full course load during ninth and tenth grade (i.e., 4 credits per quarter). After the first semester of ninth grade, the Student's cumulative GPA was 3.75; at the end of the Student's ninth grade year, the Student's cumulative GPA was 3.5.
5. In July 2019, the Student was privately evaluated by a licensed psychologist and diagnosed with ADHD (mild, provisional) and Persistent Depressive Disorder (Dysthymia) with anxious distress. The psychologist made recommendations related to the Student's school environment that included seeking a Section 504 Plan (504 Plan) that would include extra

time on tests, breaks, and the ability to revise/review/correct portions of schoolwork.

6. Although the Student scored well in certain areas of the testing portion of the July 2019 evaluation, the psychologist noted, "There were no glaring deficits in the executive function testing that might clearly point to an ADHD diagnosis, and the Student's memory scores were solid. At the same time, there was data from rating scales that suggest some significant concerns about executive functioning problems, including difficulties with mental persistence, completing work, completing multiple steps of a process, and self-monitoring during tasks."
7. On September 19, 2019, the Parents and District met and created a 504 Plan for the Student, due to anxiety, depression, and ADHD Combined Type. The accommodations for the Student under the 504 Plan were:
  - a. Allow small breaks during class when needed to reduce . . . anxiety;
  - b. When super anxiety [*sic*], allow [Student] to see a trusted adult with a pass
  - c. Allow to retake D's and F's quizzes and tests without penalty, getting full credit
  - d. Allows 50/5 extra time for tests as needed
  - e. Allow 2-3 days extra time for homework when [Student] asks for it in advance
  - f. [Student] needs to know clear class expectations and when homework due.
  - g. Teachers communicate with parents when there is a major change in [Student's] behavior, attitude or academic performance
  - h. Allow to work with an identified peer to copy notes or [Student] will request notes from teacher as needed.
8. The Student carried a full course load of 4 credits during the 2020-21 school year. For the first semester, the Student's grade point average was 3.25, with "Cs" in English 3 and Advanced Algebra 3. During the second semester of academic year 2019-20, the District provided distance learning after in-person instruction stopped pursuant to an Executive Order regarding the COVID-19 pandemic. The Student received passing grades for all second semester classes.
9. At the beginning of the 2020-21 school year, the Student was unable to gain access to AP U.S. History and Mock Trial for first semester. Both the Parents and the Student advocated to have the Student placed in these classes but were unsuccessful in doing so. The Student was very upset with this turn of events and the Parents became worried about the Student's mental health as the semester progressed.
10. The 2020-21 school year began with the District providing Comprehensive Distance Learning (CDL), with no in-person classes for the District. During the first quarter, the Student did not receive grades in AP English, Wind Ensemble, and AP Statistics. The Student did not receive grades because they had not completed the assignments and tests that were required to pass those classes. The Student received a "D" in weight training, resulting in a GPA of 1.0 for the quarter.
11. On October 19, 2020, the Parents gave the District notice that the Student's grandparent had died from COVID-19. The Parent asked the Student's teachers for support, knowing the Student was behind on assignments. The Student's English teacher responded with an offer of a Zoom meeting.
12. On October 27, 2020, the Parents reported to the District that the Student admitted to them that the Student was missing at least 170 assignments in various classes. The same day, the Student emailed the Guidance Counselor (Counselor) and the Principal asking for support, specifically noting struggling with online learning, failing in all classes, and dealing with

personal issues. The Student contacted the Principal and the Counselor (with a copy to Parents) and requested a termination of the 504 Plan, noting that the Student felt humiliated and targeted by the District.

13. On November 2, 2020, the Parent emailed the Principal and explained that although the Parents encouraged the Student to reach out to teachers to move forward academically, the Student did not contact the teachers reporting that “a typical morning . . . is to wake up, get ready to sign on to attend class, feel overwhelmed about the number of classes [the Student has] missed, and not follow through.”
14. The Principal held a virtual meeting with the Student on November 20, 2020. At that meeting, the Student also requested a check-in with the Counselor but never followed up with the Counselor. The Social Worker also attempted to schedule a meeting with the family, the Counselor, and the school’s Equity Coach, noting the Student’s struggles with anxiety and ADHD during the school year.
15. The Student failed to show proficiency in AP English 5-6 during first semester, and received a “no-grade” rather than a “no-pass.” The Student did not turn in most of the summative assignments and although the Student did turn in an essay, it did not address the prompt and did not show proficiency. A “no grade” will trigger a retake and allow any student to retake all or part of a course. The English teacher purposefully gave the Student a “no-grade” to trigger the retake option. The Student also received a “no grade” in AP Statistics but was unable to recover any credit because the Student did not attend class and there were no assignments and no tests close to completion.
16. The Student earned a “C” during second quarter in Health but received “no-grades” in Wind Ensemble, AP Statistics, and AP English (as mentioned above). The resulting GPA for second quarter was 2.0.
17. On February 1, 2021, the Social Worker contacted the Parents to discuss the Student’s 504 Plan. The Social Worker was concerned because the Student forgot to email the counselor class choices for the next semester. The Social Worker also noted that “when a teen is in crisis, it can be very challenging to access their rational mind and follow through on any complex tasks. It seems like [the Student] has been in his space of personal crisis often lately. [It’s] not that [the Student] can’t look at classes, make a choice and send an email; it could just be that [the Student] currently lacks the rational mind capacity to deal with these tasks.”
18. On February 1, 2021, the Parent emailed the Counselor with class choices for the Student. Subsequently, the same day, the Student emailed the Counselor with class choices. The Counselor placed the Student in AP Biology, AP US History, and AP Psychology, which reflected the choices the Parent made and class availability. These classes were not the choices of the Student.
19. On February 19, 2021, the Parent notified the District that the Student had a “significant mental health episode” on or about February 12, 2021 and had been absent from the family home for five days. The Parent reported a concern of a bipolar disorder. The Parent then requested a family meeting with the District, including the District’s Social Worker.
20. On March 2, 2021, the Parent notified the District that the Student was on medication and would be seeing a psychiatrist. According to the Parent, the Student was prioritizing mental health and was planning to return to classes after spring break. In response to this development, the Social Worker suggested the family execute a Release of Information (ROI) so the District could speak with the psychiatrist and make any necessary adjustments to the

Student's 504 Plan and identify goals for academic supports. The Parent responded that this request would be left up to the Student. To date, the District has not received an ROI from the Student or the Parent.<sup>3</sup>

21. On April 1, 2021, the Parent reported that the Student signaled a possible return to school once it became "in-person." The Parent notified the District that the Student's ADHD was more than likely "under-treated" and that the Student was struggling "mightily with executive functioning". In response to this email, the Student's AP US History Teacher provided a re-entry plan for the Student and a strategy for the Student to pass AP Psychology from Quarter 3 and AP US History from both Quarter 3 and Quarter 4.
22. Throughout the remainder of the 2020-21 school year, the Student's AP US History/AP Psychology Teacher provided multiple accommodations to the Student to earn credit in either class. Ultimately, the Student did complete two in-depth projects that resulted in the Student earning a "B" for AP US History in Quarter 3 on April 22, 2021. On June 11, 2021, the Student earned a "B" in AP US History for Quarter 4. These grades and the "C" in Health represent the only coursework the Student completed during the second semester of the 2020-21 school year that would earn the Student any letter grade.
23. On April 21, 2021, the District received a notice from the Parents' Advocate requesting an evaluation of the Student for special education.
24. On April 29, 2021, the Parents advised the District that the Student's diagnosis had been updated by the Student's current psychiatrist. The Parent stated that the Student's updated diagnosis was Persistent Depressive Disorder with melancholic features, moderate severity; Generalized Anxiety Disorder with panic attack specifier; and ADHD combined type, moderate severity. There was no assessment provided supporting the Student's updated diagnosis, but the Parent offered to obtain a medical statement as part of any evaluation.
25. On May 14, 2021, the Counselor sent a questionnaire to five of the Student's teachers, three teachers who taught the student during their 10th grade year, and two teachers who taught the Student during their 11th grade year. The questionnaire was remitted in preparation for the Student's 504 Plan review and team meeting scheduled for May 19, 2021. The questionnaire was designed to evaluate the Student's academics, response to environment, and developmental skills. The questionnaire contained specific ratings and teacher input.

Teachers from the Student's 10th grade year completed the questionnaires, all noting that the Student was disorganized and had problems turning in assignments but otherwise noting the Student was very intelligent and driven to do well. Neither of the teachers from the Student's 11th grade year returned their survey, with both teachers opining that the Student never came to class so they could not complete the survey. The Counselor then prepared a brief summary of the responses from all sources.

26. On May 19, 2021, the District, Parent, Student, and Advocate met regarding the Student's 504 Plan, credit recovery, and the Parent's request for an evaluation for Special Education. The Student expressed concerns with communication struggles (with teachers and administration), managing medication, and giving up during first semester. The Student also shared information about struggles with mental health.
27. During the meeting, the School Psychologist stated that the Student did not need further

---

<sup>3</sup> At the time the ROI was requested, the Student was still a minor. During the pendency of this investigation, the Student's educational rights have transferred to the Student.

evaluation because the Student had some high ratings in the July 7, 2019 evaluation, which was the original basis for the Student's 504 Plan. The School Psychologist also offered to be a point of contact for the Student.

28. The result of the 504 Plan meeting and several follow up communications was a revision to the Student's 504 Plan, which included:
  - a. Reduce or alternate assignment without modifying content to demonstrate mastery or proficiency;
  - b. Teachers will provide an opportunity for monthly check in. Purpose of check in is to assist with executive functioning/coursework management, and;
  - c. Visual organizational supports.
29. On May 21, 2021, the Parents received notice that the Student would not be able to recover any credits for AP Statistics, so the Student would have to take a math class senior year to complete graduation requirements. The District then attempted to find a "work around" to use the Student's eighth grade Algebra grade as a high school math credit, if the Student were granted a "hardship request" by the District.
30. On June 3, 2021, the District sent the Parents a Prior Written Notice (PWN) denying a special education evaluation to the Student because, "the outside evaluation and student performance ([Student] is on track to graduate with 17.5 credits and 3.346 GPA) . . . does not demonstrate a need for additional assessment for special education services." Further, the District cited the following factors relevant to the denial of a Special Education evaluation: "[Student] has a 504 plan that was recently reviewed and updated, and additional interventions were put into place on 5/19/2021 to support [Student's] educational success. The team recommends meeting in the fall, if needed, after credit support options are implemented and [Student] is back in person with a revised 504 plan."
31. The Student was absent 124 days out of 172 days during the 2020-21 school year.
32. The Student was placed in the Academic Center at the end of the 2020-21 school year to participate in credit recovery. The Academic Center was established with COVID-19 relief funds and was specifically designed to assist students who struggled with CDL during the 2020-21 school year. Students can complete classes for credit if they have previously demonstrated proficiency in a particular class or are quite near completing the coursework. The Student completed English 5 but, as of September 14, 2021, had not completed English 6. The Student was not eligible for any other credit recovery because of excessive absences and failure to turn in any work. The Student failed to attend the first three scheduled sessions in the Academic Center to make up English 5-6 credits.
33. The Student is currently enrolled in Biology and AP Psychology as part of a credit recovery strategy separate from the Academic Center. The Student was enrolled in Mock Trial for the first semester of the 2021-22 school year. As of September 14, 2021, the Student had not attended a Biology class and had never attended a Mock Trial Class, a class which the Student vociferously advocated for during junior year. The Student does regularly attend AP Government, English, and weight training. The Student sporadically attends AP Psychology.
34. The Student is no longer gregarious and is demonstrating less leadership in class. The Student does not regularly attend school due to a new work schedule.

## IV. DISCUSSION

### **Parent Participation**

The Parent alleges that the District violated the IDEA because it did not allow the Parent to participate in the evaluation process for the Student.

OAR 581-015-2105(3)(b)(B) states that a meeting to determine whether an initial evaluation will be conducted is not required, but if such a meeting is held, it must comply with OAR 581-015-2190. Therefore, the parents must receive notice to understand what the meeting is about and when the meeting will occur. The district must also take whatever action is required for the parents to “understand the proceedings at the meeting.”

The Parent, through their Advocate, requested an evaluation of the Student for special education services on April 21, 2021. The District did not immediately respond to the Parents’ evaluation request and continued with a 504 Plan review on May 19, 2021. During this meeting, the School Psychologist expressed that, in her opinion, the Student did not need an initial evaluation for special education services. The notes from this meeting indicate that the Parents were to submit reports to the school team to review and that the school team would then “provide feedback on whether to proceed with evaluation.”

The District issued a PWN on June 3, 2021 denying the evaluation. The PWN indicated that this decision was based upon the Student’s GPA from the previous year, upon the assumption that the Student was “on track” to graduate<sup>4</sup>, and upon a determination that the Student did not “demonstrate a need for additional assessment for special education services.”

The record reflects that the purpose of the May 19, 2021 meeting was to review the Student’s 504 Plan, not to determine whether the District would conduct an initial evaluation. Therefore, the requirements of OAR 581-015-2190 did not apply to this meeting.

The Department does not substantiate this allegation.

### **Failure to Evaluate**

The Parent alleges that the District violated the IDEA because it did not evaluate the Student for special education services after the Parent submitted the Student’s psychological evaluation to the District from a private therapist.

A parent or public agency may initiate a request for an initial evaluation to determine if a child is a child with a disability.<sup>5</sup> An initial evaluation must be conducted to determine if a child is eligible for special education services when a public agency suspects or has reason to suspect that the child has a disability that has an adverse impact on the child's educational performance and the child may need special education services as a result of the disability.<sup>6</sup> A school district has a duty during an initial evaluation to assess a student in “all areas of suspected disability.”<sup>7</sup> Further, when determining the appropriateness of special education actions, the Court will take a “snapshot” of

---

<sup>4</sup> The Student was offered the opportunity to engage in the Academic Center program to recover English 5-6 credits. At the time the PWN was provided, the Student had not entered the program.

<sup>5</sup> OAR 581-015-2105(2)

<sup>6</sup> OAR 581-015-2105(3)(a)

<sup>7</sup> Timothy O. v. Paso Robles Unified Sch. Dist., 822 F.3d 1105, 1119 (9th Cir. 2016) (quoting 20 U.S.C. §§ 1414(a)(1)(A), (b)(3)(B))



the circumstances at the time of the event and will not look to prospective facts or apply hindsight to an IEP team's determination.<sup>8</sup>

On April 21, 2021, the Parents, through their Advocate, requested the Student be evaluated for special education services. The last complete evaluation of the Student was conducted in July, 2019, nearly two years before the request for the special education evaluation. On June 3, 2021, the District issued a PWN denying this request. The reasons stated in the PWN are stated in the previous section.

In the first two years of high school, the Student took a full course load (4 credits each semester) and had a GPA of 3.75 for the freshman year, and a GPA of 3.50 for the sophomore year.<sup>9</sup> Prior to the Student's 10th grade year, the Student was evaluated by a mental health professional and, based on that evaluation, a Section 504 Plan was created to provide the Student accommodations to address the Student's anxiety, depression, and possible ADHD.

The Student struggled significantly once in-person learning was interrupted by the COVID-19 pandemic. The Student regularly missed remote learning sessions and failed to complete assignments. The Student's struggles continued during CDL, and the Student's mental health continued to deteriorate. The Student missed 124 of 172 days during the 2020-21 school year and the Student's grade point average dropped dramatically. The Parents provided the District information indicating that the Student's diagnoses had changed.

The District failed to consider the totality of the present circumstances when the Parents requested the evaluation and relied disproportionately on the Student's previous academic performance. The District had been on notice since at least October, 2020 that the Student was struggling when the Student personally contacted administration for help. The Parents repeatedly informed the District that the Student was experiencing significant mental health struggles, and the decline in the Student's academic performance and participation also demonstrated the need for further inquiry. The District had reason to suspect that the Student had a disability that had an adverse impact on their educational performance and that the Student may need special education services as a result of the disability. Accordingly, an initial evaluation was warranted.

The Department substantiates this allegation.

## V. CORRECTIVE ACTION<sup>10</sup>

*In the Matter of Portland School District  
Case No. 21-054-020*

The Department orders the following corrective action in this matter.

Action Required	Submissions	Due Date
-----------------	-------------	----------

<sup>8</sup> L.J. v Pittsburg Unified School District, 850 F.3d 996, (9<sup>th</sup> Cir. 2016), Adams v. Oregon, 195, F.3d 1141 (9<sup>th</sup> Cir, 1999)

<sup>9</sup> It should be noted that when schools were closed due to COVID-19, the District did not give students letter grades, but adopted a pass/fail system as schools went to CDL. The pass/fail system was designed to avoid adverse impact on student's grades and GPAs during that timeframe.

<sup>10</sup> 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).)

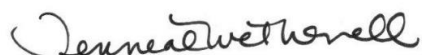
<p>1. The District must conduct evaluation planning to determine specific areas of evaluation need; seek consent for an initial evaluation to determine eligibility for special education for the Student; and, if consent is provided, complete the initial evaluation.</p>	<p>The District shall submit the following:</p> <ul style="list-style-type: none"> <li>• All evaluation planning paperwork</li> </ul>	<p><b>November 1, 2021</b></p>
<p>2. The District must conduct an eligibility meeting<sup>11</sup> upon completion of the evaluation, if consent is provided.</p>	<p>The District shall submit the following:</p> <ul style="list-style-type: none"> <li>• All evaluation and eligibility determination paperwork, if applicable</li> </ul>	<p><b>February 15, 2022</b></p>
<p>3. If the Student is eligible for special education services, an IEP meeting<sup>12</sup> must be held within 30 days of that determination, but not later than February 15, 2022.</p>	<p>The District shall submit the following:</p> <ul style="list-style-type: none"> <li>• Completed IEP</li> </ul>	<p><b>February 15, 2022</b></p>
<p>4. If the student is determined eligible for special education and an IEP is developed, the District must provide compensatory education in an amount equitable to the amount that would have been provided between October 27, 2020 and August 6, 2021. In the event that the IEP team cannot agree with the specific amount of compensatory education required to provide equitable relief, the Department will determine the appropriate number at the request of District or Parent.</p>	<p>The District shall submit the following:</p> <ul style="list-style-type: none"> <li>• Specific information about any compensatory education required, if the IEP team agrees on the compensatory education that provides equitable relief for services that should have been provided.</li> <li>• Logs showing compensatory education was provided.</li> </ul>	<p><b>February 15, 2022</b></p> <p><b>August 1, 2022</b></p>
<p>5. Staff training for all building staff who participate in IEP meetings as either: (a) the special education teacher or special education provider of the child; or (b)</p>	<p>The District shall:</p> <ol style="list-style-type: none"> <li>a. Submit a training plan to the Department for approval,</li> </ol>	<p><b>November 30, 2021</b></p> <p>Training plan must be submitted to the</p>

<sup>11</sup> The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email [ode.disputeresolution@ode.state.or.us](mailto:ode.disputeresolution@ode.state.or.us).

<sup>12</sup> The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email [ode.disputeresolution@ode.state.or.us](mailto:ode.disputeresolution@ode.state.or.us).

<p>a representative of the school district who is qualified to provide, or supervise the provision of, specially designed instruction; knowledgeable about the general education curriculum; knowledgeable about district resources; and authorized to commit district resources and ensure that services set out in the IEP will be provided in each of the following areas:</p> <p>a. District procedures to ensure that evaluations are completed when evidence demonstrates that such evaluations are appropriate.</p>	<p>b. Complete the training according to the approved plan,</p> <p>c. Submit evidence of completed training, materials, agenda, and sign-in sheets.</p>	<p>Department for approval no later than November 30, 2021.</p> <p>Training must be completed consistent with timelines established in the plan, but not later than January 31, 2022.</p> <p>Evidence of completed training must be submitted by February 15, 2022.</p>
--	---	---

Dated: this 4th Day of October 2021




---

Tenneal Wetherell  
Assistant Superintendent  
Office of Enhancing Student Opportunities

E-mailing Date: October 5, 2021

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).)