

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Hillsboro School District 1J)
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)

FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 22-054-028

I. BACKGROUND

On August 10, 2022, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Hillsboro School District 1J (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

The Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.¹ This timeline may be extended if the Parent and the District agree to the extension to engage in mediation or local resolution, or for exceptional circumstances related to the complaint.²

On August 15, 2022, the Department's Complaint Investigator 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 September 1, 2022.

The District submitted a *Response* on September 1, 2022, denying the allegations, providing an explanation, and submitting documents in support of the District's position. The District submitted the following relevant items:

1. District Complaint Response, 8/26/22
2. Possible staff list, no date
3. Statement of Eligibility, re: Autism Spectrum Disorder (ASD), 1/24/22
4. Notice of Team Meeting, re: eligibility, 1/6/22
5. Prior Notice of Special Education Action (PWN) re: Identification, Placement/FAPE, 1/24/22
6. Meeting minutes, re: Eligibility, 1/24/22
7. Speech-language evaluation report, 1/24/22
8. ASD assessment summary, 1/24/22
9. Psychological assessment, 11/4/21, 11/5/21, 11/10/21, 12/2/21
10. Individualized Education Program (IEP), 3/10/22
11. Notice of Team Meeting, re: IEP and Transition, 4/12/22
12. Placement page, re: IEP, 3/10/22
13. PWN and consent for initial provision of special education services, 4/20/22

¹ OAR 581-015-2030(12) and 34 CFR § 300.152(a)

² OAR 581-015-2030(12) and 34 CFR § 300.152(b)

14. Notice of proposed transfer of special education rights, 3/10/22
15. Meeting minutes, re: IEP, 3/10/22 (4/20/22)
16. IEP amendment, 5/26/22
17. Meeting minutes, re: IEP amendment, 5/26/22
18. PWN about evaluation/consent for evaluation, 10/18/21
19. Authorization to use and/or disclose educational and protected health information, 10/19/21
20. Transition planning, 3/1/22
21. Services (service summary), 3/1/22
22. Student's daily work on IEP goals, no date
23. PWN, re: refusal to initiate assessment to determine special education eligibility, 9/3/21
24. Initial IEP, 3/10/22
25. Amended IEP, 5/26/22
26. Notice of team meeting, re: IEP amendment, 5/26/22
27. PWN, re: parent requested change to IEP, 5/26/22
28. Meeting minutes, re: IEP amendment, 5/26/22
29. IEP, 3/10/22
30. Questionnaire for parent or caregiver, 11/28/2021
31. Email, re: Requested changes, 6/7/22
32. Email, re: Requested changes, 6/6/22
33. Email, re: issue with uploading doc to email, no date
34. Email, re: Student, 6/15/22
35. Email, re: Meeting notes, 5/27/22
36. Email, re: IEP draft, 5/27/22
37. Email, re: Let me try again, 5/25/22
38. Email, re: Student meeting, 5/24/22
39. Email, re: Student, 5/23/22
40. Email, re: Student, 5/17/22
41. Email, re: [redacted] request, 5/13/22
42. Email, re: scheduling, 5/26/22, 5/13/22
43. Email, re: no subject, 5/11/22
44. Email, re: Student (602589), 5/11/22
45. Email, re: Student, 5/10/22
46. Email, re: request, 4/29/22
47. Email, re: spreadsheet shared with you: "Student's SDI.xlsx" (attachment), 4/29/22
48. Email, re: Student emails, no date
49. Email, re: Student request, 4/28/22
50. Email, re: Student emails, no date
51. Email, re: daily reflection of SDI, 4/25/22
52. Email, re: Student emails, (blank), no date
53. Email, re: parent concerns, 4/19/22
54. Email, re: Student emails, (blank), no date
55. Email, re: draft IEP, 4/17/22
56. Email, re: confirm and request, 4/13/22
57. Email, re: student meeting, 4/11/22
58. Email, re: IEP meeting, 4/11/22
59. Email, re: eligibility notice, 4/11/22
60. Email, re: availability? 4/7/22
61. Email, re: document shared with you: "IEP Overview," 4/7/22
62. Email, re: Student, 4/6/22
63. Email, re: debrief mtg, 3/14/22
64. Email, re: request for IEP meeting, 3/10/22

65. Email, re: meeting request, 3/4/22
66. Email, re: request to review IEP data, 2/25/22
67. Email, re: Student emails, no date
68. Email, re: Student, 2/23/22
69. Email, re: request IEP drafts for review prior to meeting
70. Email, re: IEP meeting, 2/22/22
71. Email, re: IEP date, 8/26/22
72. Email, re: Student, 1/20/22
73. Email, Student, 1/6/22
74. Email, re: Student, 1/5/22
75. Email, re: Student, 11/28/21
76. Email, Student, 11/8/21
77. Email, re: Student's evaluation, 10/26/21
78. Email, evaluation meeting Student, 10/20/21
79. Email, re: Student, 10/6/21
80. Email, re: Student emails, 10/6/21
81. Email, re: Student request, 9/29/21
82. Email, re: Student request, 9/29/21
83. Email, re: request, 9/28/22
84. Email, re: Student, 9/3/21
85. Email, re: overview of conversations, 7/21/21
86. Email, re: IEP request, 7/13/21
87. Special education process in HSD, no date
88. Frequently asked questions, no date
89. Common terms & acronyms, no date
90. School District parent guide to SSP, no date
91. Request for complaint investigation, 8/9/22
92. Request for response: case No. 22-054-028, 8/15/22
93. Request for complaint investigation, 8/9/22
94. IEP progress reporting and goal pages, 4/20/22
95. IEP service summary, 3/10/22
96. Student daily work on IEP goals, no date
97. Email, re: Student, 4/28/22
98. Email, re: Student, 2/8/22
99. Email, re: Student request, 9/29/21
100. Parent/Teacher feedback, 10/4/21
100. Psychology evaluation report, 5/19/21, 6/2/21
101. PWN, re: refusal to evaluate, 7/23/21
102. PWN/consent to evaluate, 10/18/21
103. ASD Evaluation Planning, 10/5/21
104. Meeting minutes, re: evaluation meeting, 10/18/21
105. Notice of team meeting, re: eligibility, 10/18/21
106. PWN, re: evaluation/consent, 10/18/21
107. Authorization to use/disclose educational and protected health information, 10/19/21
108. Statement of eligibility for special education, 1/24/22
109. Notice of team meeting, re: eligibility, 1/6/22
110. PWN, re: identification, placement, FAPE, 1/24/22
111. Speech-language evaluation report, re: social communication, 1/24/22
112. ASD Assessment Summary, 1/24/22
113. Psychological Assessment, 11/4/21, 11/5/21, 11/10/21, 12/2/21
114. Meeting Minutes, re: eligibility, 1/24/22
115. Statement of eligibility, 1/24/22
116. Notice of team meeting, re: eligibility, 1/6/22

117. PWN, re: identification, placement, FAPE, 1/24/22
118. Notice of team meeting, re: IEP amendment, 5/26/22
119. PWN, re: IEP meeting delay, 2/23/22:
120. Email, re: IEP date, 2/10/22
121. Email, re: request to review IEP data, 2/23/22
122. Email, re: Student, 2/23/22
123. Notice of team meeting, no purpose identified, 2/10/22
124. PWN, re: continuation of IEP due to teachers' schedules, 03/04/22
125. Email, re: meeting request, 3/2/22
126. Notice of team meeting, re: initial IEP, 3/4/22
127. IEP, 3/10/22
128. PWN, re: identification, Placement, FAPE, 3/10/22
129. Notice of team meeting, re: initial IEP, 3/4/22 (Duplicate)
130. Notice of proposed transfer of special education rights, 3/10/22
131. Email, re: Parent request to reschedule IEP, 2/2/22
132. Meeting minutes, re: IEP, 3/10/22
133. IEP/progress reporting, 4/20/22
134. PWN and consent for initial provision of special education services, 4/20/22
135. Notice of team meeting, re: IEP and transition, 4/12/20
136. IEP, amendment date 5/26/22, 4/20/22
137. Meeting minutes, re: IEP amendment, 5/26/22
138. PWN, re: IEP amendment, 5/26/22
139. Notice of team meeting, re: decide if Student should be evaluated, 10/18/22
140. Student profile, no date
141. Student "check-in" sheet, 5/24/22, 5/23/22 5/19/22, 5/18/22 5/17/22, 5/10/22, 5/11/10, 5/11/22,
142. PWN, re: consent for initial eval, 10/18/21
143. Authorization to use/disclose educational and protected health information, 10/19/21
144. Email, re: IEP mtg reschedule, 2/10/22
145. Email, re: IEP mtg reschedule, 2/23/22 (duplicate)
146. Email, re: IEP mtg. reschedule, 3/10/22 (duplicate))
147. Email, re: Parent concerns about IEP, requested new team meeting, speaking on Student behalf, no date
148. Quick guides of best practices: special education teacher responsibilities, no date
149. Notice of team meeting, no mtg purpose listed, 2/10/22
150. PWN change of meeting date, 2/23/22
151. Email, re: IEP date, 2/10/22
152. Email, re: request to review IEP data, 2/23/22
153. Notice of team meeting, re: develop IEP/transition planning, 3/4/22
154. Notice of team meeting, re: IEP amendment, 5/26/22
155. Email, re: IEP request, 7/23/21
156. PWN, re: refusal to evaluate, 7/23/2021
157. Email, re: Student, 9/3/21
158. PWN, re: refusal to evaluate, 9/3/21
159. Email, re: Student evaluation, 8/17/22
160. Email, re: evaluation meeting Student, 10/15/21
161. Email, re: Student, 10/6/22
162. Email, re: Student, 5/17/22
163. Email, re: Student, 10/6/21
164. Contact log, no date
165. Email, re: fall connections and (parent info) resources, no date
166. Email, SRO feedback survey, 5/23/22

167. Email, Academic planning and graduation update, 3/11/22
168. Email, connections event, 3/8/22
169. Email, Winter break resources, 12/17/21
170. Email, Family update, 11/22/21
171. Email, electives for semester 2, 10/28/21
172. Synergy document, re: scheduling, no date
173. Spanish/English Synergy document, re: MEC/HBP announcement, 5/13/21
174. Synergy, re: MEC/HBP announcement, 5/12/21
175. Email, re: teacher note, 5/6/21
176. Synergy, Family Newsletters, no date
177. Document, re: air quality update, no date
178. Email, re: parent referral to HBP case manager, 6/4/21
179. Email, re: Student, 1/5/22
180. Email, re: Student, 1/6/23
181. Email, re: Student, 1/5/22
182. Email, re: Student, 1/20/22
183. Email, re: Student emails, 9/4/22
184. Email, re: IEP date, 2/10/22
185. Email, re: Student emails, 9/4/22
186. Email, re: Request IEP drafts for review prior to meeting,
187. Email, re: Student emails, 9/4/22
188. Email, re: IEP meeting, 2/22/22
189. Email, re: Student emails, 9/4/22
190. Email, re: Student, 2/22/22
191. Email, re: Student emails, 9/4/22
192. Email, re: Meeting request, 2/4/22
193. Email, re: Student emails, 9/4/22
194. Email, re: request for IEP meeting, 3/10/22
195. Email, re: Student emails, 9/4/22
196. Email, re: debrief meeting, 3/14/22
197. Email, re: Student emails, 9/4/22
198. Email, re: Student, 4/6/22
199. Email, re: Student emails, 9/4/22
200. Email, re: availability, 4/7/22
201. Email, re: Student emails, 9/4/22
202. Email, re: document shared with you: "IEP Overview", 4/7/22
203. Email, re: Student emails, 9/4/22
204. Email, re: IEP meeting, 4/11/22
205. Email, re: Student emails, 9/4/22
206. Email, re: Student meeting, 4/11/22
207. Email, re: Student emails, 9/4/22
208. Email, re; eligibility Notice, 4/11/22
209. Email, re: Student emails, 9/4/22
210. Email, re: confirm and request, 4/13/22
211. Email, re: Student emails, 9/4/22
212. Email, re: draft IEP, 4/17/22
213. Email, re: Student emails, 9/4/22
214. Email, re: parent concerns, 4/18/22
215. Email, re: Student emails, 9/4/22
216. Email, re: daily reflection SDI, 4/25/22
217. Email, re: Student emails, 9/4/22
218. Email, re: Student's request, 4/28/22

219. Email, re: Student emails, 9/4/22
220. Email, re: spreadsheet shared with you: "[Student]'s SDI.xlsx", 4/29/22
221. Email, re: Student emails, 9/4/22
222. Email, re: Student, 5/10/22
223. Email, re: Student emails, 9/4/22
224. Email, re: no subject, 5/11/22
225. Email, re: Student emails, 9/4/22
226. Email, re: Student, 4/29/22
227. Email, re: Student emails, 9/4/22
228. Email, re: Student request, 5/13/22
229. Email, re: Student, 5/15/22
230. Email, re: Student, 5/16/22
231. Email, re: Student emails, 9/4/22
232. Email, re: Student, 12/23/22
233. Email, re: Student, 5/24/22
234. Email, re: Student emails, 9/4/22
235. Email, re: let me try again, 5.25/22
236. Email, re: Student emails, 9/4/22
237. Email, re: IEP draft, 5/27/22
238. Email, re: Student emails, 9/4/22
239. Email, re: meeting notes?, 5/27/22
240. Email, re: Student emails, 9/4/22
241. Email, re: requested changes, 6/6/22
242. Email, re: Student emails, 9/4/22
243. Email, re: student, 6/15/22
244. Email, re: Student emails, 9/4/22
245. Email, re: IEP request, 7/13/21
246. Email, re: Student emails, 9/4/22
247. Email, re: overview of conversation,7/21/21
248. Email, re: Student emails, 9/4/22
249. Email, re: request, 8/26/22
250. Email, re: Student emails, 9/4/22
251. Email, re: Student, 9/3/21
252. Email, re: Student emails, 9/4/22
253. Email, re: Student request, 9/29/21
254. Email, re: Student emails, 9/4/22
255. Email, re: request, 9/28/21
256. Email, re: Student emails, 9/4/22
257. Email, Student request, 9/29/21
258. Email, re: Student emails, 9/4/22
259. Email, re: Student, 10/6/21
260. Email, re: Student emails, 9/4/22
261. Email, re: Student, 10/6/21
262. Email, re: Student emails, 9/4/22
263. Email, re: evaluation meeting Student, 10/20/21
264. Email, re: Student emails, 9/4/22
265. Email, re: Student's evaluation, 10/26/22
266. Email, re: Student emails, 9/4/22
267. Email, re: Student, 11/8/21
268. Email, re: Student emails, 9/4/22
269. Email, re: Student, 11/28/21
270. IEP, 4/20/22

271. Amended IEP, 5/26/22
272. Meeting minutes, 5/26/22
273. Questionnaire for parent or caregiver, 11/28/21
274. IEP, re: transition planning, 3/1/22
275. IEP, re: goals/services, 3/1/22
276. Student's daily work on IEP goals, no date
277. PWN, re: refusal to initiate evaluation, 9/3/21
278. IEP, 3/10/22
279. PWN, re: IEP amendment, 5/26/22
280. Special education process in HSD, no date
281. Frequently asked questions, no date
282. Common terms and acronyms, no date
283. PWN, re: refusal to evaluate, 9/3/21
284. Parent guide to SSP, no date
285. Guia para padres acerca de SSP, no date

The Parent submitted a *Reply* on September 9, 2022, providing an explanation and rebuttal, and documents in support of the Parent's position. The Parent submitted the following relevant items:

1. Email, re: IEP request, 7/23/21
2. Email, re: Student, 6/4/21
3. Email, re: Student, 9/3/21
4. Email, re: Student request, 9/29/21
5. Email, re: SST parent invitation and notification, 9/29/21
6. Email, re: evaluation meeting, 10/19/21
7. Email, re: Student 10/18/21 meeting 2nd request, 10/15/21
8. Email, re: evaluation meeting, 10/18/21
9. Email, re: requested information, 9/16/21
10. Psychology Evaluation Report, 5/19/21 and 6/2/21
11. Email, re: Student request, 9/29/21
12. Email, re: Student, 10/6/21
13. Letter, re: reply to School District's response to complaint, No. 22-054-28, no date
14. Section 504 student accommodation form, 12/18/18
15. Psychological assessment, dates of testing: 11/4/21, 11/5/21, 11/10/21, 12/2/21
16. Draft IEP, re: transition planning, 3/1/22
17. Draft IEP, re: annual measurable goals, 3/1/22
18. Draft IEP: re: service summary, 3/1/22
19. Email, re: Request IEP drafts for review prior to meeting, 2/22/22
20. Email, re: IEP reschedule, 3/10/22
21. Email, re: IEP reschedule, 4/5/22
22. Email, re: IEP reschedule, 4/7/22
23. Student accountability sheet, no visible date

The Complaint Investigator conducted a video interview with the Parent and their advocate on September 6, 2022. On September 9, 2022, the Complaint Investigator conducted video interviews with District personnel that included four General Education Teachers, an Autism Specialist, a Speech-Language Pathologist, a Special Education Teacher and Case Manager, a Clinical Psychologist, and a Special Education Administrator. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set forth in the chart below. The 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 11, 2021 to the filing of this Complaint on August 10, 2022.

Allegations	Conclusions
<p>Child Find</p> <p>The Complaint alleges that the District violated the IDEA when it failed to conduct an evaluation when requested by the Parent.</p> <p><i>(OAR 581-015-2080; 34 CFR §300.311)</i></p>	<p>Substantiated</p> <p>The District unreasonably delayed conducting an initial special education evaluation for the Student.</p>
<p>When IEPs Must Be In Effect</p> <p>The Complaint alleges that the District violated the IDEA when it failed to complete the initial IEP within the required 30 calendar days and failed to implement accommodations in the Student's IEP.</p> <p><i>(OAR 581-015-2200; 34 CFR § 300.323)</i></p>	<p>Substantiated</p> <p>The District did not conduct an initial IEP meeting within the required 30 calendar days and failed to implement one of the Student's accommodations as described in the IEP.</p>
<p>IEP Team Members</p> <p>The Complaint alleges that the District violated the IDEA when it failed to have required IEP team members at the initial IEP meeting.</p> <p><i>(OAR 581-015-2210; 34 CFR § 300.321)</i></p>	<p>Not Substantiated</p> <p>The District had all required members in attendance at the initial IEP meeting on March 10, 2022.</p>
<p>Content of IEP and Transition Services</p> <p>The Complaint alleges that the District violated the IDEA when it failed to include individualized transition services in the Student's IEP.</p> <p><i>(OAR 581-015-2200; 34 CFR §300.43)</i></p>	<p>Not Substantiated</p> <p>The Student's IEP included a legally compliant transition planning page.</p>

REQUESTED CORRECTIVE ACTION

- Provide training for district special education staff regarding child find and initiating the referral process when a parent requests a special education evaluation so there are no delays and missed opportunities for students to access services.
- Provide compensatory education for my child for the unnecessary delays to the evaluation process and missed educational opportunities as a result of this.
- Provide training for district special education staff regarding the timeline for developing an initial IEP so there are no missed opportunities for students to access services.
- Provide compensatory education for my child for failing to develop their initial IEP and missed educational opportunities as a result of this.
- Provide training to the special education team and general education to make sure they implement my child's IEP.
- Provide compensatory education for my child for failing to implement their IEP and missed educational opportunities as a result of this.
- Conduct an age-appropriate transition assessment for my child and review transition services based on this data.
- Hold a facilitated IEP meeting and develop appropriate, measurable postsecondary goals based on age-appropriate transition assessments.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before August 9, 2021. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. At the time this Complaint was filed, the Student was 17 years old, in the eleventh grade, and pursuing a regular diploma.
2. Before becoming eligible for special education services, the Student had an established section 504 plan due to anxiety. The 504 plan was dated February 11, 2021.
3. The Student was found eligible for special education as a child with Autism Spectrum Disorder on January 24, 2022.
4. The Student is described as "artistic, witty, compassionate toward animals, and a helper...the Student prefers to work in small groups with individualized attention from teaching staff...the Student's most prominent needs are in the area of social skills. The Student has significant social anxiety, due in part to bullying, and is unable to make and maintain friendships. The Student struggles having conversations that are not related to interests and the Student continues to struggle with appropriate eye contact. The Student has difficulty reading social situations, and will use sarcasm inappropriately in response."
5. During the first semester of the 2020-21 school year, the Student received the following grades: three As, one B, and one incomplete. The second semester of the 2020-21 school year, the Student received two As, two Bs, and a passing grade for an advisory class.

6. The Student's rate of attendance during the 2020-21 school year was 82.3% and for the 2021-22 school year was 90.6%
7. On June 2, 2021 (and on May 19, 2021), the Student was evaluated by an outside agency. The evaluation report provided diagnoses of Autism Spectrum Disorder Level 2, without accompanying language and intellectual impairment, Social Anxiety Disorder, Other Specified Depressive Disorder, and Unspecified Depressive Disorder. The evaluator recommended speech-language therapy and an evaluation to determine if the Student qualifies for an IEP.
8. On June 4, 2021, the Parent emailed the School Principal and shared, "I wanted to inform you that the Student has recently been diagnosed with autism level 2 and in need of substantial services. This includes a doctor's referral for an IEP. We are getting close to the end of the school year and I have a concern of being able to set this up for next year. I'm not quite sure where to start."
9. On July 13, 2021, the Parent contacted the District's Special Education Administrator with a formal request for the "Student to receive necessary testing through the school so that the Student may receive an IEP."
10. On July 21, 2021, the Special Education Administrator met with the Parent and summarized the content of the meeting in an email dated the same day. The email indicates that the Parent provided the District with a new report which "diagnosed the Student with anxiety, depression, autism, and social communication issues in the severe range." The Parent also shared that they believed the Student was in need of special education services for executive functioning and social communication. In response, the District proposed that the school team meet 4-6 weeks after in-person learning resumed before meeting to review Student's progress, strengths, needs, to gain parent input, to review the outside evaluation report, and to revisit Student's 504 plan. "At that time, the team will decide if it makes sense to move forward with a special education evaluation."
11. On July 22, 2021, the Parent requested the District provide a PWN about the District's refusal for the "Student to receive an IEP due to a new diagnosis of autism."
12. On July 23, 2021, the District provided the Parent with procedural safeguards and a Prior Written Notice (PWN) regarding the District's refusal to conduct an evaluation. "The denial was based on school not being in session in July, and therefore an evaluation team was not working at that time to discuss the outside evaluation." The District rejected the Parent's request for an evaluation because, "school has been online since March of 2020. During that time, the Student has been earning mostly As and Bs...we need to see the Student in person in the fall to better understand if the diagnoses have an educational impact." The District agreed to review the 504 plan in the fall of the 2021-22 school year and then meet again in 4-6 weeks to determine whether an evaluation for special education was appropriate.
13. On September 1, 2021, the District held a meeting with "teachers, parent and student ... where we reviewed the current 504, clarified accommodations, and agreed to a follow up meeting next week to discuss possible additional accommodations."
14. On September 3, 2021, the Parent contacted the District with a written request for "all necessary evaluations/assessments to determine if my child qualifies for special education"

services.” The Parent also shared that the Student “has a new medical diagnosis of Autism, Other Health Impairment and concerns, [sic] of, but not limited to, communication disorder.”

15. On September 3, 2021, the Special Education Administrator responded to the Parent’s request for an evaluation via email and stated, “Unfortunately, this is the same request you sent in the summer which was denied. I sent you a Prior Written Notice outlining the steps we would take to get to a point where we could determine if a special education evaluation is needed. I have attached a new Prior Written Notice for today’s request; we still need to see the Student in school...Special education eligibility requires educational impact of a disability and if we test right now, the data we have would show that [the student] is not eligible because [their] grades and assignments, etc., are strong. This is why we need to see [the Student] in person, in school. We need to know if there is an educational impact of the diagnoses you received. I have attached our Student Support Process, which happens before special education evaluation-we are at step 2 right now.”
16. The Student Support Process (SSP) resource provided to the Parent on September 3, 2021 describes the District’s SSP as a, “multi-tiered system of support designed to help students who are struggling in the areas of academics and/or behavior. Interventions that match the need are provided upon the initial signs of struggle and progress is monitored to determine efficacy of guide future decisions. The SSP is not special education, nor is it the path to special education, although there are times that special education evaluation results from the process.”

This SSP resource described District actions at step 2 as, “a team of multi-level staff review data of individual students who are struggling after step 1 interventions. New interventions or changes to the current intervention are determined. Parents are informed and their input to classroom teachers is encouraged.” Step 3 in the District’s SSP process is described as, “A team of staff (Student Study Team) come together with parents to review all interventions and progress data to this point. The team brainstorms other interventions or changes to the current intervention. Parents participate.” “Each of these 3 steps can take 6-24 weeks as interventions are implemented and progress is determined. This is deliberate-knowing if an intervention is working takes time and programs are designed with specific numbers of sessions needed for benefit. Steps go in order, but can be repeated.”

17. On September 3, 2021, the District provided the Parent with a PWN refusing to initiate an evaluation requested by the Parent. This action was proposed because the “Parent requested a special education evaluation due to a medial assessment...of Autism Spectrum Disorder, Social Anxiety Disorder, Depressive Disorder, and Unspecified Psychosis. Parent provided the outside medical report for the school team.” The District rejected the request to complete an evaluation because “we need to see the Student in person in the fall to better understand if the diagnoses have an educational impact.”
18. On September 28, 2021, the Parent contacted the Student’s school and the Special Education Director with a request that the Student be, “referred for an evaluation for special education services and an initial referral meeting be scheduled with the special education team to discuss this request.” The Parent also requested that an Autism Specialist/Consultant be included as part of the special education team and in attendance at the initial referral meeting.
19. On September 28, 2021, the Parent was invited to a Student Support Team (SST) meeting to be held on October 5, 2021. The Parent responded the next day, on September 29, 2021, that they would be attending the meeting and provided clarification that they were

requesting that the Student, “be referred for an evaluation for special education services and an initial referral meeting be scheduled with the special education team to discuss this request. This request is outside of the SST process and I expect an initial referral meeting be scheduled with the special education team as well.”

20. The September 28, 2021 Parent communication to the Student’s school team also expressed disagreement with the District’s decision on September 3, 2021 to refuse the Parent’s request for an evaluation. The Parent disagreed with this decision because the request was a separate request based on new information.
21. On October 5, 2021, the District held an SST meeting. “At this time, the school team will review the Student’s progress, strengths, needs, and input from you. Additionally, the team will decide if it makes sense to move forward with a special education evaluation using the historical academic data, the outside assessment and the teacher input.”
22. On October 6, 2021, the Parent communicated with the District and summarized the decisions made at the October 5, 2021 SST meeting that included adding an additional accommodation to the Student’s 504 plan, referring the Student for counseling, and moving forward with a special education evaluation.
23. On October 18, 2021, the District and the Parent met for an evaluation planning meeting. The District issued a PWN about Evaluation/Consent for Evaluation and described the reason for the evaluation as, “the Student was most recently evaluated this past spring in of 2021 through the Autism Paired Team Clinic...and found to remain appropriately diagnosed with Social Anxiety Disorder and Other Specified Depressive Disorder. The team also concluded that a diagnosis of Unspecified Psychosis and Autism Spectrum Disorder are appropriate as well.” The assessments the District planned to use included assessments for Autism, depression, and anxiety. There is no evidence that any of the information relied upon in deciding to evaluate the Student for special education eligibility was unavailable to the District on September 3, 2021.
24. On October 19, 2021, the Parent provided the District with written consent for an evaluation.
25. On January 6, 2022, a Notice of Team Meeting was provided to the Parent for the Student’s team to review existing information about the Student and decide whether the Student was eligible for special education. The Notice of Team Meeting indicated the individuals required to attend the meeting were a learning specialist, an autism specialist, a psychology intern, a speech-language pathologist, and a general education teacher. Other individuals invited to attend were a principal, a counselor, and a special education administrator.
26. The Psychological Assessment completed by the District’s Clinical Psychologist indicates that the Student was “medically diagnosed with Autism Spectrum Disorder (without accompanying language and intellectual impairment, Social Anxiety Disorder, Unspecified Psychosis (by history) and Other Specified Depressive Disorder.” The report indicates that it is difficult for the Student to, “...understand the impact of their own behavior on other people, regulate their emotions, and keep information in working memory to aid in a particular task.”

27. On January 24, 2022, the Student was found eligible for special education due to Autism Spectrum Disorder. All required District staff members were in attendance at this eligibility meeting.
28. On January 24, 2022, a PWN was issued that indicated the District's proposal to initiate the identification, placement, and the provision of a free appropriate public education (FAPE), including the IEP. The PWN indicates the Student was found eligible for special education services due to Autism Spectrum Disorder.
29. On February 10, 2022, the District provided the Parent with a Notice of Team Meeting. This notice did not indicate the purpose of the meeting, nor was a district representative invited to the meeting.
30. On February 11, 2022, the Parent requested "a draft copy of the IEP to review one week prior to our meeting so that the Student and I have time to review it and gather our input. Having a week to review documents that we will be reviewing and discussing as a team is an important accommodation for us so that we can meaningfully participate in our meetings."
31. On February 14, 2022, the Case Manager notified the Parent that "I can provide a draft copy of the IEP a few days prior to the IEP meeting for your review."
32. On February 22, 2022, the Parent requested a draft of the IEP to review prior to the upcoming IEP meeting scheduled for February 24, 2022. The District provided the Parent with a portion of the draft IEP. The Parent responded that not all the requested documents had been provided.
33. On February 23, 2022, the District provided the Parent with a complete draft IEP and asked the Parent if they needed more time to review the draft IEP before the IEP meeting took place as scheduled on the following day. The Parent responded that they did need more time to review the draft IEP documents. The District cancelled the February 24, 2022 IEP meeting and provided the Parent with a PWN that the IEP meeting would be "rescheduled as soon as the team could find another available date that would also allow adequate time to complete the IEP within 30 days." The District issued a PWN stating the initial IEP meeting scheduled for February 24, 2022 was cancelled and would be rescheduled. The parties agreed to hold the meeting on March 10, 2022.
34. On March 10, 2022, the District held the initial IEP meeting. In attendance were the Parent, the Student, the Parent's Advocate, a special education teacher, a speech-language pathologist, the School Principal, a general education teacher, an autism consultant and a district representative. The meeting took 45 minutes. Due to District staff time constraints, the meeting ended without full completion of the IEP.
35. District Staff reported during interviews that the Special Education Teacher served as the general education teacher of record in one of Student's general education classes and held a current license as such. At the initial IEP meeting, the Special Education Teacher acted as both the special education teacher/provider and the general education teacher for the first 15 minutes until one other general education teacher arrived. The second general education teacher remained at the IEP meeting until it ended 30 minutes later.
36. The March 10, 2022 IEP includes information about the Student's areas of need and the educational impact of these. The Student's academic weaknesses were described as,

“difficulty with fine motor control, fidgety..., some sensory aversions, anxiety, difficulty with transitions, math is difficult..., novel tasks can be difficult, environment and teacher can impact the Student’s ability to learn,...the Student can experience difficulty initiating work, staying organized, shifting attention, understanding and identifying problems, and evaluating solution outcomes.”

37. The Transition Planning Page from the March 10, 2022, IEP, indicated the Student “participated in a Guided Interview Assessment...as well as career pathway probes.” The Student’s individual preferences, interests, needs, and strengths were included. The post-secondary goals included training, education, employment, independent living skills, transition services/activities, and a course of study. A referral for post-secondary support and training was considered. The transition planning page indicated the student was anticipated to graduate with a regular diploma and the Student was informed of their transfer of rights. The March 10, 2022, IEP meeting notes indicate the IEP team discussed the Student’s transition skills, services, and activities.
38. The March 10, 2022, IEP Service Page includes self-management/social motivation, self-advocacy/social communication, and executive functioning as specially designed instruction. Speech-Language Therapy was included as a related service and consultation by an autism specialist as support for school personnel. The following accommodations were listed:
 - a. Do not use student work as an example
 - b. Avoid cold calling student in front of class
 - c. Voluntary verbal participation
 - d. Option for separate test area
 - e. Allow extended time on tests/quizzes and assignments
 - f. Opportunities for movement
 - g. Ensure student understanding
 - h. Advantageous seating
 - i. Ensure parent communication
 - j. Morning meet and greet
 - k. Choose quality of work vs. quantity
 - l. Option for a quieter work/test area, as appropriate
 - m. Allow use of noise cancelling earphones/buds
 - n. Breaks, as needed, upon request
 - o. Prior notice of changes
39. The March 10, 2022 Special Education Placement Determination Page indicated the placement decision was based on the IEP dated March 10, 2022. The placement determination reflects that the Student would access the general education classroom throughout most of the school day; the Student would receive special education services outside the general education setting for 2% of the day.
40. On March 10, 2022, the Parent contacted the IEP team with scheduling suggestions for a second meeting. The Parent did not want to wait until after spring break to complete the IEP process. The Parent additionally stated, “It is my understanding that the IEP needs to be drafted and completed within 30 days from eligibility.” The District and the Parent made attempts to schedule another IEP meeting over the course of the next several days.

41. On April 5, 2022, the Parent emailed the Student's IEP team, "It's been a week since the end of spring break. I believe it fair and appropriate to get a meeting scheduled at this point so that the Student needs are met and no longer delayed."
42. On April 11, 2022, the Parent emailed the Student's IEP team, "It is very important and urgent that we get the IEP meeting scheduled as soon as possible. At this point we are beyond the 30-day timeline for developing and implementing an initial IEP. Every day that goes by is a day lost for the Student to access services and I am not ok with this delay. I am requesting that the IEP meeting be scheduled within the next 10 days and that we are able to meet as a team for at least 60 minutes without needing to dismiss the general education teacher or other required team members."
43. On April 12, 2022, the District issued a Notice of Team Meeting scheduled for April 20, 2022. At the meeting, the IEP team was to review information, develop or review an IEP, and consider the Student's transition needs or services.
44. On April 20, 2022, the Student's IEP team met a second time to continue the IEP development process. With the exception of the Student, all previous members were in attendance. The meeting minutes indicate, "the team would like to move forward with implementation of the IEP. The Parent and advocate still have a few concerns about the IEP, which may require an amendment."
45. On April 20, 2022, the District provided the Parent with Prior Notice and Consent for Initial Provision of Special Education Services. The Parent provided written consent for the initial provision of special education services on the same day.
46. On April 28, 2022, the Case Manager contacted the Parent and other IEP team members about the Student's schedule of services not being ready.
47. On May 6, 2021, the Parent requested the April 20, 2022 IEP be revised to reflect correct dates and clarification to goal areas.
48. On May 9, 2022, the Parent requested that the District take action to schedule IEP meeting, "so we can discuss the implementation of the IEP and what this looks like for the Student."
49. On May 11, 2022, the Parent sent written communication "...requesting that the teacher check-ins stop as soon as possible."
50. On May 26, 2022, the IEP team held a meeting to amend the IEP. Per Parent request, the team agreed to discontinue an accommodation that required the Student to use an accountability sheet and check-in with District staff.
51. On May 26, 2022, the District issued a PWN with a proposal to change the Student's identification, placement, and FAPE. The amendments included revisions to the present levels statement, goals, and service dates to reflect the finalized IEP date. Other amendments included changing the location of speech-language services and revising one accommodation.
52. On May 27, 2021, the District sent the Parent a version of the amended IEP that was revised at the IEP meeting the previous day.

53. On June 6, 2022, the District sent the Parent the amended IEP with the agreed upon revisions.
54. On June 15, 2022, the District provided the Parent with a finalized copy of the Student's May 26, 2022 amended IEP.
55. On August 10, 2022 the Parent filed this Complaint.

IV. DISCUSSION

Child Find

The Complaint alleges that the District violated the IDEA when it failed to conduct an evaluation when requested by the Parent.

OAR 581-015-2030 requires school districts to identify, locate, and evaluate all children with disabilities for whom they are responsible, regardless of the severity of the disability, who are in need of early intervention, early childhood special education, or special education services.

The Student had an established disability and was eligible for a Section 504 Plan and had a valid individual accommodation plan. In July 2021, the Parent provided the District with an evaluation report from an outside agency that established medical diagnoses and recommendations for evaluation to determine if the Student qualifies for an IEP. The Parent requested a special education evaluation at the same time. The District provided the Parent with a PWN refusing this request. The PWN detailed the reasons for the refusal as staff being on summer break, the Student had been earning passing grades, and the District needed to "see the Student in person in the fall to better understand if the diagnoses has an educational impact." The PWN indicated the Student's 504 plan would be reviewed in the fall and again in 4-6 weeks to determine if an evaluation for special education was appropriate.

The school team held a meeting on September 1, 2021 to review the Student's 504 accommodation plan. At the meeting, the District determined that the "school team will meet with the parent 4-6 weeks into the school year to review progress and needs. At that time, the team may determine that an evaluation for special education is appropriate." These decisions were detailed in a PWN issued on September 3, 2021. The Parent requested a special education evaluation a second time on September 3, 2021.

On September 28, 2021, the Parent made a third request for a special education evaluation. The District reviewed the Student's 504 plan at an SST meeting on October 5, 2021. The District held an evaluation planning meeting on October 18, 2021 and determined that a special education evaluation was warranted. The Parent provided the District with written consent for the evaluation on October 19, 2021.

The District had existing information that substantiated the existence of the Student's disability, and the Student had an active 504 eligibility and accommodation plan. The Parent provided the District with new information about additional disabilities and the related needs of the Student. The Parent made four written requests (June 4, 2021, July 13, 2021, September 3, 2021, and September 28, 2021) for an evaluation of the Student, based on the new information they had received from the outside evaluation. The District noted that the Student had passing grades, and held that before an evaluation would be considered, the Student needed to attend in-person classes and educational impact established.

The District also used a Response to Intervention (RtI) process, referred to as the “Student Support Process,” when determining whether to conduct a special education evaluation. It was not until October 18, 2021 that the District held an evaluation planning meeting and agreed to conduct a special education evaluation. “The use of RtI strategies cannot be used to delay or deny the provision of a full and individual evaluation to a child suspected of having a disability...it would be inconsistent with the evaluation provisions for a local education agency to reject a referral and delay provision of an initial evaluation on the basis that a child has not participated in an RtI framework.”³ Additionally, there is no evidence that the District relied upon any evidence that was unavailable on September 3, 2021 in making the decision to evaluate.

The Student’s passing grades do not change the District’s requirements under the child find provision of the IDEA. The IDEA does not require a student to attend classes in-person before a special education evaluation can be considered. Further, the evaluation process is designed to collect information that determines adverse educational impact. “An initial evaluation must be conducted to determine if a child is eligible for special education services when a public agency suspects or had reason to suspect that a 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.”⁴ The District’s requirement that the Student undergo an RtI process and that educational impact data be collected prior to the consideration for a special education evaluation created an unnecessary delay in the commencement of the special education evaluation for this Student.

The Department substantiates this allegation.

When IEPs Must Be In Effect

The Complaint alleges that the District violated the IDEA when it failed to complete the initial IEP within the required 30 calendar days and that the District failed to implement accommodations in the Student’s IEP.

At the beginning of every school year, a school district must have in effect an IEP for each child with a disability within the district’s jurisdiction. School districts must provide special education and related services to a child with a disability in accordance with an IEP. A school district must conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education, and as soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child’s IEP.⁵

The date of established initial eligibility was January 24, 2022. The District scheduled the initial IEP meeting for February 24, 2022. On February 11, 2022, the Parent requested “a draft copy of the IEP to review one week prior to our meeting so that the Student and I have time to review it and gather our input. Having a week to review documents that we will be reviewing and discussing as a team is an important accommodation for us so that we can meaningfully participate in our meetings.” The District provided the Parent an incomplete copy of the draft IEP on February 22, 2022, to which the Parent responded with a request for a complete copy of

³ Special Education and Rehabilitative Services, A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA) (n.d.).

⁴ OAR 581-015-2105(3a)

⁵ OAR 581-015-2220(1)(2)

the draft IEP. The District provided the Parent with a complete draft IEP on February 23, 2022 and offered to reschedule the IEP meeting.

The Parent accepted the District's offer to reschedule the initial IEP meeting, and the IEP meeting took place on March 10, 2022. All required roles and team members participated in the IEP, including at least one of the Student's general education teachers. At the March 10, 2022 IEP meeting, the Parent indicated a preference for more than one of the Student's general education teachers to attend for the duration of the meeting. Subsequently, the IEP meeting was reconvened, and the Student's initial IEP completed on April 20, 2022. The District was required to conduct an IEP meeting to develop the initial IEP within 30 calendar days of the determination that the Student needed special education services. The 30-calendar due date for the Student's initial IEP was February 23, 2022, one day before the first IEP meeting was originally scheduled.

During interviews, the Student identified six accommodations that they believed were not being implemented, as described in the IEP. The interviews with the general education teachers established that all but one of accommodations had been provided in accordance with the IEP. Specifically, the Student noted that not all of the substitute teachers were made aware to refrain from "cold-calling" the Student during class. One general education teacher confirmed that they had not shared the Student's IEP accommodations with the substitute teachers.

The Department substantiates this allegation.

IEP Team Members

The Complaint alleges that the District violated the IDEA when it failed to ensure that required IEP team members attended the initial IEP meeting. Specifically, the Parent objected to not having all of the Student's regular education teachers in attendance for the entire IEP meeting held on March 10, 2022.

School districts must ensure that the IEP Team for each child with a disability includes one or both of the child's parents, except as provided in OAR 581-015-2195, and the child where appropriate. Also required is at least one regular education teacher of the child if the child is or may be participating in the regular education environment, at least one special education teacher or provider of the child, a representative of the school district, who may also be another member of the team, who qualified to provide, or supervise the provision of, specially designed instruction, knowledgeable about the general education curriculum and district resources, and able to commit district resources and ensure that services set out in the IEP will be provided.⁶

The IEP Team is also required to include an individual who can interpret the instructional implications of the evaluation results (who may also be another member of the team), and other individuals, including related services personnel as appropriate, invited by the parent, whom the parent determines to have knowledge or special expertise regarding the child; or the school district, whom the school district determines to have knowledge or special expertise regarding the child. The regular education teacher of the child must participate as a member of the IEP team, to the extent appropriate, in the development, review, and revision of the child's IEP, including assisting in the determination of supplementary aids and services, program modifications and supports for school personnel that will be provided for the child; and appropriate positive behavioral interventions and supports, and other strategies for the child.⁷

⁶ OAR 581-015-2210(1a-1e)

⁷ OAR 581-015-2210(1f)(4)

On March 10, 2022, the District held the initial IEP meeting and all the required IEP team members were in attendance, including at least one regular education teacher of the Student. Selecting specific personnel to serve in required IEP team member roles is at the discretion of the school district. The District was not required to have all of the Student's teachers attend the IEP meeting. The IEP Team was not able to complete the development of the Student's IEP at the March 10, 2022 and the District reconvened a second legally compliant IEP meeting on April 20, 2022.

The Department does not substantiate this allegation.

Content of IEP and Transition Services

The Complaint alleges that the District violated the IDEA when it failed to include individualized transition services in the Student's IEP.

Beginning not later than the first IEP to be in effect when the child turns 16 and updated annually thereafter, the IEP must include appropriate measurable postsecondary goals that are based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills. The IEP must include the transition services (including courses of study) needed to assist the child in reaching post-secondary goals. Regarding employment, planning shall include information about and opportunities to experience supported employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment setting, as defined by OAR 411-345-0020. Information about these services shall also be provided to the parent by the school district at each annual review for IEPs to be in effect when the child turns 16.⁸

The transition planning page included in the March 10, 2022 IEP included all the required elements for assessment, interests, needs, strengths, and the post-secondary goals included training, education, employment, independent living skills, transition services/activities, and a course of study. The Student's other IEP goals for self-advocacy/social communication and self-management/social motivation addressed the Student's needs as described in the transition services section of the IEP. The District is not required to separately list services included in one section of the IEP in another section of the IEP.

The Department does not substantiate this allegation.

Additional Findings

During the course of the investigation, the Complaint Investigator discovered additional violations of the IDEA.

Notice of Team Meeting

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the child, and the provision of a free appropriate public education to the child. School districts must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must state the purpose, time, and place of the meeting and who will attend.⁹

⁸ OAR 581-015-2200(2)

⁹ OAR 581-015-2190(1)(2a)(2b)(2A)

The District provided the Parent with a Notice of Team Meeting for the initial IEP meeting scheduled for March 10, 2022. This notice did not indicate the purpose of the meeting, nor was a district representative invited to the meeting.

Consent for the Initial Provision of Special Education Services

“Consent” means that the parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication. The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists any records that will be released and to whom. The parent understands that the granting of consent is voluntary and may be revoked at any time in accordance with OAR 581-015-2090(4) or 581-015-2735.¹⁰

Prior written notice must be given to the parent of a child within a reasonable period of time before a school district proposes to initiate the provision of a free appropriate public education (FAPE) to the child. The content of the prior written notice must include a description of the action proposed or refused by the school district, and an explanation of why the district proposes or refuses to take the action, a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action. The prior written notice must include a statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the Notice of Procedural Safeguards may be obtained, and sources for parents to contact to obtain assistance in understanding their procedural safeguards.¹¹

Additionally required, a description of other options that the IEP Team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal. The prior notice must be written in language understandable to the general public, and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.¹²

The District provided special education services to the Student prior to the Parent providing written consent for the initial provision of special education services on April 20, 2022. Specifically, the Student was receiving specially designed instruction for IEP goals in the areas of self-management/social motivation, self-advocacy/social communication and executive functioning. The Student did not receive speech-language therapy as a related service until April 25, 2022, after the Parent provided written consent for services to begin.

During interviews, the Special Education Teacher and Case Manager for the Student confirmed that portions of the Student's IEP were implemented before receiving written consent from the Parent because they knew how important the services were to the Parent and they were trying to accommodate the Parent and “make them happy.” Further, the Special Education Teacher and Case Manager reported that the Parent had not been presented with the Prior Notice and Consent for Initial Provision of Special Education Services until April 20, 2022, which was weeks after the District started implementation of most of the special education services.

¹⁰ OAR 581-015-2000(5)

¹¹ OAR 581-015-2310(2)(3a-3e)

¹² OAR 581-015-2310(3f-3g)(4)

V. CORRECTIVE ACTION¹³
In the Matter of Hillsboro School District 1J
Case No. 22-054-028

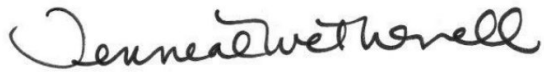
Based on the facts provided, the following corrective action is ordered:

Action Required	Submissions	Due Date
<p>1. The District must provide the Student with Compensatory Education to make up for related services and SDI not provided pursuant to Student’s IEP. The Compensatory Education to be offered to the Parent shall include at least:</p> <ul style="list-style-type: none"> • 2.25 hours of related services in speech/language therapy; • 13.5 hours of specially designed instruction in self-management/social motivation; • 13.5 hours of specially designed instruction in self-advocacy/social communication; and • 9 hours of specially designed instruction in executive functioning <p>The District must hold an IEP meeting with the Parent to develop a plan to deliver this SDI.¹⁴</p>	<p>The District shall submit the following:</p> <p>Completed plan for delivery of Compensatory Education developed in IEP meeting with Parent;</p> <p>Evidence showing compensatory education was provided.</p>	<p>November 15, 2022</p> <p>September 1, 2023</p>
<p>2. The District must ensure that all District staff responsible for special education procedures implementation for this Student training in each of the following areas:</p> <ul style="list-style-type: none"> • Pre-referral and Child Find • When IEPs Must Be In Effect • Notice of Team Meeting • Consent for the Initial Provision of Special Education Services • Inviting outside agencies to IEP meetings • Implementing accommodations 	<p>Training agenda/materials to District Support Specialist for review/approval.</p> <p>Sign-in sheet for training.</p>	<p>December 15, 2022</p> <p>March 15, 2023</p>

Dated: this 7th Day of October 2022

¹³ The Department’s order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective action and will verify that the corrective action has been completed as specified in any final order (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)).

¹⁴ 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.



Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 7, 2022

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).)