

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Hillsboro SD 1J ) FINDINGS OF FACT,  
 ) CONCLUSIONS,  
 ) AND AMENDED FINAL ORDER  
 Case No. 17-054-021

I. BACKGROUND:

On September 20, 2017, the Oregon Department of Education (Department) received a written request for a Special Education complaint investigation (Complaint) from the parents (Parents) of a student (Student) residing in the Hillsboro School District (District). The Parents 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 by email on September 20, 2017.

Under state and federal law, 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. This timeline may be extended if the Parent and the District agree to the extension to engage in mediation or local resolution of the complaint; or for extenuating circumstances. A complaint must allege a violation that occurred not more than one year before the date the complaint was received by the Department.<sup>1</sup> Based on the date the Department received the Complaint, the relevant period for this Complaint is September 21, 2016 through September 20, 2017. The timelines in the Complaint had to be extended due to a family matter involving the Complaint Investigator. The Complaint was extended for 12 days, and the Final Order was issued on November 28, 2017. The District has satisfactorily completed all Corrective Action included in the original version of this Order.

On January 24, 2018, the Department received a Request for Reconsideration from Complainant. On February 12, 2018, the Department notified the parties that it would reconsider the findings in this case. The Department did so and hereby issues its Amended Order in this matter.

On September 27, 2017, 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 October 11, 2017.<sup>2</sup>

On October 11, 2017, the District submitted a packet of materials for the Department’s Complaint Investigator to review. These materials are listed in the chart below:

<sup>1</sup> OAR 581-015-2030 (5).

<sup>2</sup> The Request for Response was revised on September 29, 2017, to clarify the materials the Complaint Investigator was requesting from the District.

## District Response

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During the week of October 16-20, 2017, the Parent submitted a packet of materials to the Department’s Complaint Investigator. These are described in the chart below:

<b>Date</b>	<b>Material</b>
September 20, 2017	Parent Complaint
Various Dates	Documents from IEP; and emails to illustrate Parents’ areas of concern in the complaint.
September 15, 2015	Vision Therapy Evaluation, Pacific Eye Clinic
August 13, 2016	Vision Report, OHSU
August 16, 2016	Autism Assessment, Doernbecher Children’s Hospital
September 21, 2016	Occupational Therapy Assessment, Doernbecher Children’s Hospital
September 21, 2016	Autism Program/Team Assessment/CDRC; modified from original to include information pertinent to intervention planning.
April 19, 2017	Corrected Report on Speech/Language assessment completed in August 2016.
April 21, 2017	Medical Statement from Primary Care Physician
May 16, 2017	Medical Statement from OHSU Physician
October 4—12, 2016	Emails between Parents and District
February, 2017	Emails between Parents and District
March 2017	Emails between Parents and District
May 2017	Emails between Parents and District
June 2017	Emails between Parents and District
March 7, 2017	Parent Complaint to OCR
May 20, 2017	Parent Complaint to OCR

The Department’s Complaint Investigator determined that on-site interviews were needed. On October 23, 2017, the Department’s Complaint Investigator interviewed the Parents. On that same day, the Department’s Complaint Investigator interviewed three Math teachers, two Language Arts teachers, an Art teacher, the Principal, a Student Services Administrator, and the Executive Director of Student Services. On October 24, 2017, the Department’s Complaint Investigator interviewed two Science teachers, a Social Studies teacher, a Student Services Administrator, the Speech Language

Pathologist, the Case Manager, Clinical Psychologist, Assistive Technology Specialist and the Assistant Principal.

The Complaint Investigator reviewed and considered these documents, interviews, and exhibits in reaching the Findings of Fact and Conclusions of Law contained in this amended order.

Under federal and state law, the Department must investigate written complaints that allege IDEA violations that occurred within the twelve months prior to the Department’s receipt of the complaint and issue a final order within sixty days of receiving the complaint.<sup>3</sup> However, the timeline for issuing the initial order was extended under the “exceptional circumstances” provision of OAR 581-015-2030(12)(a) and 34 CFR § 300.152(b).

## 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 out in the chart below. These conclusions are based on the Findings of Fact in Section III and on the Discussion in Section IV. This Complaint covers the one-year period from September 21, 2016 through September 20, 2017.<sup>4</sup>

	<b>Allegations</b>	<b>Conclusions</b>
1.	<p><b><u>When IEP’s Must Be in Effect:</u></b></p> <p>The Parents allege the District violated the IDEA when it did not provide the services as denoted on the Student’s IEPs written during the 2016-2017 school year. Specifically, the District did not provide or implement:</p> <p>a) 90 minutes per month of social communications Specially Designed Instruction (SDI) or 30 minutes per month of self-management SDI after the Parents removed the Student from a Special Education class due to concerns about a peer bullying the Student;</p>	<p><b><u>Partially Substantiated:</u></b></p> <p>Staff provided Specially Designed Instruction (SDI) in social communications and self-management, appropriate accommodations in class, and followed the Behavior Support Plan. However, there is no evidence that 205 of the required 810 minutes of social communications SDI were provided.</p>

<sup>3</sup> 34 CFR §300.152

<sup>4</sup> See OAR 581-015-2030(5)(2008); 34 CFR §300.153(c)

	<p>b) Accommodations in the Student's general education classes; and, c) The Behavior Support Plan.</p> <p>(Relevant Law and Regulations: OAR 581-015-2220 (1) (b); 34 CFR § 300.323; 34 CFR § 300.324)</p>	
2.	<p><b><u>Parent Participation – General:</u></b></p> <p>The Parents allege the District violated the IDEA when it held a staff meeting to re-write the Student's IEP, changed and omitted many components, and made unilateral decisions about the Student's IEP prior to the meeting with the Parents. In addition, at the IEP Meeting District staff refused to consider parental input about the re-written IEP and then refused to hold another meeting to consider the Parent's concerns about the new IEP.</p> <p>(Relevant Law and Regulations: OAR 581-015-2190 (4); 34 CFR § 300.322 (a), 300.501 (b) and 300.513 (a)(2)(ii))</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The District gave serious consideration to all the Parents' comments and ideas, and did, in fact, incorporate some of them into the Student's IEP. The District did refuse to hold another meeting, because the issues proposed by the Parent had already been sufficiently discussed during the May 31, 2017 and June 13, 2017 IEP Meetings. This did not limit the Parents' ability to participate in the IEP Meetings and the Parents have been able to participate fully in the Student's education.</p>
3.	<p><b><u>Review and Revision:</u></b></p> <p>The Parents allege the District violated the IDEA when it refused to consider recommendations contained in an evaluation report from OHSU/CDRC<sup>5</sup> provided by the Parents.</p> <p>(Relevant Law and Regulations: OAR 581-015-2225 (1)(b)(C); 34 CFR § 300.324 (b)(1)(ii)(C))</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The IEP Team did consider the recommendations contained in the evaluation report, as required. This is reflected in the February 1, 2017 IEP Team Meeting Minutes. There is no requirement that the IEP Team adopt these recommendations.</p>

<sup>5</sup> Oregon Health Sciences University and Child Development and Rehabilitation Center

<p>4.</p>	<p><b><u>Evaluation and Reevaluation Requirements:</u></b></p> <p>The Parents allege the District violated the IDEA when it did not complete the Occupational Therapy (OT) evaluation after the Parents requested such an evaluation.</p> <p>(Relevant Law and Regulations: OAR 581-015-2105 (2); 34 CFR § 300.301 &amp; 300.303)</p>	<p><b><u>Substantiated in Part:</u></b></p> <p>The IEP Team discussed the subject of the Occupational Therapy (OT) evaluation and the results from the OHSU evaluation many times over the course of the school year. On March 13, 2017, the Parents requested an OT evaluation, and the District did not address this request until the June 13, 2017 IEP Team Meeting. No Prior Written Notice was produced to address the Parent's request of March 13, 2017. Parent agreed to wait until Fall 2017 for the evaluation to take place, and it has since been completed.</p> <p>See amended Corrective Action.</p>
<p>5.</p>	<p><b><u>General Evaluation and Reevaluation Procedures:</u></b></p> <p>The Parents allege the District violated the IDEA when it did not conduct the reevaluation appropriately when considering the Student's eligibility for Special Education. Specifically, the Parents allege the District:</p> <p>a) Did not conduct the evaluation according to rules and regulations; and,</p> <p>b) Did not conduct an evaluation sufficiently comprehensive to identify all of the child's Special Education and the related services' needs.</p> <p>(Relevant Law and Regulations: OAR 581-015-2110 (3) (4)(E)(e); 34 CFR § 300.304, 300.305)</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The District obtained informed consent from the Parents for reevaluation to be conducted in two of the Student's three eligibilities. The District met the evaluation timeline and considered all available information at the eligibility meeting held on April 20, 2017. The District was not able to conduct a comprehensive reevaluation for Emotional Disturbance (ED) because the Parents refused to give consent for this reevaluation.</p>

<p>6.</p>	<p><b><u>Evaluation Planning:</u></b></p> <p>The Parents allege the District violated the IDEA during the reevaluation process when it:</p> <ul style="list-style-type: none"> <li>a) Considered information that was out of date;</li> <li>b) Did not consider new information provided by OHSU/CDRC; and,</li> <li>c) Considered only one category of eligibility.</li> </ul> <p>(Relevant Law and Regulations: OAR 581-015-2115; 34 CFR § 300.305)</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The Parents had given some evaluation reports to the District from Autism and Communication evaluations conducted in the summer of 2016 at OHSU. The IEP Team reviewed these reports during the reevaluation meeting on April 20, 2017. The Team considered three categories of eligibility; Emotional Disturbance, Communication Disorder, and Other Health Impairment. The medical diagnoses reached by the OHSU team differ from the educational criteria, and the Team was not able to find the Student eligible for Vision Impairment or Communication Disorder. Because the Parents had refused consent, the District was not able to evaluate for ED and used old testing data combined with current file review information.</p>
<p>7.</p>	<p><b><u>Determination of Eligibility:</u></b></p> <p>The Parents allege the District violated the IDEA when it did not include at least one qualified professional who is knowledgeable and experienced in the evaluation and education of children with the suspected disability in the meeting when the Team established the Student's eligibility after the reevaluation.</p> <p>(Relevant Law and Regulations: OAR 581-015-2120 (1)(a); 34 CFR § 300.304, 300.305)</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The District ensured that professionals knowledgeable and experienced in the evaluation and education of children with the three suspected disabilities (Emotional Disturbance, Communication Disorder, and Other Health Impairment), including the Speech Language Pathologist, the School Psychologist, two Student Services Administrators and Assistive Technology Specialist, were present at each meeting when the eligibilities were considered.</p>
<p>8.</p>	<p><b><u>Interpretation of Evaluation Data:</u></b></p> <p>The Parents allege the District violated the IDEA during the reevaluation process when it:</p>	<p><b><u>Not Substantiated:</u></b></p> <p>In order to reevaluate this Student, the Team carefully considered a wide variety of information from multiple</p>



	<p>a) Did not consider information from a variety of sources; and, b) Did not ensure that the information from all sources was documented and carefully considered.</p> <p>(Relevant Law and Regulations: OAR 581-015-2125; 34 CFR § 300.306)</p>	<p>sources that was documented, including the reports from OHSU and the Occupational Therapy evaluation.</p>
<p>9.</p>	<p><b><u>IEP Team Considerations and Special Factors:</u></b></p> <p>The Parents allege the District violated the IDEA during the IEP review and revision process when it removed the Special Factor consideration of Visual Impairment from the Student's IEP without considering appropriate data about the Student's visual impairment.</p> <p>(Relevant Law and Regulations: OAR 581-015-2205 (3)(c) (4); 34 CFR § 300.320, 300.324 (a)(1) &amp; (2), (b)(2))</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The IEP Team removed Visual Impairment from the Special Factor section on one of the four IEPs, as the Student did not require instruction in Braille or the use of Braille. However, that IEP, as the others, included accommodations for the Student's particular vision impairment.</p>
<p>10.</p>	<p><b><u>Additional Parent Participation Requirements for IEP and Placement Meetings:</u></b></p> <p>The Parents allege that the District violated IDEA when it scheduled IEP meetings at times that were difficult for the Parents to attend and were not mutually agreed upon times.</p> <p>(Relevant Law and Regulations: OAR 581-015-2195 (1); 34 CFR § 300.322)</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The District emailed or called the Parents to schedule the IEP meetings. The Parents requested that the meetings be held late enough in the afternoons so that the Parents could stay the full length of time at their jobs. The District honored this request, and took the necessary steps to ensure the appropriate staff would stay beyond their working contracted time.</p>

**Issues Outside the Scope of the Individuals with Disabilities Education Act (IDEA):**

The Parents allege the District has retaliated against, intimidated and bullied them in a variety of ways. Retaliation, intimidation and bullying are not within the jurisdiction granted under OAR 581-015-2030, will not be investigated in the current investigative process, and may be addressed through the school district's complaint procedures. Similarly, the Parents allege that a Communication Plan with a "Person in Charge" as the point person for all communications between the Parents and staff limits their ability to participate in the IEP process. Again, this is not an IDEA issue, and the Parents may engage in the District complaint process. Finally, the Parents also allege the District limited their Student's ability to attend programs in a religious facility located near campus. This is not within the jurisdiction granted under OAR 581-015-2030, but the Parents may use the District complaint process for this issue.

**Requested Corrective Action:**

- 1) Reinstate IEP to 11/02/2016 version, including SLP services and accommodations, such as same day home to school communication and not allowing [Student] to leave class during the period.
- 2) Edit to include data from outside experts: Vision and OHSU reports. Follow professional and expert advice and recommendations.
- 3) Highlight Vision and Communication issues. Amend IEP to clearly show "Global" nature of multiple deficit areas.
- 4) Delete subjective, negative, extraneous, and inaccurate data.
- 5) Indicate future follow up items (testing, OT evaluation, etc.).
- 6) Plan and execute extensive OT Evaluation, specifically covering Vision, to inform IEP/BSP.
- 7) Incorporate information provided by Parents into IEP plans.
- 8) Provide SLP instruction to remediate social communication deficits.
- 9) Implement Student's IEP to include additional SLP minutes to account for [Student's] newest diagnosis, Social (Pragmatic) Communication Disorder.
- 10) Follow accommodations, specifically and including advanced access to content, enlarged hard copies for all notes, and additional time, etc.
- 11) Update accommodations to better address [Student's] needs regarding Vision, Communication, Attention, and Executive Function Deficits, and other challenges, as indicated.
- 12) Rewrite IEP Goals to account for the lack of progress shown, from last year (revert back?). Discuss and update.
- 13) Prepare IEP appropriately for submission to College Board for PSAT/SAT testing, including Parent Consent for high school to discuss disabilities and accommodations, etc.
- 14) Implement, test, and revise the BSP, including capture appropriate data, both positive and negative.
- 15) Ensure timely, accurate, and complete communication, on the part of Staff, regarding parent and teacher concerns.
- 16) Allow direct communication between parents and teachers (remove PIC "Communication Plan").

- 17) Ensure that documentation of meetings is complete and accurate and that documents, such as Prior Notices are not written, after the fact, to benefit Staff or substantiate actions.
- 18) Ensure appropriate Parent Participation in all future plans. This includes specifically soliciting and following Parent requests about scheduling, not tracking, goals, service minutes, access to extracurricular activities, Specially Designed Instruction in Social Skills communication, and etc. (sic)
- 19) Review Communication Disorder eligibility and data.
- 20) Determine that Communication Disorder does apply in the school setting through review of existing data (explain/reinterpret discrepancies). Provide additional instruction and supports, as indicated.
- 21) Plan and Provide compensatory education to compensate for the lack of instruction and progress, last year (as well as all previous years).
- 22) Remove the SRO presence at the 9/21/2017 IEP meeting and any future meetings, due to lack of cause and appropriateness (designed to silence and intimidate us).
- 23) Plan and provide extra opportunities for social success in the school setting, according to Student's individualized needs. This could include attending Seminary during lunch, or being allowed to attend sports practices, zero period or AVID classes, and etc. (sic)
- 24) Train teachers and staff regarding deficit skill areas, interventions and accommodations, FAPE/IDEA laws and implementation, antecedent behaviors and proactive and reactive strategies, bullying, administrative procedures, and Best Practices, etc.
- 25) Require teachers and Staff to attend IEP and BSP meetings, as well as require Staff to completely read and implement IEP/BSP plans.
- 26) Pay for additional camps, therapies, or group sessions, outside of the school setting, to cover instruction to overcome deficits in Vision, Communication, Attention, and Executive Function, as well as Occupational Therapy or other treatments, as indicated.
- 27) Provide financial compensation for lack of services provided, retaliation, loss of wages, pain and suffering, loss of reputation, and etc. (sic)
- 28) Letter of apology from the District regarding lack of instruction, inappropriate procedures and communications, retaliation, and etc. (sic)
- 29) Review and audit of existing Special Education files at high school (and beyond?) to ensure appropriate communications and strategies are being applied evenly, specifically regarding access to FAPE and legitimate Parent Participation.
- 30) Implementation of a remediation plan for the District and high school that appropriately addresses the serious and legal concerns included in this complaint, especially equity issues for all students.
- 31) We are open to the possibility of mediation, depending on the details. Regardless of the proposed and final solutions, Staff need to stop acting as if we, as parents, are the problem. We would ask that they take responsibility for their actions, stop doing things against [Student's] plans, communicate well with us, and stop blaming us for the fact that we have to keep complaining about Staff's persistent inability to understand [Student] and follow the intervention plans. To us, this is continued bullying and harassment, based on

- [Student's] disabilities and our much-needed advocacy, on [Student's] behalf.
- 32) We would also like [Student's] grades changed for first semester English and Math to A's, and the Art grade for second semester changed to a B (due to lack of accommodations and the grades [Student] would have gotten if [Student] received them (accommodations)).

### **III. FINDINGS OF FACT:**

1. The Student is sixteen years old and is eligible for Special Education services as a student with an Other Health Impairment (Attention Deficit Disorder), established on April 20, 2017. The Student lives in and attends 10th grade at a District high school.
2. When the 2016-2017 school year began, the Student was eligible for Special Education as a student with an Emotional Disturbance and an Other Health Impairment. The Student also had a Behavior Support Plan (BSP) that had been in force and was used during the Student's time in middle school.
3. On August 30, 2016, the Parents met with the high school IEP Team to facilitate a smooth transition for the Student from 8th to 9th grade. At that meeting, the Parents shared some behavior management strategies which had been successful at the middle school. The IEP Team also reviewed the BSP. The Parents also asked that staff members not meet with the Student 1 to 1, because such meetings might activate the Student's Post-Traumatic Stress Syndrome.
4. During the meeting, the Parents gave the District copies of two reports summarizing evaluations which had been done with the Student over the summer. The first was a report from the OHSU Vision Clinic dated August 13, 2016. In this report, the OHSU physicians noted the Student suffers from double vision due to an eye condition. "This causes slowness in fixation and refixation—looking at the board and back to the notebook in school. The Student is also more uncomfortable in bright light. Although visual acuity in each eye is good, multiple images can cause significant disturbance and can limit school performance." The doctors recommended that the District consider offering extra time for work, and accommodations which would allow the Student to adjust to the visual disabilities.

The second report detailed an Autism and Communication evaluation completed with the Autism Clinic at Doernbecher Children's Hospital. The IEP Team noted the Student demonstrated strong semantic and syntactic skills with specific deficits in social pragmatic language, medically coded as Social (Pragmatic) Communication Disorder. The IEP Team found no evidence to assign a diagnosis on the Autism Spectrum.

5. The Student's schedule for the first semester of the 2016-2017 school year included a "Strategies for Organizational Success" class. This class was co-taught by a Special Education teacher and a Speech/Language Pathologist (SLP). The Student was placed in this class to receive the 90 minutes monthly of SDI in Social Communication Skills, as outlined in the March 16, 2016 IEP.

This SDI was integrated into the curriculum of the class and provided to the Student in a small or large group or in individual conferences. The Student attended this class for the first five days of the school year, and then the Parents requested the Student be removed from the class because of a concern about peer bullying. The District removed the Student from the class.

6. After this schedule change, the Speech/Language Pathologist provided the SDI to the Student in a variety of ways. The SLP met with the Student in other classes, during breaks in the daily schedule, and provided consultation for other school staff to use in providing the SDI to the Student. From September 1, 2016 until May 31, 2017, when the IEP Team changed the amount of SDI from 90 minutes to 30 minutes monthly, the SLP provided 605 of the required 810 minutes of SDI in Social Communication in the general education setting. There is no evidence that the remaining 205 minutes of SDI were provided.
7. The IEP Team referenced the Behavior Support Plan (BSP) in each of the IEPs written during the time under investigation. The BSP was based on a Functional Behavioral Assessment (FBA) written in 2012 and revised on May 20, 2015.
8. The IEP Team discussed the BSP at the August 30, 2016 IEP Meeting. The high school staff noted that they did not use a coupon system for reinforcing positive behavior; but that they could provide clear and concrete verbal positive comments. The IEP Team also discussed the importance of minimizing drama with the Student by not removing the Student from class and by offering the Student the opportunity to explain a problem situation in writing. The Parents requested that school staff communicate with them by email only about all disciplinary issues.
9. The Student's Case Manager tracked incidents when staff had to employ the BSP. Staff managed these behaviors by using the strategies in the BSP, i.e., not taking the Student out of class, emailing Parents, debriefing with the Student in the class privately, and offering the Student an opportunity to take a 5 minute or less break.

In addition, staff offered the Student the opportunity to write about what happened in an incident at least 11 times over the course of the year. Staff spoke positively to the Student and sent home positive comments in emails to the Parents. The Student was given no formal disciplinary referrals even in several instances when the Student clearly violated the school conduct code. Instead, staff relied on the strategies outlined in the BSP.

10. The District uses a computerized system which allows teachers instant access to a wide variety of information about students. For example, using a list of students in a class, a teacher can click on various icons next to the student's name and find out whether the student has a health or safety plan, an IEP or Section 504 Plan. All general education teachers interviewed by the Department's Complaint Investigator could name the accommodations specific to each of their classes and were able to explain how they implemented the accommodations to support the Student. In

addition, staff noted the necessity of giving clear directions, positive comments and not engaging the Student in drama.

11. The IEP Team met on November 2, 2016. The Parents provided the District staff with copies of an Occupational Therapy evaluation report the Parents had recently received. This report was part of a multi-disciplinary team evaluation conducted at OHSU. An Occupational Therapist (OT) concluded that the Student is over responsive to vision, touch and movement input, and is sometimes overwhelmed by multiple types of input. The Student is showing signs of sensory processing disorder and more specifically sensory modulation dysfunction. The OT recommended that the Student might benefit from the Zones of Regulation Program.

The IEP Team discussed maintaining the IEP as written on March 16, 2016, so that a reevaluation could be conducted to provide more current information. The Parents expressed interest in evaluating the Student for several other areas of disability, such as Vision and Communication Disorder. The IEP Team agreed and explained the process of conducting an evaluation planning meeting to specifically decide what areas would be evaluated and with what instruments.

The SLP informed the Parents that even though the Student no longer attended the Strategies for Organizational Success (SOS) class, the Student was receiving the appropriate amount of SDI in Social Communication skills. The IEP Team also discussed some disruptive behaviors the Student was evidencing in class, i.e., falling asleep and a loud high-pitched laugh. The Parents suggested ways to handle these behaviors and noted that they would discuss the behaviors with the Student at home. Finally, the Parents signed releases so that District staff could communicate with the outside evaluators.

12. The IEP Team met again on February 1, 2017 to do evaluation planning. At this meeting, the Parents told the Team that it was very important to them that their child not be found eligible for Special Education as a student with an Emotional Disturbance. Instead, the Parents asked the Team to consider Vision Impairment or Other Health Impairment as disability categories.

The IEP Team reviewed assessments and evaluations that had been conducted over the past several years. One of the District administrators discussed the criteria for eligibility in Vision Impairment, and explained the Student would not meet any of these criteria. The SLP commented that the communications testing was incomplete, and that it would be appropriate to conduct additional testing of the Student's communication skills. The IEP Team discussed the eligibility criteria for the category of Emotional Disturbance and reviewed past testing in this category. They also discussed the use of Assistive Technology (AT). The Parents signed consent for the District to evaluate the Student for a Communication Disorder, and to assess the Student's need for accommodations in Reading. However, the Parents refused consent to do any evaluations in Emotional Disturbance.

13. The AT Specialist administered the Protocol for Accommodations in Reading to the Student on March 3, 2017. The AT Specialist also gathered information from teachers

by using the Wisconsin Assistive Technology Checklists. When reading with a digital text reader at a rate of 140 words per minute, the Student scored 75% comprehension on the passage. The Student read a 14-pt. font wearing glasses at 118 words per minute and 92% comprehension. Teachers reported they had not seen the Student use a computer for word processing but that the Student's handwriting was generally legible but somewhat slow. As part of the evaluation, the AT Specialist observed the Student in Language Arts and Algebra classes. The AT Specialist suggested these considerations for the IEP Team to discuss:

- a. Digital text reader to reduce eye fatigue and increase reading speed;
- b. Continue to provide enlarged font, consider increasing to 18-pt.;
- c. Continue to provide Enlarged/Clear contrast for printed materials, such as math;
- d. Continue with preferential seating;
- e. High contrast colors for projection, i.e., black background, white bold font;
- f. Use a ruler or other straight edge as reference for drawing graphs;
- g. Share PowerPoint with Student for later viewing (view only); and,
- h. Masking/Reading guide.

14. The IEP Team met on April 20, 2017 and first considered the eligibility category of Other Health Impairment. A report from OHSU was reviewed as part of this process. The IEP Team agreed to find the Student eligible as a Student with an Other Health Impairment.

The SLP discussed the Communication Disorder evaluation, and noted that the Student scored within the average range on all standardized tests given as part of the evaluation. The Parents expressed concern about and disagreement with the variations in the test scores from the OHSU evaluation and the District evaluation and asked for an Independent Education Evaluation (IEE). The SLP attempted to explain the reason for the differences in the scores, but the Parents objected to this interpretation. The IEP Team considered all sections of the category of Communication Disorder and found the Student did not have a disability in any of the sections. The Parents strongly disagreed and noted their disagreement on the Statement of Eligibility.

15. The IEP Team then considered whether the Student was eligible in Emotional Disturbance. One of the Parents commented that the testing results under consideration were very old, behavior rating scales from 2011. A District member of the IEP Team noted that since the Parents had refused to give consent for the Team to evaluate in this area, there were no new testing results to rely upon. The Parents suggested that the IEP Team use the multidisciplinary report from OHSU, which focused on a Pragmatic Language diagnosis.

District IEP Team members stated they believed the Student demonstrates an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; and inappropriate types of behavior or feelings under normal circumstances. Again, the Parents disagreed and noted their disagreement on the Statement of Eligibility.

Other IEP Team Members suggested another IEP meeting to rewrite the IEP considering the eligibility decisions. The Parents disagreed.

16. On May 23, 2017, a Student Services Administrator provided a letter to the Parents including information about how to obtain an IEE. The District agreed to pay \$1600.00 for an IEE to assess the Student in Communication. The Parents have not yet arranged for an IEE.
17. The IEP Team met again on May 31, 2017 and revised the IEP by removing the Visual Impairment from the Special Factors section of the IEP. The District sent the Parents a draft IEP to review before the meeting. The IEP Team started the discussion by asking the Parents to explain to the District staff what concerns the Parents had about the revised IEP. The Parents asked the District to:
  - a. Use the Present Level of Academic Achievement and Functional Performance (PLAAFP) language from the IEP written on March 16, 2016. The Parents requested this because they believed the middle school staff had a more accurate understanding of the Student than the high school staff did;
  - b. Remove any references to data collected in 2011 from the PLAAFP;
  - c. Include in the PLAAFP the diagnoses provided at OHSU, Vision Impairment, Social Communication, ADHD and Executive Functioning;
  - d. Remove any references or data in the IEP to the Student's eligibility of Emotional Disturbance;
  - e. Remove a paragraph in the PLAAFP related to the Student's Self-Management Skills;
  - f. Remove any language reporting the Student's behavior around suicidal ideation;
  - g. Add home/school communication, positive feedback, proximity to positive peers, computer passages, duplicate text books, screen dampener, advanced access to content, and graph paper back to the Accommodations list.

18. The IEP Team reviewed the Consideration of Special Factors section of the IEP. The Case Manager had recommended that the Team needed to consider and address the Special Factors of Behavior, Communication needs, Assistive Technology and specialized formats for print materials. Although the Parents disagreed, the other IEP Team Members noted the Student did not need consideration for being blind or visually impaired.

The IEP Team noted the section on the transition assessment which had been conducted, but did not discuss this assessment specifically. The IEP Team reviewed the self-management goal and objectives, and the social communication goal and objectives, and the list of Accommodations. The AT Specialist discussed the Assistive Technology evaluation and explained some specific technologies which the Student could use, i.e., Google Chromebook, Book share, and the IEP Team agreed these would be good for the Student, as well as the continued availability of duplicate texts, enlarged print assignments, etc. The IEP Team discussed the proposed home/school communication system, which centers on the Principal gathering the school information and emailing it to the Parents.



19. The IEP Team agreed to meet again to consider the revisions they had made, the amount of service time needed, and the BSP. The Parents expressed their belief that the Student no longer had an Emotional Disturbance and asked for another meeting to discuss the eligibilities again. The IEP Team agreed to do this and to postpone the discussion on the BSP until August 2017. In a Prior Written Notice dated May 31, 2017, the Case Manager noted the change in the amount of service time and the accommodations in order to reflect current information at the high school level and to keep the Student in the least restrictive environment.

The IEP Team reconvened on June 13, 2017 to consider Evaluation issues and to review eligibility. The Parents again expressed their belief that while the category of Emotional Disturbance described the Student at the beginning of middle school, there were now vision and communications issues which describe the Student's needs more accurately. The Parents refused to consent to reevaluation in Emotional Disturbance and the IEP Team agreed to drop the ED eligibility.

However, the IEP still includes SDI for self-management as well as a self-management goal. Many of the previous behavioral accommodations remain in effect, as does the BSP.

The IEP Team agreed to conduct an Occupational Therapy evaluation and to review the BSP in the fall before the Student started the 10th grade. The Parents sent an email to the District on June 29, 2017 and requested another IEP meeting. On August 17, 2017, the District sent the Parents a Prior Written Notice informing the Parents that the District was refusing to hold another IEP meeting until the May 31, 2017 IEP had been implemented for two months. The District stated it did not have reason to believe there was new information for the IEP Team to consider at this time.

20. When the IEP Team met on August 30, 2017, the District staff asked if the Parents were interested in the Team conducting a new FBA before the IEP Team revised the BSP. The Parents were concerned and wanted to discuss the IEP, AT, OT and vision issues. The Parents objected to doing a FBA and questioned why the District would not implement the March 16, 2016 IEP and BSP as written when the Student entered high school.

The IEP Team then reviewed some elements of the current BSP but did not reach any conclusions on it. The District suggested another meeting on September 21, 2017 to plan an OT evaluation and to review behavioral issues. The District proposed sending home drafts of the BSP for the Parents to review, but the Parents stated they would not review any more documents outside of Team meetings.

District staff reviewed the home/school communication plan and stated that again for the 2017-2018 school year, all communications would go from the Principal to the Parents and vice versa, which had been determined during the May 31, 2017 IEP Meeting. The Parents protested this and asked to be able to communicate with teachers directly, but the District refused.

21. The AT Specialist met with the Student and the Parent on September 11, 2017. The AT Specialist gave the Student an iPad and demonstrated how the Student could use it in classes. Instructions were also provided to the Student on how to use Bookshare and how to use a camera to take pictures of written assignments.

22. The Parents filed the Complaint on September 20, 2017.

#### **IV. DISCUSSION**

##### **1. When IEPs Must Be in Effect:**

The Parents allege the District violated the IDEA when it did not provide the services as denoted on the Student's IEPs written during the 2016-2017 school year. Specifically, the District did not provide or implement:

- a) 90 minutes per month of social communications Specially Designed Instruction (SDI) or 30 minutes per month of self-management SDI after the Parents removed the Student from a Special Education class due to concerns about a peer bullying the Student;
- b) Accommodations in the Student's general education classes; and,
- c) The Behavior Support Plan.

Under OAR 581-015-2220 (1) (b)) and 34 CFR 300.323, 300.324, a district meets its responsibilities to a student with disabilities when it has an IEP in place for the student at the beginning of a school year. Further, the district meets its responsibilities when it provides the "special education and related services" in accordance with the IEP.<sup>6</sup> This includes the supplementary aids and services, accommodations, modifications and supports to school staff.

Here, the District placed the Student in a Strategies for Organizational Success at the start of the Student's 9th grade year. This was consistent with the Student's IEP which specified that the Student receive 90 minutes per month of SDI in Social Communications, and 30 minutes per month of SDI in Self-management in either a general education or Special Education setting. Participating in this class for 90 minutes every other day would have provided many opportunities for the Student to learn Social Communication and Self-management skills. However, the Parents requested that the Student be removed from the class after the first week of school, due to concerns about another peer in the class. The Student was placed in another general education class.

For the remainder of the year, District staff had to find other opportunities to provide the SDI to the Student. This was complicated by the fact that the Parents had also requested the District not allow the Student to leave the general education classroom, or to meet with staff 1 to 1. The SLP provided 605 of the required 810 minutes of SDI. In addition, the SLP provided 2280 minutes of consultation to general education staff. This allowed the general education teachers to model and reinforce Social Communication and Self-

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<sup>6</sup> OAR 581-015-2220 (1) (b)

management skills to the Student in their classrooms. However, the full SDI minutes required by the IEP were not provided in Social Communication and Self-management.

Although the Parents allege the District did not provide the accommodations as listed on the Student's IEP, the Department's Complaint Investigator found otherwise. All of the general education teachers interviewed were able to describe varying accommodations they had used in each class. They also knew how to readily locate the Student's IEP on the District's electronic record-keeping system. Teachers noted the Student's need for enlarged visual materials, preferential seating, opportunity to work alone, need for positive comments, and the need to remain in the classroom always—among other class-specific accommodations.

District staff implemented the BSP. They provided teaching, modeling and reinforcement of the Student's appropriate behaviors in the classroom and avoided arguing or power struggles with the Student. Although the middle school coupon reward system was not in use at the high school, at least one teacher gave the Student a reward coupon early in the school year. The Student asked that staff not give those coupons again because they distinguished the Student from peers. Similarly, staff offered the Student opportunities to describe a difficult situation in writing, "My Sides", but the Student declined to use the strategy. Staff avoided removing the Student from class for disciplinary reasons, and found other ways to hold conversations with the Student about difficult issues.

The Department partially substantiates this allegation.

## **2. Parent Participation – General:**

The Parents allege the District violated the IDEA when it held a staff meeting to re-write the Student's IEP, changed and omitted many components, and made unilateral decisions about the Student's IEP prior to the meeting with the Parents. In addition, at the IEP Meeting District staff refused to consider parental input about the re-written IEP and then refused to hold another meeting to consider the Parent's concerns about the new IEP.

Under OAR 581-015-2190 (4); and 34 CFR 300.322 (a), 300.501 (b) and 300.513 (a)(2)(ii), District staff can meet to prepare a proposal or to respond to a parental proposal that will be discussed at a future IEP team meeting. This may take the form of the case manager preparing a draft of an IEP and then sending it to the parents for review prior to the meeting. By doing so, both parents and district staff can arrive at the meeting prepared to discuss the IEP more fully. However, if district members of an IEP team present the document as final at the meeting and do not allow any discussion of it, this crosses the line into predetermination. Predetermination violates a parent's right to participate and, as such, constitutes a per se denial of FAPE. (34 CFR §§300.322 (a), 300.501 (b) and 300.513 (a)(2)(ii). *HB v. Las Virgenes Unified School District.*, 48 IDELR 31 (9<sup>th</sup> Cir. 2007).

The District and the Parents held IEP Meetings on November 2, 2016 and May 31, 2017. When the IEP Team met on November 2, 2016, to complete the annual review of the Student's IEP, the IEP Team staff agreed to make no changes in the IEP but to wait until

after a reevaluation was available which would provide more information about the Student's needs. The District sent the Parents a draft of the IEP before the May 31, 2017 IEP Meeting, which was presented as a working copy at the actual meeting. The changes in this IEP draft reflected what the Team had learned about the Student in the first year at high school. The Parents felt the revisions did not accurately reflect the Student's needs, and requested the District return to the language used in the middle school IEP (March 16, 2016). Other IEP Team Members listened to the Parents' objections and concerns at both the May 31, 2017 IEP Meeting and at a follow-up meeting on June 13, 2017.

IEP meetings are conducted with the goal of team members reaching consensus on the material written in the IEP document. However, the district retains the final responsibility to make decisions for the student in the case of disagreements, and the parents then have several options for dispute resolution. Here, the District gave serious consideration to all of the Parents' comments and ideas, and did, in fact, incorporate some of them into the final document. The District did refuse to hold another meeting, on the basis that the District wanted to implement the IEP for two months; and the District did not want to continue to discuss the same issues repeatedly. This however did not limit the Parents' ability to participate in the IEP Meetings.

The Department does not substantiate this allegation.

### **3. Review and Revision:**

The Parents allege the District violated the IDEA when it refused to consider recommendations contained in an evaluation report from OHSU provided by the Parents.

Under OAR 581-015-2225 and 34 CFR 300.324 (1) (b) (C), a district meets its responsibility to a student with a disability when it reviews and revises the student's IEP to address information presented by the parents.

Over the time under investigation, the Parents presented historical as well as new information about the Student to the IEP Team. At the first Meeting of the 2016-2017 school year, August 30, 2016, the Parents shared information about what strategies the middle school had used successfully to help the Student manage behavior. The Parents also shared two evaluation reports at that Meeting from Autism and Communication assessments completed at OHSU. The Parents shared an additional report from an Occupational Therapy evaluation at the February 1, 2017 Meeting.

The IEP Team considered the recommendations in these reports. Some of the recommendations, such as visual strategies, and SDI in Social Communications, were already in place in the Student's IEP as accommodations or Specially Designed Instruction. The difficulty was that the Parents wanted the District to adopt the medical diagnoses the OHSU staff had established as Special Education eligibilities. A district is obligated to consider information provided by the parents. Failure to adopt the medical facilities' diagnosis does not indicate failure to consider.

The Department does not substantiate this allegation.

#### **4. Evaluation and Reevaluation Requirements:**

The Parents allege the District violated the IDEA when it did not complete the Occupational Therapy evaluation after the Parents requested such an evaluation.

Under OAR 581-015-2105 (2) and 34 CFR 300.301 and 34 CFR 300.303, a parent may initiate a request for an initial evaluation to determine if a child is a child with a disability. Once parents have made such a request, the district must follow all OARs which define the evaluation and reevaluation process.

The Parents had the Student evaluated at OHSU in the summer of 2016. When the Parents received the Autism Team Assessment report, the evaluators had recommended that the Parents ask the District to do an Occupational Therapy (OT) evaluation because the Student was showing signs of sensory processing disorder. The Parents shared the written report with District staff and requested an OT evaluation on or about March 13, 2017, but the District did not provide a Prior Written Notice addressing the Parent's request or the District's decision regarding the request. The IEP Team discussed an OT evaluation again at the June 13, 2017 IEP Meeting where the Parents agreed to wait until school started again in the fall of 2017 to complete the OT evaluation.<sup>7</sup>

Although the Team discussed the subject of the OT evaluation and the results from the OHSU evaluation many times over the course of the year, the Parents first requested an OT evaluation on March 13, 2017. At the June 13, 2017 IEP Team Meeting, the Parents agreed to wait until fall 2017 for the evaluation to take place.

The Department partially substantiates this allegation.

#### **5. General Evaluation and Reevaluation Procedures:**

The Parents allege the District violated the IDEA when it did not conduct the reevaluation appropriately when considering the Student's eligibility for Special Education. Specifically, the Parents allege the District:

- a) Did not conduct the evaluation according to rules and regulations; and,
- b) Did not conduct an evaluation sufficiently comprehensive to identify all the child's Special Education and the related services' needs.

Under OAR 581-015-2110 (3) (4)(E)(e); 34 CFR § 300.304, 300.305, a District meets its responsibility when it conducts an evaluation or reevaluation and uses a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child. Districts must not use a single measure or assessment as a sole criterion either for eligibility or for determining the appropriate educational program for the child. Finally, assessments must be sufficiently comprehensive to identify all the child's Special Education and related services' needs.

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<sup>7</sup> As of this writing, the OT evaluation has been completed, and the District is in the process of scheduling a meeting to discuss it with the Parents.

The District needed to conduct a three-year reevaluation to consider the Student's eligibilities of ED and OHI by May 19, 2017. At a February 1, 2017 evaluation planning meeting the Parents gave the District consent to evaluate the Student using assessment tools to consider Communication Disorder, Other Health Impairment, and to measure the Student's need for accommodation for Reading. The Parents refused to give the District consent to reevaluate the Student for Emotional Disturbance.

The District completed the evaluations in 50 school days and met with the Parents to consider eligibilities on April 20, 2017. The District used a wide variety of communication assessments, sent for and received a medical statement from the Student's primary care physician, and considered the current academic, attendance and behavioral information in the Student's file.

The Department does not substantiate this allegation.

#### **6. Evaluation Planning:**

The Parents allege the District violated the IDEA during the reevaluation process when it:

- a) Considered information that was out of date;
- b) Did not consider new information provided by OHSU/CDRC; and,
- c) Considered only one category of eligibility.

Under OAR 581-015-2115; and 34 CFR § 300.305, a District must plan and conduct an evaluation that reviews existing information about the student, considers evaluations and information provided by the parents, and reviews current classroom-based, local and state assessments as well as observations by teachers and service providers. When a district is planning a reevaluation, it must also consider what, if any, additions, modifications and related services the student might need; and what additional evaluation information the team needs.

The Parents refused to give consent for the District to reevaluate the Student for ED as an eligibility category. The Eligibility Team did review the data from the Student's file review, a classroom observation, and a medical statement from the Student's primary care physician. District staff members of the IEP Team believed the Student still exhibited behaviors that were inappropriate to a normal circumstance, and was unable to build and maintain satisfactory relationships with peers and adults. However, the IEP Team decided not to make the Student eligible under ED when the Parents refused to provide consent for reevaluation in this area.

The Parents had given some evaluation reports to the District from Autism and Communication evaluations conducted in the summer of 2016 at OHSU. The Evaluation Team reviewed these reports during the reevaluation meeting on April 20, 2017. The Evaluation Team considered three categories of eligibility; ED, CD, and OHI. The medical diagnoses reached by the OHSU team differ from the educational criteria, and the Eligibility Team was not able to find the Student eligible for Vision Impairment or Communication Disorder.

The Department does not substantiate this allegation.

#### **7. Determination of Eligibility:**

The Parents allege the District violated the IDEA when it did not include at least one qualified professional who is knowledgeable and experienced in the evaluation and education of children with the suspected disability in the meeting when the Team established the Student's eligibility after the reevaluation.

(Relevant Law and Regulations: OAR 581-015-2120 (1)(a); 34 CFR § 300.304, 300.305)

The District held an Evaluation Planning Meeting with the Parents on February 1, 2017. The Case Manager, Assistant Principal, two Student Services Administrators, Speech/Language Pathologist, Counselor, Psychologist, AT Specialist, a Support Specialist and a general education teacher all attended the meeting. These individuals, except the Psychologist, also attended the meeting on April 20, 2017 to discuss eligibility. At that Eligibility Meeting the Eligibility Team considered three eligibilities: ED, CD and OHI. The Eligibility Team met again to consider the ED eligibility on May 31, 2017. The Psychologist and the other Eligibility Team members all attended this meeting. Across all three meetings discussing eligibility, District staff had knowledge and experience working with students with Emotional Disturbance (Psychologist, Student Services Administrators), Communication Disorders (Speech/Language Pathologist), and Other Health Impaired (Psychologist, AT Specialist, Student Services Administrators, Counselor).

The Department does not substantiate this allegation.

#### **8. Interpretation of Evaluation Data:**

The Parents allege the District violated the IDEA during the reevaluation process when it:

- a) Did not consider information from a variety of sources; and,
- b) Did not ensure that the information from all sources was documented and carefully considered.

Under OAR 581-015-2125; 34 CFR § 300.306, when a team is considering whether a child is eligible for Special Education and related services, the team must draw upon information from a wide variety of sources and ensure that the information from these sources is documented and carefully considered.

The Evaluation Team considered three eligibility areas when reevaluating the Student. The Eligibility Team observed the Student in the educational setting, conducted testing with standardized instruments, completed a file review, and considered testing conducted at OHSU. The Eligibility Team considered the Parents' point of view and met twice to review the eligibility of ED. The Eligibility Team gathered information from the Student's primary care physician and reviewed that as well.

The Department does not substantiate this allegation.

**9. IEP Team Considerations and Special Factors:**

The Parents allege the District violated the IDEA during the IEP review and revision process when it removed the Special Factor consideration of Visual Impairment from the Student's IEP without considering appropriate data about the Student's visual impairment.

Under OAR 581-015-2205 (3)(c) (4); and 34 CFR § 300.320, 300.324 (a)(1) & (2), (b)(2), a district meets its responsibility when it considers whether a student is blind or visually impaired, and if so, whether the student needs a particular device or service to receive FAPE.

OAR 581-015-2205(3)(c) requires that for a child who is blind or visually impaired, instruction in Braille and the use of Braille is required unless the IEP team determines that this is not appropriate. At no time has this Student been instructed in or utilized Braille. This Student does have an unusual vision condition, which impacts the Student's ability to receive FAPE. During the year under investigation, the IEP Team met three times. At two of those meetings, the IEP Team considered vision and concluded the Student had special needs due to a vision condition. In all of the IEPs during this time, the IEP Team included accommodations for the Student's vision needs. In each of these IEPs, the IEP Team noted the Student needed a particular device or service (including an accommodation) to achieve FAPE.

The IEP Team removed Visual Impairment on only one of the three IEPs. However, that IEP included accommodations for the Student's particular vision impairment.

The Department does not substantiate this allegation.

**10. Additional Parent Participation Requirements for IEP and Placement Meetings:**

The Parents allege that the District violated the IDEA when it scheduled IEP meetings at times that were difficult for the Parents to attend and were not mutually agreed upon times.

Under OAR 581-015-2195 (1); 34 CFR § 300.322, a district must afford opportunities for parents to participate in the IEP and placement meetings by giving parents sufficient notice of the meeting date and time; and scheduling the meeting for a mutually agreed on time and place.

Here, the District emailed or called the Parents to schedule IEP meetings. The Parents requested that the meetings be held late enough in the afternoons so that the Parents could stay the full length of time at their jobs. The District honored this request, and took the necessary steps to ensure the appropriate staff would stay beyond their working contracted time.

The Department does not substantiate this allegation.




**V. AMENDED CORRECTIVE ACTION<sup>8</sup>**

*In the Matter of Hillsboro School District 1J*  
Case No. 17-054-021

No.	Action Required	Submissions <sup>9</sup>	Due Date
1.	<p>With the Parent develop a plan and schedule (during staff work day, Monday-Friday) to provide the missing 205 minutes of social communication specially designed instruction (SDI). Provider(s) to maintain service logs.</p> <p><u>Additional Corrective Action: If not already addressed, convene an IEP meeting to review the OT evaluation results and to incorporate appropriate recommendations as determined by the IEP Team.</u></p>	<p>Submit to ODE –</p> <p>a. A copy of the plan, signed by the Parent and a District representative.</p> <p>b. Evidence of completed instruction signed by District representative and a copy of the service log. Log should also be provided to the Parent.</p> <p><u>Submit to ODE –</u></p> <p>a. <u>Meeting invitation and notes</u></p> <p>b. <u>Revised IEP, if changed.</u></p>	<p><b>December 15, 2017</b> <b>(Completed)</b></p> <p><b>February 28, 2018</b> <b>(Completed)</b></p> <p><b><u>April 20, 2018</u></b></p>

Dated: this 23rd day of March 2018


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 Sarah Drinkwater, Ph.D.  
 Assistant Superintendent  
 Office of Student Services

Mailing Date: March 23, 2018

<sup>8</sup> 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)).

<sup>9</sup> Corrective action submissions and related documentation as well as any questions about this corrective action should be directed to Rae Ann Ray, Oregon Department of Education, 255 Capitol St. NE, Salem, Oregon 97310-0203; telephone – (503) 947-5722; e-mail: [raeanrray@state.or.us](mailto:raeanrray@state.or.us); fax number (503) 378-5156.