

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Portland School District 1J)
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)

FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 17-054-029

I. BACKGROUND

On December 11, 2017, the Oregon Department of Education (Department) received a written request for a Special Education complaint investigation (Complaint) from the parent (Parent) of a student (Student) residing in the Portland School District (District). The Parent requested that the Department conduct a Special Education investigation pursuant to Oregon Administrative Rule (OAR) 581-015-2030. The Department confirmed receipt of the Complaint and forwarded it to the District by email on December 11, 2017. A contractor with the Department (Investigator) investigated the Complaint.

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.¹ Based on the date the Department received this Complaint, the relevant period for this Complaint is December 12, 2016 through December 11, 2017.²

On December 15, 2017, the Investigator sent a *Request for Response* (RFR) to the District identifying the specific allegations in the Complaint to be investigated and established a *Response* due date of December 29, 2017. The District requested and received an 11-day extension due to the absence and unavailability of staff during the District's winter break.

On January 9, 2018, the District submitted a packet of materials to the Investigator for review. The materials are listed in the chart below:

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|----|-----------------|--------------------------|
| 1. | January 9, 2018 | District Response Letter |
| 2. | May 19, 2017 | IEP |
| 3. | May 20, 2016 | IEP Amendment |
| 4. | May 19, 2017 | Placement Determination |
| 5. | May 20, 2016 | IEP |
| 6. | May 19, 2017 | Placement Determination |
| 7. | May 19, 2017 | Meeting Minutes |

¹ OAR 581-015-2030(5).

² See 34 CFR § 300.153(c); OAR 581-015-2030(5).

8.	April 16, 2017	Meeting Notice
9.	October 3, 2016	Meeting Notice
10.	October 27, 2016	Meeting Minutes
11.	February 29, 2016	Meeting Notice
12.	March 3, 2016	Meeting Minutes
13.	May 9, 2016	Meeting Notice
14.	May 20, 2016	Meeting Minutes
15.	May 20, 2016	Eligibility Documents
16.	May 27, 2016	Meeting Notice
17.	June 9, 2016	Meeting Minutes
18.	June 9, 2016	Written Agreement Between District and Parents
19.	March 3, 2016	Consent for Evaluation
20.	May 19, 2017	Prior Written Notice
21.	October 27, 2016	Prior Written Notice
22.	May 20, 2016	Prior Written Notice
23.	May 20, 2016	Prior Written Notice
24.	March 3, 2016	Prior Written Notice
25.	Undated	Information on Paraprofessional Assignments
26.	November 1, 2017	IEP Goal Progress Reports
27.	June 13, 2017	IEP Goal Progress Reports
28.	June 20, 2016	IEP Goal Progress Reports
29.	Undated	Emails between Parent and District
30.	December 13, 2017	Individual Student Safety Plan
31.	April 4, 2016	Safe Eating Protocol
32.	March 1, 2017	Individual Student Safety Plan
33.	November 17, 2016	Worksheet for Function-based Support Planning
34.	2017-2018	Student Discipline Profile
35.	January 9, 2018	Exhibit List
36.	2016-2018	Student Home Notes (various dates)
37.	2013-2018	Student Attendance Record
38.	2016-2017	Behavior Data Charts
39.	2016-2018	OT Contact Progress Notes
40.	September 9, 2016	Email about Para Educator Assignments
41.	2016-2018	Student Home Notes

On January 24, 2018, the Parent forwarded to the Investigator six emails between District staff and the Parent.

The Investigator determined that on-site interviews were necessary. On January 24, 2018, the Investigator interviewed the Parent. On the same day, the Investigator interviewed a Senior Director and two Special Education Program Administrators, as well as the District's Legal Counsel. On January 25, 2018, the Investigator interviewed a District Speech/Language Therapist, a General Education Teacher, a Case Manager, an Occupational Therapist, two Assistant Principals, a Principal, and a Special Education Teacher on Special Assignment.

The Investigator reviewed and considered all submitted documents, exhibits, and interview materials in reaching the Findings of Fact and Conclusions of Law contained in this 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.³ The issuance of this Order was extended 11 days due to the absence and unavailability of District staff during the District's winter break.

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 upon the Findings of Fact in Section III and the Discussion in Section IV.

	Allegations	Conclusions
1.	<p><u>When IEPs Must Be in Effect:</u></p> <p>The Parent alleges:</p> <ul style="list-style-type: none"> a. The District violated the IDEA when it did not send progress reports to the Parent as specified in the Student's IEP. Even after the Parent agreed to a change in frequency (reports sent weekly instead of daily), the District failed to implement the IEP and send the reports; b. The District did not provide required equipment, as prescribed by Occupational Therapy; and, c. On various occasions, the District withheld services from the Student with no explanation given to the Parent. <p>(34 CFR §§ 300.323, 300.324; OAR 581-015-2220(1) (b))</p>	<p><u>Not Substantiated:</u></p> <p>The District regularly sent "Home Notes" to the Parents and did provide the Student with access to a wide variety of Occupational Therapy supports in the general and special education environments. The Department does not substantiate this allegation.</p>
2.	<p><u>Parent Participation – General:</u></p> <p>The Parent alleges that the District violated the IDEA when it scheduled IEP meetings at times that were difficult for the Parents to attend and</p>	<p><u>Not Substantiated:</u></p> <p>The District met its responsibility in scheduling an functional behavior assessment review meeting. The</p>

³ 34 CFR § 300.152.

	were not mutually agreed upon times. (34 CFR §§ 300.322, 300.500; OAR 581-015-2195(1))	Department does not substantiate this allegation.
3.	<u>Assignment and Direction and Supervision of Educational Assistants:</u> The Parent alleges the District violated the IDEA when it changed educational assistants' schedules, did not communicate these changes to the family, ⁴ and then did not monitor the effect of the changes on the Student and the Student's family. (ORS § 326.051; OAR 581-037-0015)	<u>Not Substantiated:</u> The District fulfilled its responsibilities to assign appropriately trained Para-educators to the Student on a daily rotating basis and provided the Parents some input into the system of assignments. The Department does not substantiate this allegation.
4.	<u>IEP Team Considerations and Special Factors:</u> The Parent alleges the District violated the IDEA when it did not consider the Student's behavior or respond to the Parent's request to consider a behavior plan for the Student. (34 CFR § 300.320, 300.324 (a)(1)-(2), (b)(2); OAR 581-015-2205 (3)(a))	<u>Not Substantiated:</u> The District met its responsibilities of considering the Student's behavioral needs and addressing them in the IEP during the time under investigation. The Department does not substantiate this allegation.

Requested Corrective Action:

1. Required Training for the Learning Specialist—[District employee] needs some level of understanding for how to properly communicate with parents and provide Special Education Services to special needs children as required by law.
2. Immediate supervision—I require that [District employee] not be allowed alone with my child. Because of retaliatory behavior I do not feel comfortable with [District employee] being alone with a child that is unable to communicate about potential abuses.
3. Provide case management oversight—I would like a person assigned that can

⁴ The District reached an agreement with the parents of students in this class that parents would be notified before the assistants' schedules were changed.

- provide reliable case management and communication services for my [Student].
4. Actually, implement [the Student's] IEP as recorded with third party oversight.

Issues Outside the Scope of this IDEA Investigation

The Parent alleges that a staff member has demonstrated an abusive and neglectful attitude toward the Student. Such behavior is not within the jurisdiction granted under OAR 581-015-2030 and was not investigated as part of the Complaint. Such an allegation may be addressed through other Department procedures. The Parent may address this concern by filing a complaint with Teacher Standards and Practices Division (TSPC) and may contact TSPC at 503-378-3586 for information about how to file such a complaint.⁵

III. FINDINGS OF FACT

1. The Student is a ten-year-old resident of the District and attends fourth grade in the District. The Student is eligible for Special Education services as a student with an Other Health Impairment. The Student has a Safe Feeding Protocol, a Seizure Protocol, and a Student Safety Plan.
2. On May 2, 2016, the Student's IEP Team met and noted the following: (1) The Student has behaviors that impede personal learning and the learning of others; (2) The Student needs assistive technology such as an iPad, a laptop, a big keys keyboard, and software such as Pixwriter; (3) The Student requires adult support for recess, academics, field trips, lunchroom, personal hygiene, seizure protocol, and in the hallways while transitioning or during emergency building evacuation; (4) The Student requires daily communication/homework sent to Parents; and, (5) The Student needs positive behavioral supports and a Behavior Support Plan.
3. The May 20, 2016 IEP included goals for the Student in Adapted Physical Education, Social Emotional Skills, Writing Skills, Mathematics, Communication, Reading & Language Arts and Classroom School Skills. The IEP Team decided that the Student would spend thirty percent of the school day in a Learning Center.
4. In the May 20, 2016 IEP, the District Occupational Therapist provided input about the Student in the Present Level of Academic Achievement and Functional Performance section. The Occupational Therapist noted: (1) The Student demonstrates limited attention span and focus, and exhibits behavior that impacts the ability to do table-type work tasks; and, (2) The Student has been using a Biggy keyboard with a laptop and has been introduced to several picture word software programs.
5. The May 20, 2016 IEP Supplementary Aids and Services section include a visual schedule and calendar, and access to technology.

⁵ This information was provided to Parent on or about December 15, 2017.

6. While in school, the Student works with different District Para-educators. Each Para-educator who has served the Student has been cross-trained in the Student's Safety Plan, Feeding Protocol and Seizure Protocol. In addition, the District Case Manager holds weekly meetings with designated Para-educators to provide training and to discuss issues such as collecting data, writing "Home Notes," and employing different instructional techniques. The Para-educators are trained in how to use the Student's assistive technology devices and sensory materials, and also how to carry out the Student's Behavior Support Plan.
7. District staff participate in professional development with an objective of increasing the inclusion practices and providing multiple tiers of support for all students. As part of this program, staff at the Student's school reviewed the structure in place for assigning Para-educators to support students with disabilities. After the review, the school staff decided to decrease the amount of time any specific Para-educator is assigned to any one student.
8. Since the beginning of the 2016-2017 school year, the District has employed a policy of cross-training all Para-educators in the school and assigning them on a rotating schedule to the students who require adult support during the day.
9. On September 19, 2016, the District sent an email to the Parents noting that it was adjusting the Para-educator schedules. The District informed the Parents that the Student would be supported by two individuals who would alternate times working with the Student, but that the Student's services would remain the same.
10. The Student's Parents have criticized the Para-educators assigned to support the Student and have requested several times that individual Para-educators not be assigned to the Student. The District reached an agreement with the Student's Parents that the District Assistant Principal would inform the Parents if a substitute Para-educator was assigned to the Student for the day.
11. On November 17, 2016, District conducted a Function-based Planning session to consider the Student's prevalent off-task behaviors such as interrupting the Teacher, asking off-topic questions and leaving the group. District staff developed a plan to replace these off-task behaviors with having the Student use a visual aid to attract teacher attention to ask a relevant question.
12. A Safety Plan was written for the Student on March 1, 2017. The Safety Plan describes three unsafe behaviors the Student was exhibiting: (1) The Student runs out of the classroom or cafeteria in a very sudden manner; (2) The Student is not able to follow the class independently during emergency drills; and (3) The Student removes all clothing while in the classroom.
13. The Safety Plan outlines the following staff responses: follow the Student; redirect the Student to class; provide support to safely complete emergency drills; and clear

the room and use a blanket to provide privacy while offering redirection with positive prompting. On December 13, 2017, a Revised Safety Plan was developed, adding an additional step to intervene when the Student begins removing clothing by establishing eye contact and asking if the Student is making the right choice. These plans also include supports such as a dedicated Para-educator, line of sight supervision, structured break space and schedule, and breaks at the request of the Student.

14. In an effort to coordinate the Student's annual IEP team meeting, the District sent an email to the Student's Parents and other service providers on April 16, 2017, asking if they could attend an IEP team meeting on either May 12, 2017 or May 19, 2017. By April 19, 2017, all team members except the Adaptive Physical Education Teacher confirmed they could attend the meeting on May 19, 2017. The meeting was held as scheduled. The Parents and the District agreed that the Adaptive Physical Education Teacher was excused from the meeting as that individual had provided information to be shared with the Team during the meeting.
15. The District's Special Education team at the Student's school meets weekly with the Assistant Principal. One of the tasks for this meeting is to establish tentative meeting times for IEP meetings with parents, after which each Special Education team member makes the contacts with the families.
16. On May 19, 2017, the IEP Team convened to develop a new IEP for the Student. The IEP noted that the Student exhibited behavior that impedes the Student's learning or the learning of others. The IEP Team drafted goals in the areas of Adapted Physical Education, Social/Emotional, Writing Skills, Math, Communications, Reading/Language Arts, and Classroom/School Skills, and added a goal for Daily Living Skills. Again, the IEP Team outlined the Student's need for adult support throughout the day in all school settings. In the Present Level of Academic Achievement and Functional Performance section of the Student's IEP, the District Occupational Therapist described the Student's need for a sensory diet and specifically listed some additional Occupational Therapy tools for the Student to use. With regard to placement, the Team noted that the Student would spend 48% of the school day outside of the general education classroom, with most of that time spent in the Learning Center. The Student's previously developed Seizure and Feeding Protocols remained in effect.
17. The District and Parents used a home-school communication notes system that consisted of a table with nine sections. A Para-educator would write a "Home Note" about the work the Student had completed that day in each goal area. Spaces in the table were provided for staff to comment about the Student's time at lunch and during recess. There also was a space for general comments. The Para-educators completed this form and emailed it to the District Case Manager at the end of the school day. The Case Manager reviewed it, edited it as necessary, then sent it by email to the Parents, the Principal, Assistant Principal and the General Education Teacher.

18. Throughout the 2016-2017 school year, the District sent “Home Notes” to the Parents, describing the Student’s progress in Writing, Reading, Math, Behavior, Speech, adapted P.E., lunch, recess, and Social Skills. The “Home Note” also contained a separate area for “Comments.”
19. At the May 19, 2017 IEP Team Meeting, the Team decided to change the frequency of the “Home Note” system so that the notes were sent home on a weekly—rather than a daily basis—with a report of the Student’s weekly work in each goal area and behavior during lunch and recess.
20. While in the Learning Center, the Student has a personalized workspace. The Student’s workspace consists of two tables with various learning support materials. These support materials include assistive technology such as an iPad, laptop, a big keys keyboard, and software such as Pixwriter. In addition, other learning support materials are located elsewhere in the classroom. For example, a STOP sign outside the door signals the Student to “Stop, Read, and plan what to do next.” The Learning Center also has a Sensory Literary Space for calming and refocusing that the Student can access.
21. In the general education classroom, the Student has a work area that contains manipulatives and writing skills tools. At various times, the Student has used a slant board for writing and has worn a weighted vest. The Student has a visual schedule and various options for seating. The Student uses the iPad in both the Learning Center and the general education classroom. The Para-educators transport it between settings.
22. During the May 19, 2017 IEP Team Meeting, the Team clarified how the District delivered Occupational Therapy tools to the Student. The Supplementary Aids and Services section of the IEP notes that the Student would have “Self-regulation/Executive Function strategies” provided throughout the school day in the General and Special Education settings. A general description of how to employ the tools was written to allow the District to use a wide variety of strategies to support the Student as the Student’s interest and motivation fluctuated. The IEP also listed specific tools, such as a portable computer with picture-supported software, large external keyboard and trackball mouse. Other Occupational Therapy tools were described in the Present Level of Academic Achievement and Functional Performance section of the May 19, 2017 IEP.
23. On November 26, 2017, the District sent an email to the Student’s Parents asking if they were able to attend a meeting on November 30, 2017 to update the Student’s Functional Behavior Assessment. One of Student’s Parents replied the next day, informing the District that on November 30, 2017 the Parent was not available, then suggested two days during the following week for a meeting. Student’s other Parent replied the same day, noting their unavailability. After a long series of emails from

November 26, 2017 to December 5, 2017, the meeting was scheduled for and held on January 11, 2018.

24. The Parent filed the Complaint on December 11, 2017.

III. DISCUSSION

1. When IEPs Must Be in Effect:

The Parent alleges:

- a. The District violated the IDEA when it did not send progress reports to the Parent as specified in the Student's IEP. Even after the Parent agreed to a change in frequency (reports sent weekly instead of daily), the District failed to implement the IEP and send the reports;
- b. The District did not provide required Occupational Therapy (OT) equipment; and,
- c. On various occasions, the District withheld services from the Student with no explanation given to the Parent.

A school district meets its responsibilities to a student with a disability when it has an IEP in place for the student at the beginning of a school year.⁶ Further, the district meets its responsibilities when it provides the "special education and related services" in accordance with the IEP.⁷ This includes the supplementary aids and services, accommodations, modifications and supports to school staff.

A school district must fulfill both its substantive and procedural obligations under the Individuals with Disabilities Education Act (IDEA). Harmless procedural errors do not constitute a denial of FAPE. However, such violations can result in a denial of FAPE if the result is a loss of educational opportunity or if the violations infringe upon the parents' opportunity to participate in the IEP formulation process.⁸ "There is no statutory requirement of perfect adherence to the IEP, nor any reason rooted in the statutory text to view minor implementation failures as denials of a free appropriate public education."⁹ It is a "material failure" to implement an IEP that violates the IDEA. "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP."¹⁰

Home-School Communication Notes

The District did not violate the IDEA when it failed to send a "Home Note" to Parent after each school day attended by the Student. Between December 11, 2016 and May 22,

⁶ 34 CFR §§ 300.323-300.324; OAR 581-015-2220(1)(b).)

⁷ OAR 581-015-2220(1)(b)

⁸ *L.M v Capistrano Unified Sch. Dist.*, 556 F.3d 900, 910 (9th Cir. 2008).

⁹ *Van Duyn v. Baker Sch. Dist.*, 502 F.3d 811, 821 (9th Cir. 2007).

¹⁰ *Id.* at 822.

2017, the District sent “Home Notes” to the Parent, each of which contained comments on how the Student was progressing in the areas of Writing, Reading, Math, Behavior, Speech, adapted Physical Education, lunch, recess, and school skills.

The Parent was not sent a “Home Note” every school day during this time period. However, “Home Notes” were sent regularly. During this time period, the Parent also maintained regular email communication with District staff regarding the Student’s educational program. There is no indication that the Student was deprived of educational opportunity based on the District departure from sending “Home Notes” to the Parent at the end of each school day. Similarly, because the Parents were in regularly communication with the District, they were not deprived of their right to meaningfully participate in the IEP formulation process when “Home Notes” were not sent home every school day.

At the May 22, 2017 IEP Team Meeting, the Team agreed to lower the frequency of delivering “Home Notes” to the Parent, from a daily to a weekly basis. Thereafter, the District regularly sent “Home Notes” to Parent on a weekly basis. The Department does not substantiate this allegation.

Occupational Therapy Tools

The Parent alleges that the District did not provide the Student with the Occupational Therapy tools the Student needed for support during the school day. In fact, the Student had access to a wide variety of tools throughout the school day in both the general and special education settings.

For example, while in the Learning Center, the Student has a personalized workspace. The Student’s workspace consists of two tables with various learning support materials. These support materials include assistive technology such as an iPad, laptop, a big keys keyboard, and software such as Pixwriter. When in the general education classroom, the Student has a work area that contains manipulatives and writing skills tools. At various times, the Student has used a slant board for writing and has worn a weighted vest. As the Student’s interest in each of the tools fluctuated, Para-educators rotated and changed the tools to increase the Student’s motivation. The District provided access to a wide variety of Occupational Therapy supports to the Student in the general and special education settings.

Special Education services were not found to be withheld from the Student. The Department does not substantiate this allegation.

2. Additional Parent Participation Requirements for IEP and Placement Meetings

The Parent alleges 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.

A district must afford parents of a child with a disability the opportunity to participate in an IEP meeting by providing early notification of the meeting and scheduling the meeting on a mutually agreed on time and place.¹¹

On November 26, 2017, the District sent an email to the Student's Parents noting the Team was able to attend a meeting on November 30, 2017 to update the Student's Functional Behavior Assessment.¹² Once the Student's Parents replied separately that the proposed meeting date was not workable, the District promptly suggested new meeting times and dates. Eventually, after communications continued between Parent and the District, the meeting was scheduled with approximately three weeks' notice for the family, and was held on January 11, 2018.

The District met its responsibilities in scheduling an FBA review meeting. The Department does not substantiate this allegation.

3. Assignment and Direction and Supervision of Educational Assistants

The Parent alleges the District violated the IDEA when it changed the District's Educational Assistants' schedules, did not communicate these changes to the family,¹³ and then did not monitor the effect of the changes on the Student and the Student's family.

A District must provide the services listed in the Student's IEP.¹⁴ While this includes the provisions of adult support in the educational setting, the District maintains sole discretion over the assignment of individual Para-educators. The District is responsible to monitor the Para-educators' performance and the effect on students.¹⁵

Here, the District engaged in a multi-year program to evaluate and re-design the multiple tiers of support provided to all students in the Student's school. Because of this project, the Student's school altered the way Para-educators were assigned to students with disabilities. The District trained the Para-educators and the Student's school changed the assignment of Para-educators from a 1:1 assignment to several Para-educators supporting the Student and other students throughout the school day.

The Student's parents were critical of some of the individual Para-educators, and the school and District considered the Parents' concerns. The District agreed to and implemented a system whereby the school notified the Parents of if a substitute Para-educator was assigned to the Student.

¹¹ 34 CFR § 300.322; OAR 581-015-2195(1). A meeting to review the Student's functional behavioral assessment does not constitute an IEP team meeting, but will be treated analogously here for purposes of notifying the Parent.

¹² A "Notice of Team Meeting" for the May 19, 2017 IEP team meeting was generated on April 16, 2017.

¹³ The District reached an agreement with the parents of students in this class that parents would be notified before the assistants' schedules were changed.

¹⁴ 34 CFR §§ 300.323, 300.324; OAR 581-015-2220(1)(b).

¹⁵ OAR 581-037-0015(4)(b).

The District fulfilled its responsibilities when it assigned appropriately trained Para-educators to the Student on a daily rotating basis and provided the Parents with input into the system of assignments. The Department does not substantiate this allegation.

4. IEP Team Considerations and Special Factors:

The District did not violate the IDEA with respect to considering the Student's needs in the area of behavior and responding to the Parent's request to consider a behavior plan for the Student. A school district meets its responsibility to a Student with a disability whose behavior impedes learning when it considers these behaviors and includes elements in the student's IEP to address the behavioral needs.¹⁶

The May 20, 2016 IEP notes the Student's behavior as concerning, and also indicates that it is a special factor for IEP development insofar as the Student requires multiple prompts, redirections, breaks, and reward to address behavior while learning. The Student's May 20, 2016 IEP includes a "Classroom/School Skills" goal for the Student to improve behavior during transitions to and from class, and to keep hands away from others when in close proximity to classmates. A behavior support plan is also listed as a supplementary aid/service noted in the Student's IEP and the IEP Team discussed the Student's behavioral issues on multiple occasions.

The May 19, 2017 IEP also notes that the Student exhibits behaviors that impede learning. The IEP Team developed a Social/Emotional goal that emphasized the Student demonstrating appropriate social and classroom behavior. Sub-parts of this goal included Student appropriately gaining adult attention and respecting the physical space of the Student's peers.

On March 1, 2017, the District developed a Student Safety Plan in response to the Student's running, inability to safely evacuate the building, and to two occasions when the Student removed all clothing while in the Learning Center. The District reviewed the Student Safety Plan on December 13, 2017. Finally, there is no evidence in the record that the Parent who filed the complaint specifically requested a behavior plan for the Student. A Behavior Support Plan is also listed as a supplementary aid/service noted in the Student's IEP

The District adequately considered the Student's behavioral needs and addressed them in the Student's IEPs. The Department does not substantiate this allegation.

¹⁶ 34 CFR § 300.324(a)(2)(i); OAR 581-015-2205(3)(a),(4).

V. CORRECTIVE ACTION¹⁷
In the Matter of Portland School District 1J
Case No. 17-054-029

Based on the facts provided and non-substantiation of allegations in this matter, no corrective action is ordered.

Dated: this 15th Day of February 2018



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

Mailing Date: February 15, 2018

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).)

¹⁷ A Department order that substantiates any violation of IDEA will include any necessary corrective action to be undertaken, and will describe any documentation or response to be supplied by any party to ensure that the corrective action has occurred. (OAR 581-015-2030(13).) The Department requires timely completion. OAR 581-015-2030(15). The Department reserves its right to pursue actions against a party who refuses to voluntarily comply with a plan of correction when so ordered. (OAR 581-015-2030(17)-(18).)