

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of
Portland Public Schools

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FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 21-054-022

I. BACKGROUND

On August 6, 2021, the Oregon Department of Education (Department) received a Letter of Complaint from the attorney (Attorney) of a student (Student) attending school and residing in the Portland Public Schools district (District). The Attorney 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.

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.¹ This timeline may be extended if the complainant and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.²

On August 13, 2021, the Department's Complaint Investigator sent a *Request for Response* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of August 27, 2021.

On August 27, 2021, the District submitted its *Response* denying the allegations, providing an explanation, and supporting documents for the District's position. The Student's Attorney submitted additional information on September 16, 2021. In total, the District submitted the following items:

1. District Response
2. Student IEP, 11/02/2020
3. Special Education Placement Determination, 11/02/2020
4. Notice of Team Meeting, 10/19/2020
5. Notice of Team Meeting, 10/12/2020
6. Prior Written Notice, 10/19/2020
7. Authorization to Use and/or Disclose Educational and Protected Health Information, 09/22/2021
8. Special Education Meeting Minutes, 10/19/2020
9. Special Education Meeting Minutes, 11/02/2020
10. Student Psychoeducational Evaluation, 02/02/2018
11. Student Occupational Therapy (OT) Assessment, 02/05/2018
12. Special Education Meeting Minutes, 02/06/2018
13. Eligibility Summary Statement, 05/28/2019
14. Disability Statement, Autism Spectrum Disorder (82) Criteria, 02/25/2013

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

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

15. Notice of Team Meeting, 05/21/2019
16. Notice of Team Meeting, 04/30/2019
17. Special Education Placement Determination, 06/06/2019
18. Special Education Placement Determination, 10/14/2018
19. Disability Statement, Intellectual Disability (10) Criteria, 02/25/2013
20. Disability Statement, Communication Disorder (50) Criteria, 05/25/2013
21. Disability Statement, Hearing Impairment (20) Criteria, 02/25/2013
22. Prior Written Notice, Notice of Eligibility, 05/28/2019
23. Disability Statement, Other Health Impairment (80) Criteria, 02/25/2013
24. IEP Progress Report, 06/14/2021
25. Email: October meeting, 08/28/2019
26. Email: [Student] midday meds, 08/28/2019
27. Email: following up regarding upcoming meeting, 09/04/2019
28. Email: A few questions, 09/16/2019
29. Email: Re: [External Sender] – Requesting draft IEP prior to our meeting next week, 09/25/2019
30. Email: Documents from last meeting, 10/29/2019
31. Email: Bus issues, 11/12/2019
32. Email: Bus late, 11/13/2019
33. Email: Re: [Student] health check, 11/19/2019
34. Email: Re: [Student], 12/12/2019
35. Email: [Student] reading, 01/15/2020
36. Email: [Student] dentist today, 01/22/2020
37. Email: Fw: Progress reports, 02/19/2020
38. Email: Re: Choir Notes, 02/25/2020
39. Email: Fwd: Concert coming soon!, 03/09/2020
40. Email: [Student] will stay home today, 03/13/2020
41. Email: [Student] misses you guys, 03/18/2020
42. Email: Epic vs. Tumblebooks, 04/06/2020
43. Email: Need Google login and password, 04/07/2020
44. Email: Re: SLP Service, 04/13/2020
45. Email: prodigy, 04/14/2020
46. Email: Re: Remind, 04/16/2020
47. Email: Re: New message from [Individual], 04/17/2020
48. Email: Re:[Student] request and update, 04/20/2020
49. Email: Re: [Teacher] want to connect on Epic for reading during school closures, 04/20/2020
50. Email: Re: Happening now:[Teacher] is inviting you to a video meeting, 04/21/2020
51. Email: Re: Call today, 04/22/2020
52. Email: [Student], 05/14/2020
53. Email: Re: New message from [Teacher] Physical Ed 8 8501 07 [Teacher] class, 05/18/2020
54. Email: Fwd: New message from [Teacher] Physical Ed 8 8501 07 [Teacher] class, 05/18/2020
55. Email: Re: Schedule to pick up belongings, 05/29/2020
56. Email: Re: Free services during summer, 06/04/2020
57. Email: Fwd: An Update on Summer Services and Programming for Student, 06/04/2020
58. Email: Re: Remote learning daily schedule, 08/13/2020
59. Email: Fwd: Many new things this week, 8/28/2020
60. Email: Re: Welcome to [Middle School]: Speech Services, 09/05/2020
61. Email: [Student] schedule question, 09/05/2020
62. Email: [Student] DHH Services, 09/09/2020
63. Email: [Student] still sleeping as of 10:08

64. Email: Re: Schedule, 09/14/2020
65. Email: [Student] DHH Services, 09/16/2020
66. Email: Re: Afternoons of [Student] schedule, 09/17/2020
67. Email: Re: Consent for OT via telepractice, 09/20/2020
68. Email: Re: [Student's] Virtual Schedule 2020-21 – Invitation to view, 09/22/2020
69. Email: Re: PSU evaluation and connection/tips, 9/22/2020
70. Email: Re: [Student's] Virtual Schedule, 2020-21, 09/22/2020
71. Email: Re: chrome extension for microphone on/off, 09/22/2020
72. Email: Fwd: [Middle School] – Materials/Textbook Pick-up Times This Week, 09/22/2020
73. Email: Re: Signature for consent to consult PSU clinician, 09/23/2020
74. Email: Re: Speech Session Reschedule, 09/24/2020
75. Email: [Student] DHH Services, 09/25/2020
76. Email: DreamBox, 09/29/020
77. Email: Re: [Student] Annual IEP, 10/01/2020
78. Email: Re: [Student] today, 10/01/2020
79. Email: Re: [Student] Annual IEP, 10/02/2020
80. Email: Re: Draft documents requested, 10/15/2020
81. Email: Re: Progress notes, 10/19/2020
82. Email: Re: Draft documents requested, 10/19/2020
83. Email: What we are doing today in class!, 10/20/2020
84. Email: Re: [Student] today, 10/21/2020
85. Email: Re: [Student] Progress, 10/29/2020
86. Email: Following up from our meeting for [Student], 10/30/2020
87. Email: Re: Touching Base – DHH, 11/08/2020
88. Email: Re: New meeting time, 11/09/2020
89. Email: Re: Following up from our meeting for [Student], 11/24/2020
90. Email: Re: [Student] bday + SNL, 12/03/2020
91. Email: Re:, 12/03/2020
92. Email: Re: today, 12/10/2020
93. Email: Following up from our meeting for [Student], 12/18/2020
94. Email: Re: Gift from Powells via email, 12/30/2020
95. Email: Re: [Student] electives, 01/15/2021
96. Email: [Student] this morning, 01/21/2021
97. Email: Checking In, 01/25/2021
98. Email: Fwd: [Student], 01/26/2021
99. Email: Re: [Student's] Virtual Schedule 2020-21 – Invitation to edit, 02/01/2021
100. Email: Re; sorry, one more change!, 02/02/2021
101. Email: Fwd: brainstorming, 02/08/2021
102. Email: Re: Drama7, 02/09/2021
103. Email: [Student] 02/24/2021
104. Email: Re: [Student] frustration today, 03/08/2021
105. Email: Re: Need your advice, 03/17/2021
106. Email: Re: Hybrid Supply List, 03/19/2021
107. Email: [Student] schedule, 03/29/2021
108. Email: Re: L or K cut off?, 04/06/2021
109. Email: Re: In person SLP session?, 04/06/2021
110. Email: Re: L or K cut off?, 04/08/2021
111. Email: SPED drop off door request for [Student]
112. Email: Re: This week schedule, 04/12/2021
113. Email: [Student] schedule starting next week, 04/13/2021
114. Email: Re: In person SLP sessions?, 04/16/2021
115. Email: Re: [Student] can'd join????, 04/19/2021
116. Email: Fwd: [Student] Electives on Tuesdays, 04/20/2021

- 117. Email: [Student] still sleeping, 05/17/2021
- 118. Email: Re: Happy summer!, 06/11/2021
- 119. Email: Re: mom calling re summer programs for her student, 06/28/2021
- 120. Email: Re: The bus to where?, 07/02/2021
- 121. Email: Recovery services request for [Student] being submitted this week, 08/05/2021
- 122. District List of Knowledgeable Staff
- 123. Extended School Year Application
- 124. Extended School Year Data Determination
- 125. Student IEP 10/02/2019

On September 16, 2021, the Department's Complaint Investigator (Investigator) communicated with the Student's Attorney by email regarding the Complaint and obtained additional documentation in this matter. On September 16, 2021, the Investigator conducted virtual interviews with the Student's Teacher and an administrator with the District's Special Education department. The Investigator reviewed and considered all these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The relevant allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from August 7, 2020, to the filing of this Complaint on August 6, 2021.

Allegations	Conclusions
<p><u>Review and Revision of IEPs</u></p> <p>The Parents allege that the District violated the IDEA when it failed to revise the Student's IEP to address the Student's lack of expected progress toward IEP goals. The Parents allege that as early as October 2020, the District documented the Parent's concerns around regression of academic skills. The Parents further allege that as early as November 2020 the Student's IEP team documented that the Student was not meeting IEP goals. The Parents allege that despite these observations, the Student's IEP not appropriately revised.</p> <p>(OAR 584-015-2225; 34 CFR § 300.324(a)(4), (a)(5), (a)(6), & (b)(1))</p>	<p><u>Substantiated</u></p> <p>While the District considered the Student's progress and made adjustments to the IEP at the November 2020 IEP meeting, concerns that the Parents later raised regarding the Student's academic progress went unaddressed, despite the District documenting the Student's academic regression.</p>
<p><u>Free Appropriate Public Education (FAPE)</u></p> <p>(a) The Parents allege that the District failed to properly address the Student's documented academic regression, as evidenced by the Student's inability to meet annual</p>	<p><u>Substantiated</u></p> <p>The District did not convene an IEP meeting to review the Student's IEP to address academic struggles following the</p>

<p>goals and discussed by the Student's IEP team, thereby violating the IDEA by denying the Student a FAPE.</p> <p>(b) The Parents allege that the District denied the Student opportunities for recoupment of skills, up to and including the opportunity to discuss such options with the Student's IEP team, thereby violating the IDEA and denying the Student a FAPE.</p> <p>(c) The Parents allege that the District failed to provide extended school year services, and did so unilaterally without the input of the Student's IEP team, thereby violating the IDEA and denying the Student a FAPE.</p> <p>(OAR 584-015-2110(3); 34 CFR § 300.323 & 300.324)</p>	<p>Student's November 2020 IEP meeting. The District also did not convene the Student's IEP team to address the Student's need for Extended School Year (ESY). District staff instead determined among themselves to provide the Student with ESY. Parents were not part of this determination and were not informed of this determination until a few days before the end of the 2020-21 school year. As a result of the timing, the Parents were unable to coordinate the Student's attendance.</p>
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<p>REQUESTED CORRECTIVE ACTION</p> <ul style="list-style-type: none"> • The Oregon Department of Education should issue an order finding that the District is in violation of the IDEA for failure to provide a FAPE to the Student; • The Oregon Department of Education should require training for District staff regarding ESY eligibility and data collection; • The Oregon Department of Education should require the District to collect data on the Student to determine if the Student should have been eligible for ESY; • The Oregon Department of Education should grant compensatory education if data collected suggests that the Student should have been eligible for ESY; • The Oregon Department of Education should require training for District staff regarding IEP implementation and recovery services; • The Oregon Department of Education should order compensatory education for the Student due to the District's failure to address the Student's lack of progress and failure to discuss recovery services – despite Parent request and the District's legal obligation; • The Oregon Department of Education should order a Facilitated IEP meeting to develop an IEP for the Student that is reasonably calculated to provide educational benefit for the Student.
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III. FINDINGS OF FACT

Background

- 1) The Student is a 13 year old attending seventh grade in one of the District's middle schools. The Student is eligible for special education under several criteria including, Intellectual Disability (10), Hearing Impairment (20), Communication Disorder (50), and Other Health Impairment (80). The Student experiences significant hearing loss which impacts their ability to access the curriculum and benefits from classroom accommodations.

- 2) The Student receives the majority of their instruction in the Intensive Skills Classroom, while participating in two general education classes. The Student enjoys sports, building Legos, and playing board games with peers. The Student prefers to be assured of their mastery of academic skills prior to verbally participating in class. Once assured of the skill mastery, the

Student displays engagement with educators and peers.

- 3) The Student had difficulty with the comprehensive distance learning (CDL) instructional model utilized during the 2020-21 school year. The Parents noted that the Student does better with a higher level of adult support. The Student displayed difficulty navigating computer based distance learning, and speech services delivered during CDL. The Student's Teacher observed that the Student did not engage well with asynchronous learning, and offered additional synchronous education to better engage with the Student.
- 4) The Student received services for speech, language, and communication. Services were delivered through literacy intervention and functional communication activities. The Student also received Occupational Therapy (OT) services, and services to support behavior and self-regulation. The Student had a number of classroom accommodations to support their needs. With the change to CDL, the Student's educational supports changed to increase engagement in class. The Teacher took work to the Student and adjusted delivery of academic material to address the Student's aversion to participation.
- 5) On October 10, 2020, the Parents provided their concerns to the District ahead of the Student's IEP meeting. These concerns included that the Student was not adjusting well to SLP sessions and would do better with small group format; that Parents were not clear how the District was addressing Specially Designed Instruction (SDI) related to the Student's skills; and that the Student was refusing to participate in at least one course.
- 6) On October 19, 2020, the IEP team met to discuss the results of the Student's comprehensive evaluation. The team noted that CDL was a challenge for the Student. The Parents expressed concern that the Student showed regression, that speech services were challenging, and that the Student's articulation and expressive language were suffering. The District noted that the Student's behavior was impacting the Student's ability to progress in the curriculum.
- 7) On October 21, 2020, the Parents and the Parents' Attorney communicated to the District their concerns that the Student's progress was discussed during the IEP Team's previous meeting, but no data was presented at the meeting, leading the Parents and the Parent's Attorney to question whether data was collected. The Parents' Attorney requested that the District update the Student's present levels to reflect the Student's progress toward goals in March 2020, June 2020, and for the period from September to November 2020. The Parents' Attorney further clarified a desire for documenting the Student's progress as reported by staff in the October 19, 2020 IEP Team meeting.
- 8) On November 2, 2020, the IEP Team met to discuss the Student's progress and modifications to the Student's IEP.
- 9) The Student's November 2, 2020, IEP included goals in the areas of Mathematics, Reading/Language Arts, Communication, Writing Skills, and Classroom/School Skills.
- 10) This IEP documented a regression in skills compared to the Student's progress as documented in their October 2, 2019 IEP. The Student showed regression in the areas of reading and math. The Teacher also noted that the Student was largely not accessing asynchronous education. The Student's November 2, 2020, IEP further documented some reduction in skills in the areas of communication.
- 11) On March 29, 2021, the Parents sent an email to the Teacher observing that due "to [the Student's] academic regression this year, [the Parents] decided to find a tutor willing to work

with [the Student]...” The Parents further expressed an interest in adjusting the Student’s schedule to address academic challenges.

- 12) On April 20, 2021, the Parents sent an email to the Teacher asking if the Teacher was aware that the Student had fallen behind academically over the last school year and requested a change in the Student’s schedule to substitute electives in favor of additional time for academics, especially reading and math.
- 13) The Teacher forwarded the April 20, 2021 request to an administrator, observing that the Parent’s request, “would mean an IEP review...” and “also means a more restrictive placement” as it would result in the Student spending less time in the general education environment.
- 14) On June 23, 2021, the Parents called the District to inquire about summer programs for the Student.
- 15) On June 24, 2021, the Department adopted rules relevant to individualized COVID-19 recovery services.
- 16) By June 28, 2021, the Administrator had worked to complete the necessary paperwork to enroll the Student in ESY. This included a regression and recoupment data form. The District documented that the Student showed substantial regression in areas such as currency and calendrical mathematics as well as the reading and writing of sight words.
- 17) On July 2, 2021, the Parents sent an email to the Teacher inquiring whether the Student was signed up for ESY services. The Parents reported that they were contacted regarding transportation for ESY but were unaware that the District was offering ESY to the Student. The Teacher informed the Parents that they were unaware whether the Student was enrolled for ESY.
- 18) On July 3, 2021, the Administrator responded to the Parents by offering ESY for the Student and explaining that the relevant paperwork was previously submitted. The Parents thanked the Administrator and explained that the family had already made summer plans for the Student and that therefore the Student would be unable to attend.
- 19) On August 6, 2021, the Department received this Complaint. The Parents praised the Student’s teachers in the Complaint and highlighted that the Complaint should in no way reflect negatively on teaching staff.
- 20) When interviewed by the Investigator, the Teacher reported that data was recorded for the Student’s progress toward goals. The Teacher was familiar with the Student’s progress and areas where they struggled, especially during the period of CDL. Progress data was recorded in conjunction with family assistance through CDL. The Teacher reported physically delivering work to students’ homes. Data was recorded in part with physical workbooks students used at home with synchronous and asynchronous online learning. Due to time constraints and logistical issues, the Teacher was unable to collect all these workbooks from students prior the end of the 2020-21 school year.
- 21) The Teacher observed that when they received the Parents’ April 20, 2021, email they forwarded it to the Administrator seeking guidance before responding. The Teacher reported having not received a response from the Administrator. As a result, the Parents’ inquiry went unaddressed.

IV.

DISCUSSION

Review and Revision of IEPs

The Parents allege that the District violated the IDEA when it failed to revise the Student's IEP to address the Student's lack of expected progress toward IEP goals. The Parents allege that, as early as October 2020, the District documented the Parent's concerns around regression of academic skills. The Parents further allege that, as early as November 2020, the Student's IEP team documented that the Student was not meeting IEP goals. The Parents allege that despite these observations, the Student's IEP was not appropriately revised.

A school district must ensure that a student's IEP Team reviews the student's IEP periodically, but at least once every 365 days.³ Such reviews are required to determine whether the annual goals for the student are being achieved.⁴ This review also serves as a means by which to revise the IEP to address any lack of expected progress toward the student's annual goals and the general education curriculum.⁵ These meetings should also address the results of any evaluations, information about the child provided by the parents, the student's anticipated needs, or other matters.⁶

The Parents expressed concerns about the Student's progress toward IEP goals as early as October 2020. The District considered these concerns and made adjustments to the IEP at the November 2, 2020, IEP meeting. The Parents expressed additional concerns about academic progress by email on March 29, 2021 and April 20, 2021 and inquired about a possible change of schedule to address these concerns. The Teacher forwarded that email to District administration requesting guidance and observing that the request would likely trigger an IEP meeting and possible change of educational placement. On June 23, 2021, the Parent contacted the District inquiring about summer programs for the Student to address their concerns about the Student's academics.

During their interview with the Department, the Teacher reported that the Student struggled with asynchronous components of comprehensive distance learning (CDL), rarely participating. The Teacher was aware of the Student's struggles with CDL and worked to track their progress toward IEP goals. The Teacher accomplished this by taking work to the Student at home and collecting work that contributed to the tracking of the Student's IEP goals. The Parent's April 20, 2021, email to the Teacher inquired about a possible change of schedule to address the Student having fallen behind academically. The District documented regression of skills for the Student.

The Department substantiates this allegation.

Free Appropriate Public Education (FAPE)

The Parents raise three specific concerns in alleging a violation of FAPE. The Parents allege that the District failed to properly address the Student's documented academic regression, as evidenced both by the Student's inability to meet annual goals and as discussed by the Student's IEP team. The Parents allege that the District denied the Student opportunities for recoupment of skills, up to and including the opportunity to discuss such options with the Student's IEP team. Finally, the Parents allege that the District failed to provide extended school year services, and

³ OAR 581-015-2225(1)

⁴ OAR 581-015-2225(1)(a)

⁵ OAR 581-015-2225(1)(b), (b)(A)

⁶ OAR 581-015-2225(1)(b)(B)—(1)(b)(E)

did so unilaterally without the input of the Student's IEP team.

School Districts are required to provide a FAPE to all school aged children with disabilities for whom the district is responsible.⁷ A FAPE is defined as an education that is provided at public expense, meets the standards of the state educational agency, and is in conformity with the student's IEP.⁸ In determining whether a District has denied a student a FAPE, there is a two-part test. First, the District must comply with the procedures set forth in the IDEA, and second the student's IEP must be reasonably calculated to enable the student to receive educational benefit.⁹ While harmless procedural errors do not constitute a denial of FAPE,¹⁰ "...procedural inadequacies that result in the loss of educational opportunity...clearly result in the denial of FAPE."¹¹

Extended school year services are special education and related services provided to a child with a disability, beyond the normal school year, and provided in accordance with the student's IEP.¹² Districts must ensure that extended school year services are available as necessary to provide a free appropriate public education to a child with a disability.¹³ Extended school year services must be provided only if the child's IEP team determines, on an individual basis, that the services are necessary for the provision of free appropriate public education.¹⁴ Districts must develop criteria for determining the need for extended school year services, including regression and recoupment time based on documented evidence or predictions according to the professional judgment of the team.¹⁵

The Parents raised concerns about the Student's possible academic regression on several occasions. These concerns were raised at the Student's November 2, 2020, IEP meeting; in emails on March 29, 2021 and April 20, 2021; and in a June 23, 2021, phone call to the Student's Teacher. The District did make adjustments to the Student's IEP at the November 2, 2020, IEP meeting to address the Student's academic issues; however the District did not respond to the Parents' other inquiries. As a result, the Parents' concerns regarding the Student's academic struggles went unaddressed during the 2020-21 school year.

Based on the Parents' June 23, 2021, inquiry to the District regarding extended school year (ESY) services, the Administrator completed the needed paperwork for the Student to receive ESY. This included the completion of an ESY data determination form. The District documented that the Student showed regression in areas associated with the Student's IEP goals in reading, writing, and mathematics. Based on interviews with the Student's Teacher and Administrator, the District was aware of the Student's continued difficulties with academics as reflected in the Parents' contacts to the District. The District approved the Student for ESY, however did so without convening an IEP meeting.

The Department substantiates this allegation.

V. CORRECTIVE ACTION¹⁶

⁷ OAR 581-015-2040(1)

⁸ *Id.* § 1401(9)

⁹ *Bd. of Educ. v. Rowley*, 458 U.S. 176, 206-07 (U.S. 1982)

¹⁰ *L.M. v Capistrano Unified Sch. Dist.*, 556 F3d 900, 910 (9th Cir. 2008)

¹¹ *Shapiro v. Paradise Valley Unified Sch. Dist. No. 69*, 317 F.3d 1072, 1079 (9th Cir. Ariz. 2003)

¹² OAR 581-015-2065(7)(a)(A)—(7)(a)(C)

¹³ OAR 581-015-2065(1)

¹⁴ OAR 581-015-2065(2)

¹⁵ OAR 581-015-2065(5)

¹⁶ 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)).

*In the Matter of Portland School District
Case No. 21-054-022*


The Department orders the following corrective action in this matter.

Action Required	Submissions	Due Date
1. The District must hold an IEP Meeting ¹⁷ to develop an IEP that enables the Student to receive FAPE, including a discussion of ESY eligibility.	The District shall submit the following: <ul style="list-style-type: none"> • All IEP meeting paperwork 	November 1, 2021
2. If additional services are added to the IEP, the District must provide compensatory education in an amount equitable to the amount that would have been provided between August 7, 2020 and August 6, 2021. In the event that the IEP team cannot agree with the specific amount of compensatory education required to provide equitable relief, the Department will determine the appropriate number at the request of District or Parent.	The District shall submit the following: <ul style="list-style-type: none"> • Specific information about any compensatory education required, if the IEP team agrees on the compensatory education that provides equitable relief for any services missed. • Logs showing compensatory education was provided. 	November 15, 2021 August 1, 2022
3. Staff training for all building staff who participate in IEP meetings as either: (a) the special education teacher or special education provider of the child; or (b) a representative of the school district who is qualified to provide, or supervise the provision of, specially designed instruction; knowledgeable about the general education curriculum; knowledgeable about district resources; and authorized to commit district resources and	The District shall: <ol style="list-style-type: none"> a. Submit a training plan to the Department for approval, b. Complete the training according to the approved plan, 	November 30, 2021 Training plan must be submitted to the Department for approval no later than September 15, 2021. Training must be completed consistent with timelines established in

¹⁷ The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email ode.disputeresolution@ode.state.or.us.

<p>ensure that services set out in the IEP will be provided in each of the following area:</p> <ul style="list-style-type: none"> a. District procedures to ensure that IEPs are reviewed and revised as necessary and that parent requests are handled appropriately and in a timely fashion. b. District procedures to ensure that ESY is appropriately considered and discussed and that data is collected and reviewed. 	<ul style="list-style-type: none"> c. Submit evidence of completed training, materials, agenda, and sign-in sheets. 	<p>the plan, but not later than November 30, 2021.</p> <p>Evidence of completed training must be submitted by November 30, 2021.</p>
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Dated: this 4th Day of October 2021



Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 4, 2021

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