

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of North Santiam School)
District)
)
)

FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 22-054-002

I. BACKGROUND

On January 18, 2022, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parents (the Parents) of a student (Student) residing in the North Santiam 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.

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 Parents 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 January 24, 2022, the Department’s Complaint Investigator sent a *Request for Response (RFR)* to the District identifying the specific allegations in the Complaint to be investigated and establishing a *Response* due date of February 7, 2022. Thereafter, the Department’s Contract Investigator (Investigator) amended the RFR and remitted it to the District on January 31, 2022, establishing a new response date of February 10, 2022.

The District submitted a *Response* on February 7, 2022, denying the allegations, providing an explanation, and submitting documents in support of the District’s position. The District submitted the following relevant items:

1. Student Emergency Authorization and Health Information dated June 24, 2008
2. Star Test Record Report dated between September 11, 2017 and January 7, 2022
3. Notice of Team Meeting dated March 18, 2018
4. Individualized Education Program (IEP) dated March 19, 2018
5. Prior Written Notice (PWN) dated March 20, 2018
6. IEP Team Meeting Notes dated March 20, 2018
7. IEP Snapshot dated March 20, 2018
8. Behavior Plan dated March 20, 2018
9. Medical Statement or Health Assessment dated May 15, 2018
10. Confidential Student Health Information (ADHD) dated May 30, 2018
11. School Psychologist Evaluation dated December 13, 2018
12. School Psychologist Evaluation Screening dated December 13, 2018
13. Notice of Team Meeting dated March 14, 2019
14. IEP dated March 19, 2019
15. PWN dated March 19, 2019

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

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

16. IEP Team Meeting Notes dated March 19, 2019
17. IEP Snapshot dated March 19, 2019
18. Annual Goals Progress Report dated Jun 5, 2019
19. Annual Goals Progress Report dated June 11, 2019
20. Special Education (Special education) teacher weekly schedule for academic year 2020-21
21. Educational assistance weekly schedule for academic year 2020-21
22. Student's class schedule for academic year 2020-21 including Cohort placement
23. Student's classroom data for academic year 2020-21
24. Teacher performance information for IEP 2020-21
25. Annual Goals Progress Report dated January 24, 2020
26. Notice of IEP Team Meeting dated March 30, 2020
27. PWN dated March 31, 2020
28. Annual Academic Goals Progress Report dated April 3, 2020
29. IEP dated April 3, 2020
30. IEP Meeting Notes dated April 3, 2020
31. IEP Snapshot dated April 3, 2020
32. PWN dated April 6, 2020
33. Student registration form dated June 9, 2020
34. Student Health Information and Signature Card dated June 9, 2020
35. Confidential Student Health Information (mental health) dated June 18, 2020
36. Request for Nonresident Student Admission dated August 11, 2020
37. Student's class schedule for academic year 2021-22
38. Special education teacher weekly schedule for academic year 2021-22 (not Student's regular Special education teacher)
39. Special education teacher weekly schedule for academic year 2021-22 (Students regular Special education teacher)
40. Annual Goals Progress Report dated February 5, 2021
41. Emails between District and Parents dated February 10, 2021 through January 18, 2022
42. Math fluency progress tracker dated between March 9, 2021 and January 24, 2022
43. Wechsler Individual Achievement Test 3rd Edition (WIAT-III) dated March 10, 2021
44. Math fluency problems: single digit addition, subtraction, and multiplication within 20 (undated)
45. Notice of IEP team meeting dated March 19, 2021
46. Case Manager Evaluation dated March 19, 2021
47. PWN/Consent for Evaluation dated March 29, 2021 (unsigned)
48. Student Assessment list dated March 29, 2021
49. IEP dated March 31, 2021
50. Placement Determination dated March 31, 2021
51. Meeting Notes dated March 31, 2021
52. Annual Academic Goals Progress Report dated March 31, 2021
53. IEP Snapshot dated March 31, 2021
54. Assessment grid (undated)
55. Sustained Silent Reading guideline — 8th grade daily reading opportunity
56. "Sub" class guidance October 18-19 2021
57. PWN dated April 1, 2021
58. 7th grade reading assessments dated between May 18, 2021 and June 11, 2021
59. 7th grade vocabulary assessment dated May 18, 2021
60. Check-in/check-out daily behavioral reports dated between May 18, 2021 and January 25, 2022
61. Behavioral data charted between May 18, 2021 and June 4, 2021
62. PWN dated May 21, 2021
63. PWN dated June 3, 2021

64. IEP snapshot including amendments dated June 2, 2021
65. Annual Goals Progress Report dated June 15, 2021
66. Behavioral data graphed between September 2021 and January 2022
67. Behavioral data percentage calendared between September 8, 2021 and January 27, 2022
68. Basic math pretest — 5th grade standard, Fall 2021
69. Basic math 8 test — 8th grade standard, September 9, 2021
70. School psychologist phone log dated between September 20, 2021 and September 27, 2021
71. PWN/Consent for Evaluation dated September 23, 2021, executed September 25, 2021³
72. Student assessment list dated September 23, 2021
73. Functional Assessment Checklist for Teachers & Staff (FACTS-Part B) undated
74. Behavior Intervention Plan (BIP) dated October 13, 2021
75. Student Functional Assessment Interview and Reinforcement Survey dated October 4, 2021
76. Functional Behavior Assessment (FBA) Summary dated October 13, 2021
77. “Sub” class guidance October 18-19 2021
78. Behavior Intervention Plan (BIP) dated October 29, 2021
79. Behavior Intervention Plan discussion group sign in sheet dated October 29, 2021
80. “Sub” class guidance dated October 29, 2021
81. 8th grade reading assessments dated between December 2, 2021 and January 24, 2021
82. Sixth grade Proficient Reading chart (undated)
83. Annual Goals Progress Report dated January 28, 2022
84. Easy CBM reading fluency chart dated February 1, 2022 for 7th grade fluency
85. Student Assessment (Grade Level 3-5 assessment)
86. Student enrollment history
87. Vocabulary fluency chart for 7th grade (undated)
88. Multiple language arts assignments, blank and undated
89. Vocabulary tracker for 8th grade (undated)
90. Vocabulary lists including vocabulary for K and Tier II Vocabulary List (undated).
91. 8th grade math placement test, unfinished, undated
92. Reading fluency progress tracker dated March 2022 showing six (6) data points over two consecutive weeks⁴
93. District Medical Information Policies, created October 19, 2006, latest re-adoption October 19, 2017

The District submitted additional documents on February 18, 2022, and February 24, 2022,:

1. Student’s academic record from January 23, 2020, through June 25, 2021
2. Form letter offering summer school to middle school students
3. Services page from IEP dated March 31, 2021

The Parents submitted a *Reply* on February 14, 2022, providing an explanation and rebuttal, and documents in support of the Parents’ position. The Parents submitted the following relevant items:

1. Medical evaluations dated June 29, 2020
2. IEP team meeting notes dated March 31, 2021
3. IEP team meeting notes dated June 2, 2021
4. Power point presentation
5. Parents email to District dated June 14, 2021

³ This consent is for an FBA, not a reevaluation

⁴ The District remitted its Complaint materials on February 7, 2022. Hence inclusion of data points compiled in March 2022 were disregarded by the investigator.

6. Tutor data dated August 2021

The Complaint Investigator interviewed the Parents on March 2, 2022, via telephone. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parents’ 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 January 19, 2021, to the filing of this Complaint on January 18, 2022.

Allegations	Conclusions
<p>IEP Content and Implementation</p> <p>The Parents allege that the District violated the IDEA when it;</p> <p>a. failed to provide specially designed instruction (SDI) to the Student,</p> <p>b. did not create appropriate goals for the Student, and</p> <p>c. failed to implement all the accommodations in the Student’s IEP.</p> <p>(OAR 581-015-2200, 34 CFR §§300.323, and 300.324)</p>	<p>Substantiated</p> <p>a. The District did not provide SDI to the Student during Comprehensive Distance Learning (CDL); further, the District did not provide SDI to the Student during the remainder of the Complaint Period.</p> <p>b. The District did not create goals that were designed to accurately measure the Student’s progress and were not designed to allow the Student to make appropriate progress.</p> <p>c. The District’s general education teachers implemented a majority of the Student’s accommodations in an effort to help the Student access the general education curriculum. However, some accommodations were not implemented.</p>

Allegations	Conclusions
<p>IEP Meeting</p> <p>The Parents allege the District violated the IDEA when it failed to convene an IEP meeting after the Parents requested IEP meetings on two different occasions during the Complaint Period to discuss the Student's lack of progress.</p> <p>(OAR 581-015-2225, 34 CFR §300.324)</p>	<p>Partially Substantiated</p> <p>May 26, 2021 Meeting Request. The Parents requested an IEP team meeting, and although the IEP was amended during the June 2, 2021 meeting, the District failed to convene a full and compliant IEP team meeting.</p> <p>June 16, 2021 Meeting Request. The second IEP team meeting was requested by the Student's Grandparent who does not have educational rights for the Student and therefore no standing to request an IEP team meeting.</p>
<p>Parent Participation</p> <p>The Parents allege that the District violated the IDEA because;</p> <p>a. it did not give the Parents the ability to participate in the creation of the Student's Behavioral Intervention Plan (BIP),</p> <p>b. did not add goals to the Student's IEP which were requested by the Parents, and</p> <p>c. did not honor the Parents' requests regarding the content of the Student's IEP.</p> <p>(OAR 581-015-2181, 581-015-2190, and 581-015-2200; 34 CFR §§300.324, 300.320, and 300.501)</p>	<p>Not Substantiated</p> <p>a. The Parents requested a reevaluation of the Student and in lieu of an evaluation, the District unilaterally created a BIP. Although the District acted on its own accord, there is no provision in the IDEA which states that a school district must include parents in the creation of a BIP.</p> <p>b. The District did include a vocabulary goal suggested by the Parents but the District is under no legal duty to include every suggestion made by the Parents.</p> <p>c. The District has the discretion to include suggestions of Parents but is under no obligation to include every accommodation and modification the Parents desired.</p>

Allegations	Conclusions
<p>Failure to Remit Student Records</p> <p>The Parents allege that the District violated the IDEA because it;</p> <p>a. failed to remit the Student’s 4th grade IEP to the Parents, and</p> <p>b. failed to remit the Student’s eligibility statement to the Parents.</p> <p>(OAR 581-015-2300, OAR 581-015-2300; 34 CFR §§300.501)</p>	<p>Partially Substantiated</p> <p>a. Not Substantiated. The Student’s Aunt does not possess the Student’s educational rights. Hence, her request to obtain a copy of the Student’s IEP does not obligate the District to provide a copy.</p> <p>b. Substantiated. Outside of the existence of the Eligibility Statement form itself, the District had no evidence that the Eligibility Statement was provided to the parents.</p>
<p>Failure to Reevaluate</p> <p>The Parents allege that the District violated the IDEA because it failed to honor the Parents’ request to reevaluate the Student.</p> <p>(OAR 581-015-2105; 34 CFR §300.303).</p>	<p>Substantiated</p> <p>The District had been aware of the Student’s reading problems since 2018 yet did not reevaluate the Student in light of the Student’s failure to make any progress in reading and in light of the Student’s recalcitrance in performing physical writing tasks. Regardless of the Parents’ request for a reevaluation, the District was on notice that the Student may have a secondary disability that affected the Student’s ability to access to the general curriculum. The District should have performed a reevaluation on this basis as well as in response to the Parents’ request.</p>

Allegations	Conclusions
<p>FAPE</p> <p>The Parents allege that the District violated the IDEA because it failed to provide a free appropriate public education (FAPE) to the Student based on one or more of the following particulars:</p> <p>a. Failure to provide pull-out special education services to the Student</p> <p>b. Failure to provide SDI to the Student, resulting in a lack of progress</p> <p>c. Failed to create appropriate annual measurable goals</p> <p>d. Failed to give the Student more minutes of SDI</p> <p>34 CFR §§300.301, and 300.320; OAR 581-015-2040, OAR 581-015-2200(1)(b)</p>	<p>Substantiated</p> <p>a. Prior to the March 31, 2021 IEP, the Student did not receive pull-out services required by the IEP.</p> <p>b. The District failed to provide SDI in math and meaningful SDI in reading to the Student resulting in a FAPE and also failed to provide pull-out services to the Student;</p> <p>c. The District failed to create measurable goals in math and appropriate goals in reading that would enable the Student to make appropriate progress,</p> <p>d. The District failed to amend the IEP to provide the Student more minutes of SDI which the Student needed to progress from the second grade reading level at which the Student had been for four years.</p>

REQUESTED CORRECTIVE ACTION
<ul style="list-style-type: none"> • The Oregon Department of Education should order compensatory specialized direct instruction time that the school district with the IEP team agreed to provide the Student or to pay for a tutor to provide the Student compensatory specialized direct instruction time. • The Oregon Department of Education should Order the District to implement scripted and structured research based curriculum to provide quality SDI; • The Oregon Department of Education should order District to provide the Student with qualify small group SDI based on the goals in the Student’s IEP; • The Oregon Department of Education should order a facilitated IEP meeting to develop an IEP to be assessed with standardized assessments and for an IEP to be developed that allows the Student to make progress at school and that has attainable goals based on the Student’s highest needs.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before January 19, 2021. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide context necessary to understand the Student's disability and special education history.

1. The Student is 13 years old and in the 8th grade. The Student enjoys birds and computer games. The Student is extremely averse to reading and writing and has experienced extreme anxiety in relation to going to school.
2. The Student was initially found eligible for special education services on December 15, 2014 under the category of Other Health Impairment (OHI). The School Psychologist performed an assessment on May 11, 2015 to determine the impact of the Student's suspected disability. The Student had a medical diagnosis of ADHD.
3. The Student's March 20, 2018 IEP provided for 150 minutes of specially designed instruction (SDI) in language arts. The Student did not receive any SDI in any other area at that time.
4. The Student had a BIP created on March 20, 2018 to address the Student's "work avoidance."
5. The School Psychologist performed another assessment of the Student on December 15, 2018 after District personnel referred the Student for screening due to a concern regarding reading problems. The School Psychologist noted that the Student had problems with visual working memory and significant problems of dyslexia and attention to task. A variety of accommodations and modifications were recommended by the School Psychologist at that time. There is no record of the District performing any testing for Specific Learning Disability (SLD) for dyslexia or any other related disability.
6. The Student's March 20, 2018 IEP's Present Levels of Academic Achievement and Functional Performance (PLAAFP) noted that the Student read at the 1st grade level and assessment testing placed the Student's reading grade levels at 1.8-2.8. It is also noted that the Student would not engage in writing tasks especially when the Student must physically engage in the act of writing.
7. The Student's March 19, 2019 IEP notes that the Student is performing below grade level in reading fluency and phonics decoding skills. The Student was in the 5th grade at this time but read at the 2nd grade level. The Student's SDI in language arts was reduced to 120 minutes per week. The District introduced a related service of "Behavior and Behavioral Consultation Services" for 100 minutes yearly across all school sites. This was not classified as SDI.
8. The April 3, 2020 IEP noted that the Student was performing well below grade level in reading. The Student was in the 6th grade at this time. The Star Reading assessment given to the Student in 2019⁵ placed the Student reading at 2.3 grade level. The Student's writing continued to be well below grade level. The April 3, 2020 IEP provided for 100 minutes of SDI in language arts and 100 minutes of SDI in behavior. Both services were to be administered on a pull-out basis.

⁵ This was the last formal reading assessment administered before the District when to CDL due to the COVID-19 pandemic school closures.

9. The Student's April 3, 2020 IEP contained "Middle School LRC Goal" in reading which stated, "When given a daily Direct Reading instruction at [Student's] skill level, [Student] will complete daily comprehension activities with at least 90% accuracy in 4 of 5 consecutive opportunities. When presented with a grade level reading passage, [the Student] will oral [*sic*] read 90 correct words per minutes [*sic*] with 90% accuracy in 4 or 5 attempts." The related content standard was RF 5.4: read with sufficient accuracy and fluency to support comprehension.
10. The Student's April 3, 2020 IEP provided for the following academic accommodations and modifications:
 - a. Behavior Card to begin fall of academic year 2020-21;
 - b. Behavior Plan to be updated Fall of 2020 (7th grade)
 - c. Allowed to turn in late work per semester without penalty
 - d. Grade level questions, stories, and assignments will be read aloud unless it is an assessment test
 - e. Smaller group setting for assessments and Smarter Balance test
 - f. When tasks require large amounts [of] grade level content, the project must be broken into smaller portions, manageable for [the Student]
 - g. When work is above [Student's] individual level, allow extra time to complete
 - h. Check for comprehension after large blocks of instruction
 - i. Teachers and peer tutors guide and model how to complete classroom work
 - j. Reteach as needed in order to develop understanding of content and assignment when learning new concepts
 - k. Text to speech/speech to text to complete classroom assignments and tests
 - l. Access to LRC
 - m. Demonstrate matters verbally or by drawing it, replace [Student] having to write
 - n. Shorten assignments
 - o. When working 1:1 or in a small group, allow adult to write for [Student] while [Student] states the answers when written responses are needed⁶
 - p. Test retakes when score is below 60% as many times as wanted
 - q. Use graphic organizers for any writing assignment
 - r. Typing will be used to replace handwriting assignments, spelling, tests, essays, notes, projects, etc.
 - s. Alternate grade scale: based on participation in the class, on homework, and assignments
 - t. After taking notes as a class, [Student] will be provided with a copy.
11. Starting March 13, 2020, the Student participated in Comprehensive Distance Learning (CDL) for the remainder of academic year 2019-20 due to the COVID-19 pandemic. The Student continued in CDL for a majority of academic year 2020-21 until approximately April 2021 when the school made a concerted effort to have the Student physically return to a brick and mortar setting. The Student did not receive SDI in either math or reading during CDL.
12. On March 9, 2021, as part of the Student's three-year reevaluation process, the Student took a WIAT-III achievement test. The Student scored "fairly low" in math fact fluency and numerical operations. The Student also scored "below average" on reading comprehension and fluency.
13. The Student's annual IEP meeting took place on March 31, 2021. At that meeting, the Student's Grandparent took notes of the meeting. The Student's general education teachers attended the IEP team meeting as well as the Parents, the Special Education Teacher, the Special Education Director, and the Student's Aunt. The Student's Aunt reported that the Student was confused during CDL and often asked for help. The Student's Grandparent asked

⁶ This is referred to as "scribing" throughout the body of this Order

about the Student's goals and stated that SDI was integral to the Student's success. The team agreed that it would be best for the Student to attend "in person-hybrid" rather than CDL.

14. The Student's March 31, 2021 IEP noted that general education teachers were allowing the Student to use text-to-speech for assignments, reduced assignments for the Student, and frequently checked in with the Student. Teachers also had assignments read to the Student, had an individual typing for the Student, gave one-to-one help to the Student, and would put the Student in small groups as often as possible. The Student also received extra time on assignments and was able to engage teachers during office hours, although that was not frequently used.
15. The March 31, 2021 PLAAFP also noted that the formal reading assessment historically given to the Student showed the Student scoring a 2.0 which was down from the 2.3 the Student scored in October, 2020.
16. The March 31, 2021 IEP modified the Student's SDI to include 100 minutes of SDI weekly in math, 15 minutes of SDI weekly in behavior (social/emotional) in the School Psychologist's office, 15 minutes of SDI weekly for self-advocacy skills in the School Psychologist's office, and 60 minutes of SDI weekly in written language. Except as noted, SDI was to take place in the general education setting.
17. The March 31, 2021 IEP changed the delivery of the Student's SDI when the District went to a "push in" model because the Special Education Teacher for the Student's cohort "was not going to run small groups" because other students needed help. The Special Education Teacher then spent time in the Student's general education classes to catch the Student up on homework and to answer any questions or give help where needed.
18. The Eligibility Statement was dated March 31, 2021 and noted that all the assessments and medical statements were reviewed on March 31, 2021. The individuals listed on the Eligibility Team who agreed with the Student's Eligibility form included the school's Autism Specialist and a regular education teacher. Neither of these individuals are noted as attending or participating in the Student's IEP meeting held on March 31, 2021. The eligibility meeting and the IEP meeting were held concurrently on March 31, 2021.
19. The District's responsive documents do not contain an email to the Parents that attaches the Student's March 31, 2021 Eligibility Statement and there are no letters from the District to the Parents enclosing the Student's March 31, 2021 Eligibility Statement.
20. The Student's March 31, 2021 IEP contains a reading goal that states, "When presented with a grade-level reading passage at...grade level, [the Student] will orally read 110 correct words per minute with 95% accuracy in 2 of 3 attempts by March 2022."
21. The Student's March 31, 2021 IEP writing goals are two-fold, reflecting grade level standards for 7th grade and 8th grade. The goal states that the Student must score "2's or better." The Related Standards section of the goal sheet is blank.
22. On May 16, 2021, the Parents requested the Student be reevaluated and also requested an IEP meeting via email sent to the Special Education Director and to the Student's Special Education Teacher. The Parents voiced concerns about the Student's reading and writing ability, the Student's comprehension, and the content and/or methodology of the Student's SDI in language arts. The Parents further expressed concern regarding the allocation of minutes for SDI and questioned the efficacy of the Student's measurable annual goals.

23. In response to the Parents' May 16, 2021 email, the Special Education Teacher repeated that the Student was only receiving 100 minutes of SDI in language arts because the Special Education Teacher had gone to a "push-in" model where special education services were given during general education classes. The Special Education Teacher "put 100 minutes of direct instruction because other students in the room or group need help also." The Special Education Teacher stated a new BIP would be developed in the fall of 2021 and that a meeting was possible on May 18, 2021 or May 28, 2021 to review testing and the IEP. The Special Education Teacher did not directly respond to the Parents' request for a reevaluation based on reading and writing concerns and did not issue a PWN regarding a denial of the Parents' request for a reevaluation based on these concerns.
24. On May 24, 2021, the Special Education Teacher sent out an invitation for a "Parent Meeting" on Tuesday, May 25, 2021. The "Parent Meeting" was rescheduled to June 2, 2021 due to the Special Education Director's unavailability.
25. On June 2, 2021, the "Parent Meeting" was held with the Parents, the Student's Aunt, the Student's Grandparent, the Principal, the Special Education Teacher, and the Special Education Director in attendance. The Student's family took notes. During the June 2, 2021 meeting, the Parents presented a PowerPoint presentation outlining their concerns regarding the Student's education.
26. The attendees discussed amending the Student's IEP. The Student's IEP was then amended to include a vocabulary goal suggested by the Parents' team as well as math fluency and reading fluency goals. The Special Education Teacher also removed modifications at the request of the Parents. The Parents also requested peer tutoring be removed from the Student's IEP. These changes were made to the Student's IEP after the June 2, 2021, "Parent Meeting."
27. The Parents also requested that the Student's SDI be given only in the resource room (i.e., pull-out services) and that SDI be based on peer-reviewed curriculum. The Parents requested more SDI minutes for the Student and that the Student's goals stop focusing on grade level work and instead work on reading comprehension. The Parents also questioned the continual use of scribing for the Student across all settings. The District did not make these requested changes to the Student's IEP.
28. A PWN was generated regarding the changes to the Student's IEP but there was no mention of the District's refusal to evaluate the Student.
29. During the June 2, 2021 meeting, the Student's Aunt requested a copy of the Student's fourth grade IEP. The Student's Aunt does not hold the Student's educational rights. Also at that meeting, the School Principal offered summer school to the Student to repeat grade-level content.
30. On June 7, 2021, and again on June 14, 2021, the Special Education Teacher sent drafts of the IEP to the Parents and all IEP team participants and requested comments. The Student's Grandparent commented on June 14, 2021 thanking the Special Education Teacher for the changes made to the Student's IEP but noting that all requested changes had not been made. The Grandparent then proposed to meet in the fall of school year 2021-22 to revise the IEP once more based on any gains the Student may have made during the summer and after having a formal medical evaluation in the following areas: occupational therapy, psychological, speech/language, occupational therapy. Thereafter, the Special Education Teacher sent a PWN to the Parents advising that the Student's IEP had been changed.

31. Although the Student's IEP was amended after the June 2, 2021, the amendment date on the IEP is June 2, 2021.
32. On June 14, 2021, the Student's Grandparent requested an IEP meeting for the fall of academic year 2021-22. The Grandparent does not hold the educational rights of the Student.
33. On June 21, 2021, the District sent out an offer to middle school students for a summer school program so that the students could work on language arts and math to prepare for the next grade level. This notice did not mention the COVID-19 pandemic and was not specifically directed to any individual student. The summer school program was not discussed at the Student's March 31, 2021 IEP team meeting. The Parents asked whether the Student would receive SDI during summer school and the District stated that no individual instruction would be given.
34. During academic year 2020-21, the Student's math class was taught by a general education teacher who had a special education teaching license. The 8th grade math was noted as "Algebra" and was the Student's first period class. The class was 42 minutes long. The Student's math class was a general education class.
35. The Student was given a 5th grade level math assessment in the fall of academic year 2021-22. The test contained questions regarding addition, subtraction, basic geometry, decimals, and word problems. The Student scored 5 correct answers out of 45 questions.
36. On September 9, 2021, the Student was given a grade level (8th grade) assessment in math. This assessment contained word problems. The test contained questions regarding fractions, slopes, graphs, and geometry. The Student scored 1 correct answer out of 45 questions.
37. On September 25, 2021, the Parent signed a Consent for Evaluation for the School Psychologist to conduct a Functional Behavioral Analysis (FBA) for the Student.
38. As part of the Student's FBA, one of the Student's general education teachers and the Special Education Teacher completed an assessment regarding the Student's behaviors. The General Education Teacher identified the problem behaviors as not following directions and not doing work, both of which affected most academic tasks. The teachers believed the Student was engaging in the behaviors to avoid work and that work avoidance was triggered by writing or long academic tasks. The General Education Teacher opined that the antecedent was past failure in classes as well as lack of sleep.
39. The Student completed a Functional Assessment Interview on October 4, 2021 noting that time to complete work was not an issue but that all work was too challenging. The Student further stated a dislike for reading and writing because the Student was not good at it. The Student did not complete the portion of the survey which required reading and completing a sentence.
40. The Student's Behavior Intervention Plan (BIP) was completed on October 29, 2021. The Student's teachers and administrators signed off on the plan. The Parents did not sign the BIP or receive a copy of the FBA.
41. The Special Education Teacher provided the Student with 10 minutes of uninterrupted "Sustained Silent Reading" as part of the Student's SDI. This did not involve any teacher interventions, oral reading, or testing of understanding. The Special Education Teacher was not aware if the Student was truly reading or simply looking at the pages and/or pictures. The

Special Education Teacher would see if the Student turned any pages as a way to monitor progress.

42. During academic year 2021-22, the Student was to have 100 minutes per week of SDI in math. The Student did not have pull-out instruction in math, but was placed in a cohort and assigned a math class where the teacher was a general education teacher but also had a special education certificate. The District believed the Student was to obtain SDI by attending this class because it was taught by a person with a special education certification.
43. The Student was given the same math fact fluency assessment twice during the Complaint Period. On June 11, 2021, the Student scored 16/16 on addition, 22/22 on subtraction and 12/12 on multiplication. On January 28, 2022, the Student scored 16/16 on addition, 15/16 on subtraction, and 9/9 on multiplication. The assessment was a compilation of basic addition and subtraction problems as well as some single-digit multiplication and division problems, all within 20. This test is the standard for kindergarten and 1st grade students. This test was used to test the Student's measurable annual math fact fluency while the Student was in 8th grade.
44. The Student's class schedule for academic year 2021-22 showed an "Advisory Class" taught by the Special Education Teacher. During this period, health class was taught and then students were permitted to use any excess class time for study hall. The Student could use excess class time to request help with unfinished assignments from the Special Education Teacher.
45. The Student scored below passing on every statewide assessment in math from 4th grade forward and the Student scored a 0% on a math pre-test in the fall of 2020.
46. The accommodations in the Student's IEP were generally provided. The Student has been taught by the same special education teacher for academic years 2020-21 and 2021-22. During in-person instruction, the Special Education Teacher has always encouraged the Student to use speech-to-text and/or to type all assignments even though the Special Education Teacher can read the Student's handwriting. The Special Education Teacher and general education teachers have used the Student's check-in/check-out trackers virtually every day the Student had been participating in hybrid or in-person learning. During the Complaint Period, the general education teachers have permitted the Student free use of the bathroom. The Student's October 29, 2021 BIP was created and put into place for academic year 2021-22. However, two accommodations were not provided with fidelity. The Student was not always allowed to demonstrate matters by talking about them or drawing them in place of writing, and concepts were not always pre-taught or re-taught.

IV. DISCUSSION

IEP Content and Implementation

The Parents alleged that the District violated the IDEA when it (a) failed to provide SDI to the Student, (b) did not create appropriate goals for the Student, and (c) failed to implement all the accommodations in the Student's IEP.

School districts must ensure that an IEP is in effect for each child with a disability within the

district's jurisdiction at the beginning of each school year.⁷ Districts must provide special education and related services to a child with a disability in accordance with a child's IEP.⁸

Failure to Provide SDI

“SDI means adapting, as appropriate to the needs of a child with a disability, the content, methodology, or delivery of instruction:

- (a) To address the unique needs of the child that result from the child's disability; and
- (b) To ensure access of the child to the general curriculum, so that they can meet the educational standards within the jurisdiction of the public agency that apply to all children.⁹

During the Complaint Period, the Student participated in school via CDL and in person instruction. Prior to the March 31, 2021 IEP meeting, the Student's SDI was to be administered on a pull-out basis in the amounts of 100 minutes per week for language arts and 100 minutes per week for behavior. The Student's March 31, 2021 increased the Student's SDI but there was no provision of services.

The Student was placed in a 7th grade math cohort that contained a number of students eligible for special education; therefore, the Student was not the only student who required SDI in that particular math class. This class was taught by a general education teacher who happens to have a special education certification but this does not automatically translate into the provision of SDI.

The District provided assessments to show that the Student was receiving SDI in math. Though they may help to show “progress appropriate in light of a child's circumstances¹⁰,” assessment scores do not indicate the provision of SDI. Moreover, these assessments did not show progress. The math fact fluency assessments given to the Student were identical year to year. However, the assessments were given to measure math fluency, which did not appropriately measure progress on the annual goal. Further, those assessments did not show improvement over the course of the year, as the Student performed slightly worse on the assessment administered most recently.¹¹ These assessments were kindergarten and first-grade level math fact fluency assessments.

Additionally, the Student was to receive 100 minutes of SDI in math per week. The 8th grade math teacher would have to spend 20 minutes per day with the Student every weekday to equal the amount of SDI the Student should have been receiving pursuant to the March 31, 2021 IEP. The District did not provide evidence that the math teacher or an educational assistant spent 20 minutes per day with the Student in accordance with the Student's SDI requirements.

The Special Education Teacher admitted that the Student was not getting SDI in language arts because the Teacher was not running “small groups.” Further, 10 minutes of “sustained silent reading” is not SDI geared to assist the Student in accessing the general education curriculum or reaching the Student's reading goals.

The Student did not receive SDI during CDL in either math or language arts. Further, the District did not remit evidence that demonstrated the Student received SDI. There was no classroom data remitted to the Investigator and the assessments remitted showed no progress

⁷ OAR 581-015-2220(1)(a); 34 CFR §300.323(a)

⁸ OAR 581-015-2220(1)(a); 34 CFR §300.323(c)

⁹ OAR 581-015-2000(37)

¹⁰ *Andrew F., v Douglas County School District Re-1*, 137 S. Ct. 988, 999 (2017)

¹¹ The student missed a subtraction problem on the second assessment, but had performed with 100% accuracy on the initial assessment. The subtraction problem missed by the Student was 10-3. The Student's answer was 2.

and even slight regression in math. Moreover, the Special Education Teacher admitted that there were no small groups being conducted in language arts and hence was not providing SDI to the Student.

The Department substantiates this portion of the allegation.

Failure to Create Appropriate Goals for the Student

An IEP must contain a “statement of measurable annual goals, including academic and functional goals (and, for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of short-term objectives) designed to:

- (A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and
- (B) Meet each of the child’s other educational needs that result from the child’s disability.¹²

The IEP must also include a description of how the child’s progress toward meeting the annual goals will be measured.¹³

The Student’s April 3, 2020 IEP contained a “Middle School LRC Goal”. This goal contains two components: the first of reading at the Student’s actual reading level (2nd grade) and the second of reading at the Student’s grade level (6th grade). Given the Student’s history of limited progress in reading, expecting the Student to progress from 2nd grade to 6th grade in a measurable annual goal was not appropriate or attainable. The goal was not based on the unique needs of the student. The Student’s goal should reflect strategies to enable the Student to appropriately progress in reading so that progress can be made forward from the Student’s current reading level. Given the Student’s reading level has not progressed in four years, a goal of “reading at grade level” is not based upon the current needs of the Student.

Prior to the March 31, 2021, IEP meeting, the Student did not have any math goals despite clear evidence of need. The Student scored below passing on every statewide assessment in math from 4th grade forward and the Student scored a 0% on a math pre-test in the fall of 2020. The District had a responsibility to develop a measurable annual goal in math based upon the current needs of the Student.

Finally, the Student’s March 31, 2021 writing goals are two-fold, reflecting grade level standards for 7th grade and 8th grade. The goal states that the Student must score “2’s or better” but does not include sufficient information. The requirement for a score of “2...or better” is a meaningless term without knowing the standard against which this goal is measured.

The Department substantiates this portion of the allegation.

Failure to Implement All of the Accommodations in the Student’s IEP.

A district violates the IDEA when it materially fails to implement an IEP.¹⁴ “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.”¹⁵

The Student’s March 31, 2021 IEP PLAAFP indicated that the following accommodations had been given to the Student:

¹² OAR 581-015-2200(1)(b)

¹³ OAR 581-015-2200; 34 CFR §300.320

¹⁴ *Van Duyn v. Baker Sch. Dist.* 5J, 502 F3d 811, 822 (9th Cir. 2007)

¹⁵ *Id.*

1. Use of speech to text
2. Reduced assignments
3. Frequent check in
4. Reading assignments out loud to Student
5. Scribing
6. One to one assistance
7. Use of small groups
8. Extra time on assignments

The Student was not penalized for late work and had bathroom access throughout the day. The Special Education Teacher and all general education teachers consistently used the Student's check-in/check-out cards and a new BIP was developed for the Student in the fall of academic year 2021-22. The Special Education Teacher always encouraged the Student to type assignments.

However, the following accommodations were not provided with fidelity:

1. Allow Student to demonstrate matters by verbally talking about it or drawing it, in place of having the Student write
2. Re-teach or pre-teach concepts

The Student had the choice to use the following accommodations:

1. Use of graphic organizer (Student's choice)
2. Use LRC as safe space (Student's choice)
3. Allow as many re-takes when test score is below 60%

As evidenced by general education teachers' comments in the PLAAFP from the Student's March 31, 2021 IEP, nearly all accommodations were being provided by staff to help the Student succeed in the general education setting. Nearly all accommodations were used in the special education setting for the Student including allowing the Student to type. Only two accommodations were not provided in accordance with the IEP.

The Department substantiates this portion of the allegation.

IEP Meeting

The Parents allege that the District violated the IDEA when it failed to convene an IEP meeting after the Parents requested an IEP meeting on two different occasions during the Complaint Period to discuss the Student's lack of progress.

A District must review an IEP at least once every 365 days to revise the IEP to address any lack of expected progress, information about the child provided by the parents, or other matters.¹⁶ Changes to the IEP may be made either by the entire IEP team at an IEP team meeting, or by amending the IEP if the parent of a child with a disability and the school district agree not to hold an IEP Team meeting to make these changes, and instead may develop a written document to amend or modify the child's current IEP.¹⁷ An IEP team "meeting does not include

¹⁶ OAR 581-015-2225

¹⁷ OAR 581-015-2225(2), OAR 581-015-2225(3)

informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP.”¹⁸

May 16, 2021 IEP Team Meeting Request

The Parents requested an IEP team meeting on May 16, 2021 to discuss a reevaluation of the Student in light of the Student's lack of reading progress. This request resulted in the District scheduling a "Parent Meeting" on June 2, 2021. During the "Parent Meeting", the Student's IEP was amended. Goals were added and modifications were removed from the service summary.

Since the Student's IEP was modified, a full IEP team meeting should have occurred that included all required IEP team members, appropriate notice, and all other requirements established by the IDEA. There were no general education teachers present. The IDEA requires either the convening of a full IEP team meeting or the execution of a written agreement to amend the IEP by both the District and the Parents. There is no evidence that the Parent and District entered into such an agreement.

The Department substantiates this portion of the allegation.

June 16, 2021 IEP Team Meeting Request

"Parent means...one or more of the following persons:

- (A) A biological or adoptive parent of the child;
- (B) A foster parent of the child,
- (C) A legal guardian, other than a state agency;
- (D) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare".¹⁹

On June 16, the Student's Grandparent emailed the District and requested an IEP meeting for the fall of academic year 2021. Since the Student does not reside with the Grandparent and since the Grandparent is not acting in place of the biological parents, the Grandparent does not have the ability exercise the Student's educational rights.

The Department does not substantiate this portion of the allegation.

Parent Participation

The Parents alleged that the District violated the IDEA because it (a) did not give the Parents the ability to participate in the creation of the Student's Behavior Intervention Plan, (b) did not add goals to the Student's IEP which were requested by the Parents, and (c) did not honor the Parents' requests regarding the content of the Student's IEP.

"School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the child, and the

¹⁸ OAR 581-015-2190(4)

¹⁹ OAR 581-015-2000(22)

provision of a free appropriate public education to the child”.²⁰ “Parents have the right to bring questions, concerns, and preliminary recommendations to the IEP Team meeting as part of a full discussion of the child’s needs and the services to be provided to meet those needs.”²¹ However, “the IDEA accords educators discretion to select from various methods for meeting the individualized needs of a student, provided those practices are reasonably calculated to provide him with educational benefit.”²²

Behavior Intervention Plan

The Parents specifically asked for assistance with the Student’s reading during the March 31, 2021 IEP team meeting. In response to that request, the District sought consent to conduct an FBA, and created a new BIP in the fall of academic year 2021-22. After receiving the signed Consent to Evaluate for an FBA, the School Psychologist performed a file review, an observation, and obtained assessment data from one general education teacher and from the Student’s Special Education Teacher. The teacher assessment questions did not address reading but focused on the Student’s inability to complete tasks. Based upon behavioral information from a general education teacher and a special education teacher, the School Psychologist created both an FBA and a BIP for the Student. The failure of the District to involve the Parents in the development of the BIP is not a violation of the IDEA.

The Department does not substantiate this portion of the allegation.

Failure to Add Goals Requested by Parents

The Parents requested some goals which were not added to the Student’s IEP. The District did add the vocabulary goal proffered by the Parents but did not add every goal the Parents requested. The District is tasked with providing a FAPE to the Student but does not need to include every suggestion requested by a parent during an IEP team meeting. The District exercised its discretion in creating goals, but considered the Parents’ requests.

The Department does not substantiate this portion of the allegation.

Failure to Honor Parents’ Request Regarding the Content of the Student’s IEP

As stated above, Parents are entitled to participate in IEP team meetings and to participate in the identification, evaluation, and placement of a child. However, Parents cannot dictate the content of a child’s IEP. The District was under no obligation to honor every request of the Parents.

The Department does not substantiate this portion of the allegation.

Failure to Remit Student Records

Parents are entitled to access the educational records of their child including the identification, evaluation, and educational placement of that child.²³

Failure to Remit 4th grade IEP

²⁰ OAR 581-015-2190

²¹ Letter to Northrop (OSEP 5/21/2013), citing 71 Fed. Reg. 46,678 (2006)

²² *J.L. v. Mercer Island Sch. Dist.*, 592 F.3d 938, 952 (9th Cir. 2010)

²³ OAR 581-015-2300

At the June 2, 2021 Parent Meeting, the Student's aunt requested a copy of the Student's June 2, 2021 IEP. The Student's aunt does not possess the Student's educational rights. Hence, she is not entitled to a copy of the Student's IEP.

The Department does not substantiate this portion of the allegation.

Failure to Remit Eligibility Statement

The Parents allege that they requested a copy of the Student's Eligibility Statement during the June 2, 2021 "Parent Meeting" but have never received a copy of that document.

The Parents should have received the Eligibility Statement after the March 31, 2021 IEP meeting²⁴. That meeting discussed the Student's IEP and eligibility following the Student's three year reevaluation.

The District remitted a document to the Investigator entitled "Eligibility Statement" which contained a search string evidencing that it had been downloaded from an online IEP system. This document contains a checkbox assertion that a copy of the evaluation report and eligibility statement had been provided to the Parents at no cost. However, the District could not provide any evidence showing that the Eligibility Statement was actually provided to the Parent as required and requested.

Outside of the existence of the form itself, the District had no evidence that it was provided to the Parent. While the District can provide records through a variety of mechanisms and has discretion as to how to document it, the District should be able to provide evidence that records required to be provided to the Parent have been provided. The District provided no such evidence in this instance.

The Department substantiates this portion of the allegation.

Failure to Reevaluate

The Parents alleged that that the District violated the IDEA because it failed to honor the Parents' request to reevaluate the Student.

A District must evaluate a child in all areas of suspected disability²⁵. Further, a parent may request a reevaluation of a child at any time.²⁶ A district must provide a parent with PWN within a reasonable period of time before it proposes or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child.²⁷ Further, when a school district refuses an evaluation or reevaluation requested by the parent, the public agency must provide the parent with PWN.²⁸

In order for a district to meet its FAPE obligation, a district must "first identify those children and evaluate their disabling conditions." [Thereafter] "those children must be evaluated and assessed for all suspected disabilities so that the school district can begin the process of

²⁴ OAR 581-015-2120(6)

²⁵ OAR 581-015-2110(4)(d)

²⁶ OAR 581-015-2105(4)(b)(B)

²⁷ OAR 581-015-2310

²⁸ OAR 518-015-2110(2)(c)

determining what special education and related services will address the child's individual needs."²⁹

In the instant case, the Student has a history of reading and writing difficulties. The School Psychologist noted in the Student's 2018 evaluation that the Student showed signs of problems with visual working memory and significant signs of dyslexia. The Student's PLAAFP for every subsequent year to the December 13, 2018, evaluation note that the Student reads and writes below grade level. The Student's reading level had hovered around the second grade level for more than four years and has actually decreased after COVID-19 forced all districts into CDL.

On May 16, 2021, the Parents emailed the District and requested the Student be reevaluated because the Student had not been making progress in reading and writing. The District did not reevaluate the Student when the Parents requested a reevaluation but instead determined that a new BIP was needed.

The District had been aware of the Student's reading problems since 2018 yet did not reevaluate the Student in light of the Student's failure to make any progress in reading and in light of the Student's recalcitrance in performing physical writing tasks. Regardless of the Parents' request for a reevaluation, based on the Student's assessments, classroom observations of teachers, and the school psychologist's December 18, 2018, Evaluation, the District was on notice that the Student may have a secondary disability that affected the Student's ability to access to the general curriculum. Hence, the District should have performed a reevaluation on this basis as well as in response to the Parents' request. Even if a refusal to reevaluate had been appropriate, the district should have provided PWN documenting the decision.

The Department substantiates this allegation.

FAPE

A District "must implement an IEP that is reasonably calculated to remediate, and, if appropriate, accommodate the child's disabilities so that the child can make progress in the general education curriculum taking into account the progress of his nondisabled peers and the child's potential."³⁰

Failure to provide pull-out special education services to the Student

During the Complaint Period, a portion of the Student's education took place in CDL. The Student's April 3, 2020 IEP mandated "pull-out" services, which could not be delivered during CDL. However, the Student's IEP was not amended to reflect this. While this was a failure to implement the IEP as written, it did not in and of itself result in a denial of FAPE.

The Department does not substantiate this portion of the allegation.

Failure to Provide SDI to the Student, Resulting in a Lack of Progress

As previously discussed, the failure to provide the Student with SDI did not assist the Student in making progress toward goals. Rather, the "push-in" instruction given to the Student was

²⁹ Timothy O. v. Paso Robles Unified Sch. Dist., 822 F.3d 1105, 1110 (9th Cir. 2016) (quoting 20 U.S.C. § 1412(a)(1)(A))

³⁰ M.C. v. Antelope Valley Union High School District, 852 F. 3d 840 (2017)

designed to “tutor” the Student so that work that was not completed, or that the Student could not complete independently, was completed with adult assistance. Further, the SDI of “silent sustained reading” does not allow an accurate measure of comprehension or fluency. The District also failed to provide any SDI in math, despite the fact that it was required by the Student’s IEP.

The Department substantiates this portion of the allegation.

Failed to Create Appropriate Measurable Annual Goals

As previously discussed, the failure to create measurable annual goals for the Student and the failure to measure those goals in an appropriate manner resulted in the Student’s failure to make appropriate progress.

The Department substantiates this portion of the allegation.

Failed to Give the Student More Minutes of SDI.

Beginning with the Student’s April 4, 2019 IEP, the District began reducing the Student’s minutes of SDI for language arts. The Student initially had 150 minutes of SDI in language arts per week, which was reduced to 120 minutes per week, and then finally ending with 100 minutes per week. This averages to 20 minutes of SDI in language arts per day. During the same timeframe, the Student was making little to no progress toward IEP goals. The District’s failure to review the IEP and adjust the amount of SDI that the Student received resulted in a denial of FAPE.

The Department substantiates this portion of the allegation.

V. CORRECTIVE ACTION³¹
In the Matter of North Santiam School District
Case No. 022-054-002

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

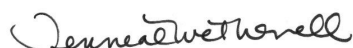
Action Required	Submissions	Due Date
1. The District shall convene the IEP team to review and revise the Student’s IEP to ensure that it is appropriately developed to enable the provision of FAPE, with specific attention paid to areas of noncompliance identified in this Order. ³²	Submit to ODE and the Parent, a copy of the IEP and placement team meeting notice(s), a complete copy of the IEP, and separate placement determination, any meeting notes or minutes,	April 15, 2022

³¹ 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]).

³² The Department is able to provide IEP Facilitation if it is of mutual interest to the Parent and District.

	and copies of any prior written notices.	
2. The District offer to the Parents 60 hours of SDI in math and 60 hours of SDI in reading, and hold an IEP meeting with the Parents to determine how this will be delivered to the Student.	Plan detailing how this compensatory education will be delivered to the Student. Evidence that delivery of compensatory education has been completed.	April 15, 2022 March 1, 2022
3. The District must ensure that all District staff responsible for reviewing, revising, developing, and implementing IEPs receive training in each of the following areas: <ul style="list-style-type: none"> • IEP Review/Revision; • Evaluation/Reevaluation; • IEP Meeting Requirements; • IEP Development; • IEP Implementation. 	Training agenda/materials to County Contact for review/approval. Sign-in sheet for training	May 15, 2022 September 15, 2022

Dated: this 18th Day of March, 2022



Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: March 18, 2022

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