

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of)	FINDINGS OF FACT,
Hillsboro School District 1J)	CONCLUSIONS,
)	AND FINAL ORDER
)	Case No. 25-054-021

I. BACKGROUND

On April 11, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint (Complaint) from the parent (Parent) of a student (Student) residing in the Hillsboro School District 1J (District). The Complaint requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of the 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 Parent and the District agree to the extension to engage in mediation or local resolution or for exceptional circumstances related to the complaint.²

On April 21, 2025, 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 May 5, 2025.

On April 15, 2025, the Complaint Investigator spoke with the attorney for the District (Attorney) via telephone. The Attorney indicated that the District did not contest the allegations in the Complaint and proposed stipulated Corrective Actions. The Complaint Investigator spoke with the Attorney via telephone again on April 18, 2025 regarding the allegations in the Complaint and the District's proposed Corrective Actions. On April 21, 2025, the Complaint Investigator proposed revised Corrective Actions, to which the District agreed. The District did not submit a *Response*.

The Complaint Investigator interviewed the Parent and discussed the District's proposed Corrective Actions on April 17, 2025. The Complaint Investigator had further discussion with Parent regarding the proposed Corrective Actions on May 6, 2025. All discussions with the Parent were conducted virtually, rather than in person.

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

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

The Parent submitted the following relevant item with the Complaint:

1. Prior Written Notice, 4/7/25

The Complaint Investigator reviewed and considered all the above information in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set 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 April 12, 2024 to the filing of the Complaint on April 11, 2025.

Allegations	Conclusions
<p>When IEPs Must Be in Effect</p> <p>The Complaint alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP. Specifically, the District failed to provide the Student with an accommodations of an American Sign Language (ASL) interpreter and sign-supported English throughout the school day.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>
<p>Free Appropriate Public Education (FAPE)</p> <p>Due to the alleged IDEA violations detailed above, the Complaint alleged that the District failed to provide the Student with a free appropriate public education.</p> <p>(OAR 581-015-2040; 34 CFR § 300.101)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>

REQUESTED CORRECTIVE ACTIONS

The Complainant requests that the District find an alternative means of providing an ASL interpreter as soon as possible (e.g. through an ASL interpreting agency), while waiting for the District's ASL interpreter position to be filled.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigations 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 April 12, 2024. 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 seven years old and is in first grade. The Student attends school within the District and is eligible for special education as a child with an Intellectual Disability.
2. The Student's May 23, 2024 IEP includes an accommodation for an "ASL Interpreter".
3. The District provided Prior Written Notice (PWN) to the Parent, dated April 7, 2025, indicating that it had posted the position for an ASL Interpreter for the Student on August 6, 2024, but that the position had not been filled. The PWN includes that, "The District stands ready to provide the accommodation of ASL Interpreter upon hire of a qualified staff."
4. On April 11, 2025, the Parent filed this Complaint.

IV. DISCUSSION

The Complaint alleges IDEA violations which the District does not contest.

The Department does not make a substantive determination on the allegations in the Complaint.

V. CORRECTIVE ACTION

*In the Matter of Hillsboro School District 1J
Case No. 025-054-021*

Based on the District not contesting the allegations in this Complaint, the Department orders the following Corrective Action:

Action Required	Submissions	Due As Soon As Possible But Not Later Than
The District will secure the services of an ASL Interpreter as soon as possible to provide the services required by the Student's IEP. These efforts shall include, but not be limited to, attempts to contract with outside agencies that provide ASL interpretation services.	Evidence showing the District's attempts to secure the services of an ASL Interpreter for the Student.	June 30, 2025
In the meantime, the District will take steps		June 30, 2025

Action Required	Submissions	Due As Soon As Possible But Not Later Than
to mitigate the ongoing failure to provide the Student with an ASL Interpreter to the extent possible, using existing District staff.	A written plan for how the District will mitigate the failure to provide the Student with an ASL Interpreter, until such time as an ASL Interpreter is provided.	
<p>The District will convene an IEP meeting for the Student to determine appropriate compensatory education for the loss of educational benefit and opportunity caused by the failure to provide ASL Interpreter services during the time period of the Complaint.</p> <p>If the parties are unable to reach an agreement on the compensatory education to be offered to the Student, either party can request that the determination be made by the Department.</p>	<p>A written plan for delivery of compensatory education developed at an IEP meeting with the Parent.</p> <p>Evidence showing that compensatory education was provided.</p>	<p>June 15, 2025</p> <p>December 15, 2025</p>
The District will develop and conduct training for all staff responsible for implementing IEPs on the District's responsibility to provide students with a FAPE, regardless of the availability of staff that are qualified to provide the services in a student's IEP.	<p>Training agenda and materials to ODE for review and approval.</p> <p>Sign-in sheet from training.</p>	<p>June 15, 2025</p> <p>October 31, 2025</p>

Dated: this 13th Day of June 2025

Ramonda Olaloye

Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: June 13, 2025

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).)