

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of Hillsboro School District 1J	)	FINDINGS OF FACT,
	)	CONCLUSIONS,
	)	AND FINAL ORDER
	)	Case No. 25-054-027

**I. BACKGROUND**

On May 5, 2025, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Hillsboro School District (District). The Parent 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.<sup>1</sup> This timeline may be extended if the Parent and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.<sup>2</sup>

On May 12, 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 26, 2025.

The District submitted a *Response* on May 26, 2025, denying the allegations, providing an explanation, and submitting documents supporting the District's position. The District submitted the following relevant items:

1. District Response, 05/26/25
2. Quick Guides of Best Practices: Special Education Teacher Responsibilities, no date
3. Email, re: Ongoing Thread for Meeting Questions
4. Email, re: Quick Question Related to this Restraint Debrief, 03/11/25
5. Email, re: Records Request - [Student ID#], 03/31/25
6. Email, re: Meeting: 3/12 [(Student ID #)], 03/11/25
7. Email, re: Records Request [Student ID #], 03/31/25
8. Email, re: Final Meeting Request, 03/06/25
9. Email, re: Daily Data, 01/10/25

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<sup>1</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(a)

<sup>2</sup> OAR 581-015-2030(12) and 34 CFR § 300.152(b)

10. Email, re: Records Request, 03/31/25
11. Email, re: Fw: Clarification on Truancy & Prior Administrative Guidance for [the Student] and [Unknown Person], 02/28/25
12. Email, re: Records Request - [Student ID #], 03/31/25
13. Email, re: Meeting Agenda Items: Peer Conflict, Safely Protocol & Records
14. Email, re: Revised Incident Reports from 02/05/25
15. Email, re: Records Request - [Student ID #], 03/31/25
16. Email, re: Centralized Rejection of 1/10 Referral, 2/10 Referral, Jan 22 Meeting Minutes, Revised Restraint, 02/21/25
17. Email, re: Call Wednesday, 04/09/25
18. Email, re: Records Request [Student ID#], 04/02/25
19. Email, re: Records Request [Student ID #], 04/02/25
20. Email, re: AB [(Student ID #)], - BSP UPDATE, 01/27/25
21. Email, re: [Student ID #] - Parent Request for Meeting, 01/22/25
22. Email, re: [Student ID #], 04/02/25
23. Email, re: Daily Data, 10/29/24
24. Email, re: Updated documents - [the Student], 08/27/24
25. Email, re: Patterns and BSP Proposals, 03/06/25
26. Email, re: Just a piece, 03/06/25
27. Email, re: Just a piece/ferpa request, 03/10/25
28. Email, re: ETA on required documentation, 03/11/25
29. Email, re: Follow Up and Updates, 03/11/25
30. Email, re: URGENT: Invocation of Stay-Put Protection Under IDEA for [the Student], 03/13/25
31. Email, re: Re-Entry Planning - [the Student], 03/18/25
32. Email, re: IEP Meeting Scheduling - [Unknown Person], 04/07/25
33. Email, re: Formal Rejection of Records and Immediate Cease of IEP Actions Pending Review, 04/15/25
34. Email, re: Re: mailbox breach; technical interference, 04/25/25
35. Notice Of Team Meeting, 03/14/25
36. Notice Of Team Meeting, 02/11/25
37. Notice Of Team Meeting, 02/07/25
38. Notice Of Team Meeting, 01/27/25
39. Notice Of Team Meeting, 01/16/25
40. Notice Of Team Meeting, 05/10/25
41. Oregon Standard INDIVIDUALIZED EDUCATION PROGRAM, 05/09/24
42. 24-25 Special Education Meeting Minutes, 02/10/25
43. 23-24 Special Education Meeting Minutes, 05/09/24, 05/17/24
44. [Student's] Behavioral Support Plan, 03/03/23

The Parent submitted the following relevant items:

1. Special Education Meeting Minutes, 01/22/25
2. Daily Attendance Profile, 02/18-03/05/25
3. Request for Complaint Investigation, 05/02/25
4. Referral and Discipline Notices, 01/10-02/05/25

The Complaint Investigator interviewed District staff on June 10 and June 11, 2025. The Parent did not respond to a request for an interview. 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 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 May 6, 2024, to the filing of this Complaint on May 5, 2025.

Allegations	Conclusions
<b>Procedural Safeguards</b>  The Parent alleged that the District violated the IDEA by the “denial of procedural safeguards.”  (OAR 581-015-2315; 34 CFR §300.504)	<b>Not Substantiated</b>  The District fulfilled its obligation to provide Procedural Safeguard documents at least once per year.
<b>Parent Participation</b>  The Parent alleged that the District violated the IDEA by the “denial of parental participation.”  (OAR 581-015-2190, OAR 581-015-2195; 34 CFR §§ 300.322, 300.501)	<b>Not Substantiated</b>  The District provided sufficient evidence indicating they took adequate steps to ensure parental participation.

REQUESTED CORRECTIVE ACTION
<ul style="list-style-type: none"> <li>• Audit of [the] District’s record keeping.</li> <li>• Examination of discrepancies.</li> <li>• Formal determination as [to whether] documents were falsified or [the] suppression of records occurred.</li> </ul>

## 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 May 6, 2024. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student is in second grade, attends an elementary school in the District, and has a diagnosis of Autism Spectrum Disorder (ASD).
2. The Student is typically a sociable and upbeat student. They enjoy school and being around their teachers and peers. The Student enjoys giving hugs to friends and the support staff. The Student excels in math, counting, and writing all numbers up to 100. They can write all letters and can copy words from a model, though tracing works best for them right now as their free hand and copying is still a bit hard to read.
3. In their *Response*, the District indicated the IEP team adopted recommendations suggested by the Parent during IEP meetings, including adding a component to the Student's social communication goal and adding an accommodation for the Student to have access to weighted tools. The District indicated these additions resulted from an IEP meeting on May 17, 2024. **(D1)**
4. The Second Grade Teacher emailed "daily data" about the Student to the Parent on the following dates during the complaint period:
  - a. May 2024: 6, 7, 10, 13, 14, 15, 17, 20, 21, 22, 23, 24, 28, 30, and 31.
  - b. June 2024: 6, 7, and 11.
  - c. September 2024: 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 25, and 26.
  - d. October 2024: 1, 3, 4, 6, 7, 9, 10, 14, 15, 17, 21, 22, and 23.
5. The Student's IEP, dated May 9, 2024, indicated:
  - a. The Parent was listed as a meeting participant.
  - b. The Parent received the procedural safeguards.
6. Special Education Meeting Minutes, dated May 9, 2024 and May 17, 2024, indicated:
  - a. The Parent received the procedural safeguards and consented to receive special education paperwork electronically.
  - b. The purpose of the meeting was to review the IEP and eligibility meetings.
  - c. The Parent participated in the meeting.
7. A Notice of Meeting was sent on May 10, 2024 for an IEP review, and was scheduled for May 17, 2024 at 2:30 p.m.
8. One of the District's Directors of Student Services (Director of Student Services 3) emailed the Student's updated IEP and placement page to the Parent on May 24, 2024.
9. The Special Education Case Manager emailed the ASD Consultant on October 29, 2024 and indicated the Parent had asked a teacher for a meeting. They stated the teacher had

contacted the Parent and the other Parent about scheduling a meeting but had not received a response yet.

10. On January 13, 2025, the Parent emailed the IEP team and requested a meeting to review the Student's Behavior Support Plan (BSP). That day, the Resource Specialist emailed one of the District's Directors of Student Services (Director of Student Services 2), the ASD Consultant, and the Principal to start the process of scheduling a meeting.
11. On January 15, 2025, the Resource Specialist emailed the IEP team and indicated the Parent agreed to meet on January 22, 2025, and that the Parent was agreeable to submitting questions for the staff to answer if they could not attend.
12. A Notice of Team Meeting was sent on January 16, 2025 for a meeting which was a review of supports and the safety plan, and was scheduled for January 22, 2025 at 2:15 p.m.
13. An email from the Special Education Assistant, dated January 27, 2025, indicated the Parent had requested a meeting for March 12, 2025.
  - a. A Notice of Team Meeting was sent on January 27, 2025 for a BSP plan update scheduled for March 12, 2025 at 2:30 p.m.
14. On February 5, 2025, the Resource Specialist emailed the Parents and the IEP team, and stated the Parent requested an immediate meeting to review the Student's safety plan and BSP. The Resource Specialist indicated the Student would not return to school the following day due to a restraining incident.
15. A Notice of Team Meeting was sent on February 7, 2025 for a BSP review, and was scheduled for February 10, 2025 at 8 a.m.
16. Special Education Meeting Minutes, dated February 10, 2025, indicated:
  - a. The Parent received the procedural safeguards and consented to receive special education paperwork electronically.
  - b. The purpose of the meeting was to revise/update the FBA/BSP.
  - c. The Parent participated in the meeting and expressed agreement with what was being included in the plan.
17. A Notice of Team Meeting was sent on February 11, 2025 for a BSP review (a continuation of February 10, 2025 meeting), and was scheduled for February 25, 2025 at 8 a.m.
18. On February 18, 2025, the Principal emailed the Parent a referral document from January 2025.
19. The Parent emailed the IEP team on February 21, 2025 and expressed disagreement with the meeting minutes from January 22, 2025 and February 10, 2025. The email included a screenshot of a Prior Written Notice (PWN) dated January 22, 2025. The document indicated:

- a. It was a proposal to change the Student's provision of a free, appropriate public education (FAPE).
  - b. The action was proposed because the Student had demonstrated an increase in unsafe behaviors and the team agreed a meeting was necessary to discuss potential adjustments to the BSP.
  - c. The action was based on a parent request for a meeting, data collection, and teacher and specialist observation.
20. On February 21, 2025, Director of Student Services 2 emailed the Parent and indicated the IEP team had not changed the Student's placement and that the BSP was in draft form. They also requested to schedule a time to talk with the Parent virtually, over the phone, or in person on February 24, 2025 to review the agenda for the meeting on February 25, 2025 and review paperwork "in real time."
  - a. The Parent replied on February 23, 2025 and expressed concerns over items they perceived as not being addressed, including the Student's safety protocol. The Parent stated they would not attend meetings in person or over the phone to "'update' the referral" and would send agenda items via email.
21. On February 24, 2025, the Parent sent an email to unidentified recipients which requested, among other things, that a Functional Behavioral Assessment (FBA) be completed immediately. The Parent emailed the IEP team the following morning and stated they would not attend the meeting that day due to "... the continued withholding of critical records, altered documentation, and procedural failures ...".
22. PWN, dated February 25, 2025, indicated:
  - a. A proposal to change "Provision of a free, appropriate public education (includes IEP)."
  - b. The action was proposed because "[The Student] has not been in attendance at school since February 20, 2025."
  - c. Other options considered were to continue to provide FAPE and all other services, but that was rejected because the District could not provide special education services to students who were not attending school.
23. The Parent emailed the IEP team on February 28, 2025 and stated the meeting on February 25, 2025 did not take place because they requested an FBA prior to the meeting.
24. On March 2, 2025, the Parent emailed the IEP team to follow up on their request for an FBA from February 24, 2025. The Parent requested to have a meeting about completing an FBA for the Student.
  - a. One of the District's Directors of Student Services (Director of Student Services 1) replied the next day and stated they would work on scheduling an in-person meeting to discuss an FBA. They also attached the following documents which the Parent had requested: Health Room Visits records (2022-25), Health Room Protocol, Referrals (2022-25), Meeting Minutes (January 22, 2025 and February 10, 2025), and PWN.
  - b. The Parent replied the same day and acknowledged receipt of the documents.
  - c. On March 4, 2025, Director of Student Services 1 and the Parent agreed to meet that afternoon.

25. The Parent emailed Director of Student Services 1 on March 5, 2025 and acknowledged their meeting together.
26. In an email dated March 6, 2025 to Director of Student Services 1, the Parent alleged the meeting minutes from January 22, 2025 were incorrect and included items they did not agree to. The following day, the Parent requested the meeting minutes from the January and February meetings.
27. On March 7, 2025, the Parent emailed Director of Student Services 1 and asked for an update about scheduling an in-person meeting.
28. On March 10, 2025, the Parent emailed Director of Student Services 1 with a recap of their meeting that day.
29. On March 11, 2025, the Parent sent an email to the IEP team stating they were starting an ongoing email thread for items they wanted to discuss during meetings.
30. On March 11, 2025, the Parent sent an email to the IEP team about a restraint debriefing for the Student. The Parent questioned why the document stated they gave their input at the meeting on February 10, 2025, when the Parent perceived that did not happen. That same day, the Parent emailed Director of Student Services 1 and asked for the agenda for an upcoming meeting.
31. On March 11, 2025, the Resource Specialist emailed Director of Student Services 1 and stated they could not attend the meeting on March 12, 2025. Director of Student Services 1 replied that they would tell the Parent, and that the meeting would likely need to be rescheduled. Director of Student Services 1 shared this information with the Parent the night of March 11, 2025 and offered to keep the meeting time or reschedule. They also provided the Parent with an agenda. The Parent replied at 1:39 a.m. on March 12, 2025 and indicated they wanted to reschedule the meeting for when the Resource Specialist could attend.
32. In an email from the Parent dated March 13, 2025, they “formally” invoked stay-put actions under IDEA “regarding the District’s decision to deny [the Student], FAPE.” They referred to the PWN issued February 25, 2025 and stated the District refused to provide services to the Student pending the Student’s return to School. The Parent claimed the District failed to provide requested documents and misrepresented the timeline, being a procedural violation under IDEA.
33. A Notice of Team Meeting was sent on March 14, 2025 for an IEP team check-in (re-entry planning), and was scheduled for March 18, 2025 from 8:30 a.m. to 10:00 a.m.
34. On March 14, 2025 at 1:40 p.m., the Parent emailed the IEP team and indicated they believed the meeting on February 25, 2025 continued on without them being present, and the Student’s placement changes were discussed illegally. On March 14, 2025 at 3:33 p.m.,

Director of Student Services 1 emailed the Parent and stated the District team was available to meet on March 18, 2025 from 8:30 a.m. to 10:00 a.m. In an email dated March 14, 2025, 5:48 p.m., the Parent indicated they could not confirm they would attend the meeting on March 18, 2025, but would follow up on March 17, 2025 to schedule an agreed-upon meeting day and time. On March 14, 2025 at 6:10 p.m., the Parent emailed the IEP team and stated they did not consent to the meeting and that it had been scheduled without their agreement. They requested the meeting be cancelled.

35. The morning of March 17, 2025, Director of Student Services 1 offered to find a new time for a meeting if March 18, 2025 did not work for the Parent. Three hours later, the Parent sent an email to unidentified recipients. The email reiterated that the Parent believed a PWN sent on March 3, 2025 (but backdated to February 25, 2025) was the result of an illegal meeting to deny the Student FAPE. The Parent indicated they believed the meeting on March 18, 2025 was invalid, illegal, and that they would not attend.
36. The Parent emailed the IEP team on March 18, 2025 and asked for an update on a proposed meeting time.
37. In an email dated April 7, 2025, the Parent requested to opt out of electronic PWNs for the Student due to internet issues.
38. An email exchange between the Parent and the Principal between April 8-9, 2025 indicated:
  - a. The Principal requested to have a call with the Parent, who replied that they preferred an in-person meeting.
  - b. The Principal replied the next day and offered three times for a phone call that day with the Parent, who reiterated they wanted to meet in person because they had documents to share.
  - c. The Principal shared that their understanding was the documents the Parent had were going to be shared during a future meeting and offered another phone call.
39. On April 11, 2025, the Resource Specialist emailed the Parent and members of the IEP team regarding a restraint incident with the Student. The Resource Specialist attached a copy of the report and stated the team would debrief the incident on Monday and asked for the Parent's input. They asked the Parent if there were times on Monday the Parent was available to meet by phone or virtually.
40. In an email dated April 14, 2025 to the IEP team, the Parent stated they did not consent to any more meetings, plans, or decisions based on falsified or biased documentation.
41. On April 21, 2025, the Other Parent emailed the IEP team and requested communication be done in person and with physically signed documents or documents sent by certified mail.
42. 2024-25 Special Education Meeting Minutes, dated January 22, 2025, indicated:
  - a. A meeting was held to review staff support and the Student's BSP.
  - b. The Other Parent attended virtually.
  - c. Boxes were checked which indicated:



- i. The Other Parent consented to receive special education paperwork electronically for the duration of the current IEP;
- ii. The Other Parent received a copy of the Procedural Safeguards; and
- iii. The Other Parent agreed to the electronic link in the Meeting Minutes form.
- d. Those in attendance included: the Resource Specialist, the Speech-Language Pathologist (SLP), the ASD Consultant, the Occupational Therapy (OT) Consultant, and the Director of Student Services 1.
- e. The purpose of the meeting was to review current supports, and the use of the BSP and safety plan.

43. A transcription of the 2024-25 Special Education Meeting Minutes indicated:

- a. The Other Parent was offered the Procedural Safeguards and approved the link in the meeting minutes. The Other Parent was offered and approved of the electronic paperwork distribution.
- b. The ASD Consultant offered to update the BSP, to which the Other Parent agreed.
- c. The Resource Specialist suggested scheduling another meeting to review the BSP.
- d. The ASD Consultant asked, "If we are doing the new BSP, do we need consent again or can we just use the consent we have now?" The Resource Specialist asked the other Parent what they preferred, and the Other Parent stated they could move forward without new consent.
- e. The team discussed making some data templates and sending the Other Parent options to choose from. The ASD Consultant stated they would create at least two versions, and asked if a two-week deadline was acceptable. The Other Parent stated they agreed with everything.
- f. The ASD Consultant offered to do a phone call every two weeks, to which the Other Parent agreed.
- g. The Resource Specialist stated they would have a team meeting to review the BSP in its new form and asked the Other Parent if they preferred to have a student services representative there. The Other Parent indicated they wanted a representative. The Resource Specialist said that the week of February 5 (no year) they would send the Other Parent at least two data sheet options.

44. Materials from the Parent contained District Elementary Referral and Discipline Notices with incident dates of January 10, 2025; January 17, 2025; January 22, 2025; January 23, 2025; January 24, 2025; February 4, 2025; and February 5, 2025. On each form, it was indicated the Parent was contacted via email.

45. Materials from the District included:

- a. The Student's BSP, dated March 3, 2023 and revised on October 31, 2023.
- b. The Student's Behavioral Response plan, dated December 14, 2023.
- c. The Student's Injury Response Plan, dated March 5, 2025. On this document, it was marked that the Student had an IEP, FBA/BSP, and a safety plan. It also included Health Room Guidelines and the following individualized supports:
  - i. If an incident occurred that required a Health Room visit per the guidelines, staff will ask the Student to walk to the health room;

- ii. If the Student indicates they are not ready or willing to go, staff will radio the front office;
- iii. Health room staff will attend to the Student where they are located;
- iv. Health room visit will be indicated on the Student's daily data sheet, including a brief note for context;
- v. Additional information will be noted in the Health log on the District's parent portal; and
- vi. The Parent will be contacted in the event of urgent health concern.

46. On May 2, 2025, the Parent filed this Complaint.

## **INTERVIEW SUMMARIES**

### **Special Education Case Manager**

- 47. During interviews with the Complaint Investigator, the Special Education Case Manager, described their interactions with the Parent, which included discussion of the IEP, behavior, and safety plan.
- 48. The Parent requested a meeting on January 13, 2025 and an IEP meeting was scheduled for January 22, 2025.
- 49. When asked about the February 10, 2025 meeting, the Special Education Case Manager explained the meeting was to review and update the behavior support plan. This meeting was scheduled with the Parent via phone on February 5, 2025 when the Parent expressed they wanted a meeting due to an incident that had occurred. The IEP team discussed communication between the School and the Parent and how that should be handled between parties. The Parent vocalized that they did not feel the team concluded all the necessary items for that meeting. The IEP team agreed that it was unfinished, and together they created a plan for a follow-up meeting shortly after. This was reflected in the paperwork, noting the original meeting's purpose was not fulfilled, and a follow-up meeting was scheduled.
- 50. According to the Special Education Case Manager, the IEP team's response to the Parent's email, indicating their refusal to attend the February 25, 2025 meeting and request for more documents was responded to by the previous Special Education Director. The response was an attempt to reschedule the meeting and to provide the requested documents.
- 51. The Special Education Case Manager recalled that on February 5, 2025, the Student and their family returned for an hour-long session with the ASD Consultant. The Student may have come in at another time with their parents, but the Case Manager was not involved and believed they were not present that day beyond attending the session with the ASD Consultant. During that visit, the Student and the Parent did not stay long; the Special Education Case Manager understood they collected items. The exact dates were unclear, but the Special Education Case Manager noted consecutive absences from February 6, 2025, until April 21, 2025, when, "at that point, they were unenrolled from our system" due to a 10-day drop.

52. The Special Education Case Manager provided details of the February 10, 2025 meeting. The IEP team made adjustments to the existing data collection sheets. They also discussed rewriting the Student's BSP into a new format, as the School's forms had changed since the original was written. The ASD Consultant suggested this, and the Parent agreed. While the IEP team collaborated on ideas for a new data collection sheet, they did not finalize one. However, the Parent provided input on desired features and shared an example. The IEP team agreed that the ASD Consultant and the IEP team would create a couple of sample data collection sheets and send them to the Parent within a few weeks for further feedback. The Parent was agreeable to the proposed changes and contributed to the discussion. The team established a deadline for completion. A case manager change was also discussed, with the rationale that another case manager in the building had a smaller caseload and managed fewer IEPs. The Parent expressed a preference for "whoever has more time for [the Student]," indicating alignment with the case manager change and the team's need for more time to develop the daily communication sheet. It appeared the team and the Parent were in agreement by the meeting's conclusion.
53. The Special Education Case Manager explained the following regarding the February 5, 2025, incident report developed during the meeting and the revision made. "Yes, I did make a revision. I remember being really tight on time that day ... And so I was not able to call [the Parent] until after our contract time to let her know of the restraint that happened. And in my haste, I made a time error. So I incorrectly reported the time that I contacted [the Parent] about the restraint. I did amend that or edit it it after [the Parent] called attention to it, they brought it up and so I changed it to reflect the actual time that I called them. I was off by about an hour. So I said that I called [the Parent] at like 2:47, but I did not call them that early. ... the day after the report was made, so the day that the report was made, there is a section on the incident report that asks if anybody was injured, if there was any injury to staff or student. The day that the report was written, February 5th, it was written that there were no injuries. The next day the classroom teacher added information to the report because the student who was aggressed upon had bruises on their arm in the same location that [the Student] had grabbed them. So the Teacher added that in because [the Teacher] felt that it was important to note that somebody was hurt and it was visible." The Special Education Case Manager noted the Parent received an updated copy of the incident report. The Special Education Case Manager also noted that it was their understanding that the report or meeting minutes the Parent is alleging were altered retroactively were updated to fix a clerical error and add information about the other student's injury.
54. According to the Special Education Case Manager, the Parent shared they believed were altered retroactively, "...I know the Parent did later come back and say they were not okay with that and that we, whoever we as whoever was writing the meeting minutes, put that in there and that they did not ever agree to it. The Director of Student Services 1 added, "We did offer to add a note stating [the Parent's] disagreement to the meeting minutes when they had expressed feelings that they had been alter [sic] altered."

55. Both the Director of Student Services and the Special Education Case Manager stated that there have been so many emails that it was hard to keep track of the topics the Parent was concerned about, especially now that the District has taken over communication for this case.
56. When asked about if a meeting was held with the Parent after the restraint incident on April 11, 2025, the Special Education Case Manager stated there was a phone meeting held with the Parent on the date of the incident.

### **Director of Student Services 1**

57. When asked about the Parent not attending the February 25, 2025 IEP meeting, Director of Student Services 1 shared that the Parent had communicated that they felt unprepared for the meeting. This led them to feel apprehensive about proceeding with the second part of the meeting without a clear understanding of its purpose. A pre-meeting was offered and declined by the Parent.
58. According to Director of Student Services 1 and the District's records, PWN was sent to the Parent on January 22, 2025. About this, Director of Student Services 1 noted, "It doesn't reference the safety plan. However, it does say that they had met to discuss the BSP."
59. Director of Student Services 1 described their understanding of the Parent's concern with alleged altered documentation noting discrepancies in handwriting. This raised questions about whether the individual present at the time of an event was the actual person who documented it, or if information was added retroactively. The accuracy and integrity of the documents were questioned by the Parent.
60. When questioned with regards to what documents were sent to the Parent's Advocate in August of 2024, Director of Student Services 1 responded, "So whatever documents we have. So that would be their special education records in their entirety. Any working files that the school may have, their cumulative file, any data collection sheets, staff communication and emails. Again, if we have them, we give them."
61. When asked if they did any updating of meeting minutes or referrals, Director of Student Services 1 responded no. When asked if the Parent received unedited meeting minutes and notes for January or February of 2025, Director of Student Services 1 replied that they provided the Parent with an unedited copy, and that after it was provided to the Parent no changes were made.
62. When questioned about a meeting being held on March 10, 2025 or March 12, 2025, Director of Student Services 1 responded that they only informally met with the Parent on two occasions. Neither of these occasions were IEP meetings and only one of these meetings was in-person. The purpose of these meetings was to build the relationship. One of the meetings took place on March 12, 2025, and the Parent expressed that they thought the safety plan was not safe for the Student.

63. According to Director of Student Services 1, the Student's full records were sent on April 7, 2025.
64. In response to PWN being sent to the Parent on March 3, 2025, and being allegedly backdated to February 25, 2025, Director of Student Services 1 stated that the PWN was written on February 25, 2025 and emailed to the Parent on March 3, 2025. They also stated that the date was not updated for the date of distribution.
65. According to Director of Student Services 1, the Parent did not agree to the proposed meeting and no meeting was held on March 18, 2025 or on March 21, 2025.
66. In response to the Parent invoking stay put protections under IDEA regarding the District's decision to deny the Student FAPE, Director of Student Services 1 stated the District received the Complaint. They went on to say, "... we stood ready to provide exactly what we had been providing when [the Student] was previously enrolled and had reiterated that to the Parent and both in-person phone call, email communication. ... we stood ready to provide the services that we were providing when they were previously enrolled." The Director went on to say this communication was coming primarily from the Parent.

### **Principal**

67. When asked by the Complaint Investigator how the School responded to an email from the Parent on February 21, 2025, the Principal explained the IEP team did not walk away with any specific outcomes or action steps that resulted from that email. The IEP team was attempting to schedule a meeting to have a discussion.
68. Both Director of Student Services 1 and the Principal described the communication between the Parent and the School towards the end of March 2025. The Director of Student Services 1 described an incident that occurred when the Parent and the Other Parent showed up and attempted to attend class with the Student. School staff redirected them to the main office, explaining that parents cannot attend class with students without following volunteer and safety protocols. As a result, the Parent chose to take both children home, but the Parent and Other Parent remained for an hour-long, informal discussion with the Principal and the Director of Student Services 1. By the end of the meeting, all parties agreed to move forward with scheduling an IEP meeting (given upcoming annual review dates) and to create a re-entry plan for the Student. The School also agreed to provide information on how to request a facilitated meeting through Department, which the Parent had inquired about.
69. When asked to explain the reason why the Student was unenrolled from school due to nonattendance, the Principal referred to the incident in February 2025, preceded by other physical altercations that included the Student. Due to the physical nature of the February 2025 incident and the restraint applied, the Parent expressed the Student was unsafe and they did not want to send the Student back to school. The Principal recalled having a virtual meeting and working through a draft BSP, though they do not recall the specific date of that meeting. The IEP team agreed that more time was necessary and scheduled another meeting.

The Principal described a series of attempts to convene meetings for discussion but noted that the team was unable to secure the Parent's return for a meeting with the full team since the virtual meeting. The Student was withdrawn from school due to ten days of consecutive absences.

#### **IV. DISCUSSION**

##### **Procedural Safeguards**

The Parent alleged that the District violated the IDEA by the "denial of procedural safeguards."

School districts must give parents a copy of the Notice of Procedural Safeguards at a minimum of one time per year, except that a copy must be given to the parents: upon initial referral or parent request for evaluation; upon receipt of the first State complaint and upon receipt of the first due process complaint in a school year; in accordance with the discipline procedures within IDEA; and upon request by a parent; and also to the child, at least a year before the child's 18th birthday. The procedural safeguards notice must include all of the content provided in the Notice of Procedural Safeguards published by the Department in the following areas: independent educational evaluations; prior written notice; parental consent; access to educational records; mediation, complaints and due process hearings; the child's placement during pendency of due process proceedings; procedures for students who are subject to placement in an interim alternative educational setting; requirements for unilateral placement by parents of children in private school at public expense; civil actions, including the time period for filing such actions; attorney's fees; and transfer of rights at the age of majority. The Notice of Procedural Safeguards must be written in language understandable to the general public. The Notice of Procedural Safeguards must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the school district shall take steps to ensure: that the notice is translated orally or by other means to the parent in their native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that the district has met these requirements.<sup>3</sup>

IEP meeting minutes confirm the Parent received their Notice of Procedural Safeguards at the May 9, 2024 IEP meeting. Meeting minutes dated January 22, 2025 documented the Other Parent attended the meeting and received a copy of the Procedural Safeguards and consented to receive special education paperwork electronically. The Parent received the Procedural Safeguards and consented to receive special education paperwork electronically at the February 10, 2025 IEP meeting. On February 21, 2025, the Parent rejected the IEP meeting minutes from the January 22, 2025 and February 2025 meetings.

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<sup>3</sup> OAR 581-015-2315 and 34 CFR § 300.504

On February 25, 2025, a PWN document was sent proposing a change to the Student's provision of FAPE due to the Student having not attended school since February 20, 2025. Continuing to provide FAPE and other services was considered but rejected, as the District cannot provide special education services to a student not attending school. The PWN was drafted on February 25 and provided on March 3, 2025. On March 13, 2025, the Parent invoked "stay-put" actions under IDEA, alleging the District denied the Student a FAPE and refused services pending the Student's return to school, as outlined in the February 25, 2025 PWN. The Parent further claimed the District committed a procedural violation under the IDEA by failing to provide requested documents and misrepresenting the timeline.

In response, the District acknowledged receipt and stated the District was ready to provide the services previously offered. On April 7, 2025, the Parent opted out of electronic PWNs. The Other Parent emailed the IEP team on April 21, 2025 and requested physically signed documents be sent by certified mail.

The District is required to provide a copy of the procedural safeguards at a minimum of once per year, and in other specific scenarios. The District's records show the Parent accepted a copy of the procedural safeguards twice during the allegation period.

The Department does not substantiate this allegation.

### **Parent Participation**

The Parent alleged that the District violated the IDEA by the "denial of parental participation."

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 provision of a FAPE to the child. A meeting does not include 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. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

School districts must provide parents with a written notice of the meeting sufficiently in advance to ensure that one or both parents will have an opportunity to attend. The written notice must: state the purpose, time and place of the meeting and who will attend; inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child; inform the parent that the team may proceed with the meeting even if the parent is not in attendance; and inform the parent of whom to contact before the meeting to provide information if they are unable to attend.

School districts must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including: notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and scheduling the meeting at a mutually agreed on time and

place. When conducting IEP team meetings and placement meetings, the parent of a child with a disability and a school district may agree to use alternative means of meeting participation, such as video conferences and conference calls.<sup>4</sup> If neither parent can attend, the school district must use other methods to ensure parent participation, including, but not limited to, individual or conference phone calls or home visits. An IEP or placement meeting may be conducted without a parent in attendance if the school district is unable to convince the parents that they should attend.<sup>5</sup> If the school district proceeds with an IEP meeting without a parent, the district must have a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits made to the parent's home or place of employment and the results of those visits. The Department considers attempts sufficient if the school district communicates directly with the parent and arranges a mutually agreeable time and place, including sending written notice to confirm the meeting; or sends written notice required proposing a time and place for the meeting and states in the notice that the parent may request a different time and place, and confirms receipt of the notice. "Sufficient attempts" must all occur before the scheduled IEP or placement meeting, but do not require the scheduling of multiple agreed-upon meetings unless the team believes this would be in the best interest of the child.

The school district must take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English. The school district must give the parent a copy of the IEP at no cost to the parent. If the parent does not attend the IEP meeting, the school district must ensure that a copy is provided to the parent.

2024-25 IEP Meeting Minutes reflect the Other Parent was agreeable to developing a new BSP and that they agreed with everything. The Parent was listed as a meeting participant at the May 9, 2024 IEP meeting, and IEP meeting minutes reflect the Parent's attendance. On May 17, 2024, the IEP team added numerous accommodations to the IEP based on recommendations from the Parent. The Second Grade Teacher provided daily data to the parent 46 times between May - October 2024. On May 24, 2024, an updated IEP and placement page was provided to the Parent. In late October 2024, the Parent requested a meeting with the Special Education Case Manager and they met two times.

The Parent received unedited copies of meeting minutes and notes for January and February 2025 meetings. Between January 2025 - February 2025 the District provided the Parent with information about seven behavior and discipline incidents. The Parent requested a meeting on January 13, 2025 and a Notice of Team Meeting was sent on January 16, 2025 for a scheduled meeting on January 22, 2025. On January 27, 2025, the Parent requested a meeting to review the BSP plan; the IEP was scheduled for March 12, 2025. Per the Parent's request, this meeting was moved up to February 10, 2025 and a meeting notice was provided to the Parent on February 7, 2025.

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<sup>4</sup> OAR 581-015-2195 and 34 CFR § 300.501



The Special Education Teacher acknowledged revising the February 5, 2025 incident report due to a "time error" in reporting when they contacted the Parent about the restraint and additional information needed to be added. The District offered to add a note of the Parent's disagreement regarding the alteration of the document. During the IEP meeting on February 10, 2025, the IEP meeting minutes reflected that the Parent participated in the meeting and expressed agreement with what was being included in the BSP plan. A follow-up meeting was scheduled for February 25, 2025 to address unfinished items. On February 11, 2025, a Notice of Team meeting was sent out for a BSP review (continuation of the February 10, 2025 meeting) for February 25, 2025.

The Principal stated the outcome of the emails on February 21, 2025 was that the IEP team was attempting to schedule a meeting with the Parent. On February 21, 2025, Director of Student Services 1 informed the Parent that the Student's IEP placement remained unchanged and the BSP was a draft, prompting the Parent's reply on February 23, 2025, expressing more concerns about unaddressed issues. In a February 24, 2025 email from the Parent, the Parent requested an immediate FBA among other things, and the following morning on the same email thread, informed the IEP team they would not attend that day's meeting. Director of Student Services 1 explained the Parent's absence from the February 25, 2025 IEP meeting stemmed from feeling unprepared, possibly due to an unclear agenda, leading them to decline a pre-meeting offer.

On February 28, 2025, the Parent emailed the IEP team to state the meeting on February 25, 2025, did not take place due to the requested FBA. On March 2, 2025, the Parent requested a meeting to discuss completing an FBA for the Student and both parties agreed to meet informally on March 4, 2025, and met again informally on March 12, 2025. On March 14, 2025, a Notice of Team Meeting was sent for a March 18, 2025 IEP meeting. The Parent emailed on March 14, 2025 requesting the meeting be rescheduled. On March 17, 2025, the Director of Student Services 1 emailed the Parent suggesting new IEP times and the Parent responded they would not attend.

The Parent emailed on March 18, 2025 inquiring for an update on proposed times. Director of Student Services 1 confirmed the Parent did not agree to the proposed meeting and no meeting was held on March 18 or March 21, 2025. Director of Student Services 1 and the Principal both described an event that happened towards the end of March 2025, specifically that the Parent and the Other Parent came to school and attempted to attend class with the Student without following protocol. This led to the parties agreeing to schedule an IEP meeting to create a re-entry plan for the Student. The Special Education Case Manager noted that, while the specific dates were unknown, due to consecutive absences from February 2025 through April 2025, the Student was unenrolled following 10 day drop guidelines. On April 7, 2025 the Student's full records were sent to the Parent, suggested by Director of Student Services 1.

In an email exchange between the Parent and the Principal between the dates of April 8-9, 2025 regarding a Parent requested a meeting; the Principal offered up multiple times to hold a phone conversation and the Parent insisted on an in-person meeting citing documents they wished to share. On April 11, 2025, the Special Education Case Manager emailed the Parent and the IEP team about a student restraining incident, attaching the report and requesting the Parent's input and availability for a phone call or virtual meeting on April 14, 2025 to debrief.

The Special Education Case Manager stated that, on that date, a phone meeting was held with the Parent. On April 14, 2025, via email, the Parent informed the IEP team they do not consent to any more meetings, plans, or decisions based on what they deemed to be biased or falsified documentation. The Other Parent emailed the IEP team on April 21, 2025 and requested all communication be done in-person and with physically signed documents. The Principal explained the Student's unenrollment stemmed from a February 2025 incident, which led the Parent to stop sending the Student to school. Despite a virtual meeting to discuss the BSP, and subsequent attempts to reconvene, the IEP team has been unable to secure the Parent's return for a full team meeting. The Student was withdrawn from school after 10 days of consecutive absences.

Based on the findings, there is sufficient evidence the District provided multiple opportunities for the Parent to participate, which included providing the Parent and the Other Parent with appropriately formed meeting notices and the opportunity to participate in meetings with respect to the Student.

The Department does not substantiate this allegation.

#### **VII. CORRECTIVE ACTION**

*In the Hillsboro School District  
Case No. 25-054-027*

No corrective action is ordered in this matter.

Dated: this 1st Day of July 2025



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Ramonda Olaloye  
Assistant Superintendent  
Office of Enhancing Student Opportunities

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E-mailing Date: July 1, 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).)