

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Corvallis School District)
509J)
)
)

FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 22-054-011

I. BACKGROUND

On March 25, 2022, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Corvallis 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 April 11, 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 April 21, 2022.

The District submitted a *Response* on April 21, 2022, denying most of the allegations, with the exception that the District acknowledged there was a delay in providing a text to speech accommodation and progress reports. The District provided an explanation and submitted documents in support of the District's position. The District submitted additional documents at the request of the Complaint Investigator on May 10, 2022, May 11, 2022, and May 13, 2022. The District submitted the following relevant items:

1. District Response, 4/20/22
2. Special Education Notice of Team Meeting, re: review and develop IEP, 12/9/21
3. Special Education Notice of Team Meeting, re: review and develop IEP, 12/7/21
4. IEP, re: amendment, 11/17/21
5. Special Education Placement Determination, 10/8/21
6. Special Education Notice of Team Meeting, 11/15/21
7. Prior Notice of Special Education Action, 12/13/21
8. Meeting Notes, re: amended IEP, 11/17/21
9. Annual Academic and Functional Goals and Objectives Progress Reports, no date
10. IEP Snapshot, no date
11. IEP Meeting Participants, re: signatures, 10/8/21
12. Special Education Placement Determination, re: signatures, 10/8/21
13. IEP, re: annual IEP, 10/8/21

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

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

14. Special Education Notice of Team Meeting, re: review and develop IEP, 10/4/21
15. Prior Notice of Special Education Action, re: initial IEP, 10/8/21
16. Meeting Notes, re: initial IEP, 10/8/21
17. Annual Academic and Functional Goals and Objectives Progress Reports, no date
18. IEP Snapshot, no date
19. Special Education Notice of Team Meeting, re: initial eligibility, 9/21/21
20. Prior Notice of Special Education Action, re: identification, 10/1/21
21. Meeting Notes, re: initial eligibility, 10/1/21
22. Prior Notice and Consent for Initial Provision of Special Education Services, 10/1/2021
23. Prior Notice of Special Education Action, re: identification, 10/1/21, duplicate
24. Statement of Eligibility for Special Education (Specific Learning Disability 90), 10/1/21
25. Prior Notice and Consent for Initial Provision of Special Education Services, signature page, 10/1/2021
26. Permission to Obtain and Release Information, 9/30/21
27. Confidential Evaluation Report, 9/29/21
28. Prior Notice about Evaluation/Consent for Evaluation, re: initial evaluation, 9/16/21
29. Docusign, re: certificate of completion, 6/10/21
30. File Review of Existing Information/Student Referral, re: initial evaluation, 6/9/21
31. Referral Team Meeting Notice, re: evaluation planning meeting, 5/19/21
32. Meeting Notes, re: evaluation planning, 6/9/21
33. Prior Notice about Evaluation/Consent for Evaluation, 6/9/21
34. Developmental and Social History, 6/9/21
35. Pre-Referral (initiated by Parent), 5/12/21
36. Pre-Referral Team Meeting Notice, re: evaluation planning, 5/5/21
37. Pre-referral Meeting Notes, no date
38. Pre-referral Conclusions, re: refer for evaluation, no date
39. File Review of Existing Information/Student Referral, re: initial evaluation, 2/6/20
40. Referral Team Meeting Notice, re: evaluation planning, 1/20/20
41. Meeting Notes, re: evaluation planning, 2/6/20
42. Prior Notice of Special Education Action, re: identification, 2/6/20
43. File Review of Existing Information/Student Referral, re: initial evaluation, 12/5/19
44. Referral Team Meeting Notice, re: evaluation planning, 12/5/19
45. Meeting Notes, re: referral, 12/5/19
46. Developmental & Social History, 11/13/19
47. Parent letter, re: request for special education evaluation, 11/5/19
48. Pre-Referral, no date
49. Special Education Notice of Team Meeting, 3/13/17
50. Statement of Eligibility for Special Education, re: communication disorder, 4/24/17
51. Meeting Notes, 4/24/17
52. Prior Notice of Special Education Action, re: identification, 4/24/17
53. Statement of Eligibility for Special Education, re: communication disorder, 4/24/17
54. Evaluation Report, 4/17/17
55. Prior Notice about Evaluation/Consent for Evaluation, 1/30/17
56. 2021-2022 School Calendar
57. 2020-2021 School Calendar
58. Request for Complaint Investigation, 3/22/22
59. Letter from Parents, re: filing a formal complaint, 3/24/22
60. Docusign, re: certificates of signing and viewing, 1/17/22
61. Email, re: muddy creek sped services, 10/12/21
62. Email, re: IEP meeting, 12/7/21
63. Email, re: connection, 11/3/21
64. Email, re: OT rti for muddy creek, 1/14/22
65. District Procedures, re: Initial Pre-referral, no date

66. District Procedures, re: Identifying & Serving Special Education Students, no date
67. District Procedures, re: Checklist- LB request form/eval planning, no date
68. Email, re: complaint, 4/15/22
69. Email, re: calendar invite, 5/24/21
70. Email, re: calendar invite, 5/21/21
71. Email, re: calendar invite, 6/4/21
72. Email, re: calendar invite, 5/21/21
73. Email, re: calendar invite, 5/5/21
74. Email, re: invitation, 6/9/21
75. Email, re: Student request to test, 4/14/21
76. Email, re: eval planning for Student, 5/21/21
77. Email, re: Student request to test, 4/15/21
78. Email, re: special education state complaint contact, 4/19/22
79. Email, re: transition meeting, 4/25/22
80. Email, re: OT planning meeting, 4/29/22
81. Email, re: canceled event, 4/28/22
82. Email, re: docusign, 5/9/22
83. Email, re: eval consent, 5/9/22
84. Email, re: middle school transition, 4/22/22
85. Email, re: Student, 4/4/22
86. Email, re: IEP review, 4/12/22
87. Email, re: invitation, 5/5/22
88. Email, re: middle school transition meeting, 4/28/22
89. Email, re: OT planning meeting, 5/6/22
90. Email, re: license/experience, 3/8/22
91. Email, re: middle school transition, 4/22/22
92. Email, re: OT planning, 5/4/22
93. Email, re: Student, 5/6/22
94. Email, re: Student information, 2/16/22
95. Email, re: Student IEP meeting, 4/27/22
96. Email, re: Student, 4/4/22
97. Email, re: Student's IEP meeting notes, 4/4/22
98. Email, re: OT evaluation planning, 4/28/22
99. Email, re: questions, 4/19/22
100. Email, re: quick question, 3/3/22
101. Email, re: IEP review, 4/21/22
102. Email, re: middle school transition, 4/22/22
103. Email, re: Student information, 2/16/22
104. Email, re: Student IEP meeting, 4/28/22
105. Email, re: Student, 4/4/22
106. Email, re: questions, 4/20/22
107. Email, re: thank you, 4/7/22
108. Email, re: special education state complaint contact, 4/19/22, duplicate
109. Email, re: thank you, 4/7/22, duplicate
110. Email, re: OT evaluation planning, 5/6/22
111. Email, re: eligibility meeting, 9/21/21
112. Email, re: initial IEP, 10/4/21
113. Email, re: canceled eligibility meeting, 9/26/21
114. Email, re: change of date for Student elig, 9/24/21
115. Email, re: clarification, 10/19/21
116. Email, re: amendment to consent for testing, 9/15/21
117. Email, re: Student IEP, 11/1/21
118. Email, re: updates, 11/18/21

119. Email, re: eligibility meeting, 10/5/21
120. Email, re: initial IEP, 10/8/21
121. Email, re: meeting date for Student, 9/20/21
122. Email, re: Student, 10/20/21
123. Email, re: Student, 10/8/21
124. Email, re: pre-break progress monitoring, 12/14/21
125. Email, re: amendment to consent for testing, 9/14/21
126. Email, re: change of date for Student elig, 9/24/21
127. Email, re: clarification, 10/29/21
128. Email, re: district representative for Muddy Creek, 10/20/21
129. Email, re: draft IEP, 10/8/21
130. Email, re: eligibility form, 10/1/21
131. Email, re: meeting date for Student, 9/21/21
132. Email, re: Student, 10/19/21
133. Email, re: OT rti for Muddy Creek, 1/14/22
134. Email, re: pre-break progress monitoring, 12/14/21
135. Email, re: 5th grade snapshots, 12/3/21
136. Email, re: Muddy Creek related notes, 4/21/22
137. Email, re: student observation for Tuesday, 9/29/21
138. Email, re: student observation, 9/29/21
139. Email, re: updates, 11/18/21
140. Email, re: Willamette Dyslexia Question, 11/17/21
141. Email, re: special education state complaint contact, 4/19/21
142. Email, re: student observation for Tuesday, 9/27/21
143. Email, re: Willamette Dyslexia Question, 11/15/21
144. Email, re: OT planning meeting, 5/6/22
145. Email, re: additional information requested, 5/9/22
146. Email, re: canceled event, 5/5/22
147. Email, re: OT evaluation planning, 5/6/22
148. Email, re: complaint information needed, 4/15/22
149. Email, re: connecting, 2/7/22
150. Email, re: follow up to Docusign response for IEP, 2/3/22
151. Email, re: IEP review, 4/14/22
152. Email, re: license/experience, 3/8/22
153. Email, re: middle school transition, 4/24/22
154. Email, re: Student Information, 4/14/22
155. Email, re: Student, 4/14/22
156. Email, re: Student IEP meeting, 11/17/21
157. Email, re: questions, 4/20/22
158. Email, re: quick question, 4/14/22
159. Email, re: thank you, 4/7/22
160. Email, re: invitation, 5/5/22
161. Email, re: OT planning meeting, 5/6/22
162. Email, re: lexia data, 4/14/22
163. Email, re: Student ODE complaint documentation, 4/26/22
164. Email, re: PDF access information, 4/21/22
165. Email, re: parent rights for special education (K-18), 5/6/22
166. Email, re: complaint information needed, 4/15/22
167. Email, re: document shared with you: Student data, 4/19/22
168. Email, re: middle school transition, 4/25/22
169. Email, re: Muddy Creek SpEd services, 10/12/21
170. Email, re: Student IEP, 10/22/21
171. Email, re: OT rti for Muddy Creek, 1/14/22

172. Email, re: quick question, 4/15/22
173. Email, re: reading data, 4/15/22
174. Email, re: request to pull emails, 4/15/22
175. Email, re: special education state complaint contact, 4/19/22
176. Email, re: Student OT evaluation planning, 5/6/22
177. Email, re: Muddy Creek SpEd Services, 10/12/21, duplicate
178. Email, re: Student IEP, 10/22/21
179. Charter School Contract, Corvallis SD 509J and Muddy Creek Charter School, 7/1/19-6/30/24
180. Email, re: request for academic data and updated progress information, 5/11/22
181. Student Attendance Report, 9/1/21-5/11/22
182. Sped Department Meeting Presentation, re: IEP facilitation, 2/24/22
183. Email, re: Sensory Processing, 2/10/22
184. Email, re: OT visit at Muddy Creek, 12/10/21
185. How to make a determination for who will be the District Rep, no date
186. Email, re: Sensory Processing, 2/10/22, duplicate
187. Handwriting Quick Reference Guide, no date
188. General Consult Notes, no staff name, no date
189. Multisensory Teaching, no date
190. myLexia, re: Student Progress Report, 4/14/22
191. myLexia, re: Student Progress Report, 10/15/21-1/13/22
192. myLexia, re: Student Detailed Skills Report, 1/14/22-4/13/22
193. Occupational Therapy in the School System, no date
194. Service Summary, no date
195. Sensory Processing, no date

The Parents submitted a *Reply* on April 26, 2022, providing documents and a rebuttal in support of the Parents' position. The Parent further submitted additional items, at the request of the Complaint Investigator on May 9, 2022, May 10, 2022, and May 12, 2022. The Parents submitted the following relevant items:

1. Email, re: letter of receipt, 11/1/21
2. Job posting, re: special education teacher, 12/6/21
3. Confidential Evaluation Report, 9/29/21
4. Letter from Parents, re: request for special education evaluation, 11/5/19
5. Meeting Notes, 2/6/20
6. Pre-referral, 11/13/19
7. File Review of Existing Information/Student Referral, 2/6/20
8. Meeting Notes, 2/6/20
9. Prior Notice of Special Education Action, re: identification, 2/6/20
10. Developmental & Social History, 11/13/19
11. Teacher Observation Guide, re: level 24, page 7, 12/15/no year
12. Initial Paper Work, no date
13. Special Education Notice of Team Meeting, 3/13/17
14. Meeting Notes, re: initial referral, 1/30/17
15. Special Education Notice of Team Meeting, 1/12/17
16. District Representative Designation, 4/24/17
17. Statement of Eligibility for Special Education, re: communication disorder, 4/24/17
18. Student referral, 1/30/17
19. Evaluation Report, 4/17/17
20. Prior Notice about Evaluation/Consent for Evaluation, 1/30/17
21. Special Ed. Initial Referral Info Sheet, 1/30/17
22. Meeting notes, 10/8/21

23. IEP Meeting Notes, 11/17/21
24. IEP Meeting Notes, 12/7/21
25. IEP Meeting Notes, 12/13/21
26. Dyslexia Assessment, 6/10/21
27. 100 Must Know Learn to Write Sight Words Kindergarten, no date
28. Homework, 8/26/no year, 10/4/no year
29. Elementary Performance Report, 2021-2022 Semester 1
30. Charter School Progress Report, 2017-2018
31. Charter School Progress Report, 2018-2019
32. Charter School Report Card, Kindergarten, 2016-2017
33. Placement Test, 10/29/no year
34. Teacher Observation Guide, Level 20
35. Teacher Observation Guide, Level 24, 11/21
36. Gray Oral Reading Test, fifth edition, 11/18/21
37. Word Identification and Spelling Test (WIST), no date
38. CORE Phonics Survey, 10/26/no year
39. Spelling sample, 10/26/21
40. Email, re: Student's meeting, 9/13/20
41. Email, re: reading with Student, 9/28/20
42. Email, re: pen pal letter, 12/12/20
43. Email, re: math worksheet, 12/12/20
44. Email, re: Student, 10/23/20
45. Email, re: 4th and 5th grade outcomes, 11/6/20
46. Email, re: Student's math, 11/6/20
47. Email, re: assignments, 11/9/20
48. Email, re: Lexia Core, 3/30/21
49. Email, re: checking in, 4/27/21
50. Meeting invitation, re: Student prereferral, 5/12/21
51. Email, re: Lexia Core, 5/12/21
52. Email, re: Lexia core check in, 5/16/21
53. Email, re: Student, 5/19/21
54. Email, re: eval planning, 5/21/21
55. Email, re: eval planning for Student, 5/21/21
56. Email, re: evaluation consent for Student, 9/16/21
57. Prior Notice about Evaluation/Consent for Evaluation, 9/16/21
58. Email, re: meeting notice for 10/5 at 3 pm, 9/21/21
59. Email, re: apology and report attached, 9/30/21
60. Email, re: ROI and parental rights, 9/30/21
61. Email, re: special education, 9/24/21
62. Email, re: eligibility form, 10/1/21
63. Email, re: draft IEP, 10/7/21 at 5:23 PM
64. Decoding Dyslexia TN, 10/8/21
65. Dyslexia: How to Write Goals, no date
66. Parent Input for IEP, no date
67. The Vortex of Dyslexia, no date
68. Email, re: Student's IEP, 10/20/21
69. Email, re: IEP meeting, 10/28/21
70. Email, re: Student's IEP, 10/20/21
71. Email, re: IEP meeting, 10/28/21
72. Email, re: Student's IEP, 11/1/21
73. Email, re: today's meeting, 12/7/21
74. Email, re: progress and recommendations for Student, 12/14/21
75. Email, re: notes updated with final meeting, 12/13/21

76. Email, re: Student, 4/3/no year
77. Email, re: people in emails, 4/11/22
78. Email, re: Student, 4/3/22
79. Email, re: IEP review, 4/12/22
80. Email, re: people in emails, 4/11/22, duplicate
81. Email, re: SpEd case manager, 1/6/22
82. Email, re: no subject, 2/17/22
83. Email, re: training opportunities, 4/5/22
84. Email, re: quick question, 4/15/22
85. Email, re: more questions, 4/21/22
86. Email, re: Student, 4/14/22
87. Email, re: Response to the Corvallis School District's Narrative, no date
88. Student Work Samples, November 2020
89. Email, re: dates for private tutoring, 5/11/22
90. Home Schoolhouse, re: tutoring schedule and receipts, 4/2022
91. Text, re: Student anxiety and tutoring, 4/7/no year
92. Home Schoolhouse, re: tutoring schedule and receipts, dates vary
93. Email, re: I thought of something else, 5/9/22
94. Email, re: July and November 2022, 5/12/22
95. Email, re: prior written notices and parent agreement, 5/10/22

The Complaint Investigator interviewed the Parent on May 9, 2022. On May 10, 2022, and May 11, 2022, a School Psychologist, three Special Education Case Managers, Special Education Administrator, Charter School Administrator, and Charter School Teacher were interviewed by the Complaint Investigator. Virtual interviews were conducted instead of on-site interviews due to the Coronavirus pandemic. 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. The investigation was delayed by fifteen days due to a medical issue with the investigator originally assigned to this Complaint. This order is timely with respect to the revised timeline.

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 March 26, 2021 to the filing of this Complaint on March 25, 2022.

Allegations	Conclusions
<p>Child Find</p> <p>The Complaint alleges that the District violated the IDEA when it failed to find the Student eligible for special education and related services when the Student was in third grade.</p> <p>(OAR 581-015-2080; 34 CFR § 300.311)</p>	<p>Not Substantiated</p> <p>The initial eligibility determination was made prior to the period for this Complaint. Since that time, the District conducted interventions and provided the Parents with Prior Written Notice that the Student was showing gains, that the interventions would continue,</p>

	<p>and that formal testing for eligibility would not be conducted. The District subsequently found the Student eligible for special education on October 1, 2021.</p>
<p>Evaluation</p> <p>The Complaint alleges that the District violated the IDEA when it failed to fully evaluate the Student in the areas of written language and anxiety. Further, the Complaint alleges the District did not meet the required timelines for the Student’s evaluation.</p> <p>(OAR 581-015-2105; OAR 581-015-2110; 34 CFR §§ 300.301; 300.304)</p>	<p>Substantiated in part</p> <ul style="list-style-type: none"> a. The District did not adequately evaluate the Student’s written language skills when it failed to document the Student’s writing skills in the evaluation report. b. The District did not evaluate the Student in all areas of suspected disability when the District failed to fully evaluate the Student for an Other Health Impairment due to anxiety. c. The District met the required 60 school day evaluation timeline.
<p>Access to Student Education Records</p> <p>The Complaint alleges that the District violated the IDEA when it failed to provide the Parents with a copy of the evaluation report prior to an already scheduled eligibility meeting.</p> <p>(OAR 581-015-2300; 34 CFR §300.321)</p>	<p>Not Substantiated</p> <p>The District provided the Parents with both verbal and written information prior to the scheduled eligibility meeting.</p>
<p>IEP Team</p> <p>The Complaint alleges that the District violated the IDEA when it failed to have a District Representative attend the October 8, 2021 IEP meeting.</p> <p>(OAR 581-015-2210; 34 CFR §300.613)</p>	<p>Substantiated</p> <p>The District did not have a legally compliant IEP team, when it failed to have a District Representative at the October 8, 2021 IEP meeting.</p>

<p>Content of IEP</p> <p>The Complaint alleges that the District violated the IDEA when it failed to provide special education and related services that were designed for the unique needs of the Student. Specifically, the Parents allege the District should have included one-on-one reading instruction, alternate materials from Lexia Core, services for written language, and support for the Student’s anxiety.</p> <p>(OAR 581-015-2200; 34 CFR §300.320)</p>	<p>Not Substantiated</p> <p>At the time the IEP was written, the District designed an IEP that was unique to the Student’s needs and was not required to include one-one-reading instruction or alternate materials to Lexia Core. The IEP included services for written language and an accommodation to reduce the Student’s anxiety.</p>
<p>When IEPs Must Be in Effect</p> <p>The Parents allege that the District violated the IDEA when it failed to implement all services and supplementary aides as described in the Student’s IEP including specially designed instruction by trained staff, consultation services to the classroom teacher, the text-to-speech accommodation, and by failing to provide IEP progress reports to the Parents.</p> <p>(OAR 581-015-2220; 34 CFR §300.323)</p>	<p>Substantiated</p> <p>The District did not provide special education services during the month of January 2022. The District did not provide text-to-speech as an accommodation until mid-February 2022, and did not provide progress reports to the Parents.</p>
<p>Parent Participation</p> <p>The Complaint alleges that the District violated the IDEA when District staff discouraged the Parents from seeking outside sources of information and advocacy, and delayed the delivery of IEPs, prior to IEP meetings, when requested in advance by the Parents.</p> <p>(OAR 581-015-2190; OAR 581-015-2195; 34 CFR §300.323)</p>	<p>Substantiated in part</p> <ul style="list-style-type: none"> a. The District was under no obligation to write draft IEPs or to provide copies of draft IEPs to the Parents. b. The District did not provide the Parent with Notices of Team Meetings for the December 7, 2021 and December 13, 2021 IEP meetings. c. The Department was not able to determine if the District discouraged the Parents from seeking outside sources of information and advocacy due to a lack of evidence, nor is this expressly prohibited by rule.

<p>Prior Written Notice (PWN)</p> <p>The Complaint alleges that the District violated the IDEA when District failed to provide the Parents with PWNs addressing the Parents multiple requests for an occupational therapy (OT) evaluation and one-on-one reading instruction.</p> <p>(OAR 581-015-2310; 34 CFR §300.503)</p>	<p>Substantiated</p> <p>a. The District failed to provide the Parents with a Prior Written Notice (PWN) of the District's response to the Parent's request for an OT evaluation and one-on-one reading instruction.</p> <p>b. The District also failed to provide the Parents with a PWN of the District's response to the Parent's request for alternate materials to Lexia Core.</p> <p>c. The District failed to provide the Parents with a PWN when it delayed the delivery of the PWN after the December 13, 2021 IEP meeting until January 17, 2022.</p>
<p>Free Appropriate Public Education (FAPE)</p> <p>The Complaint alleges that the District denied the Student a FAPE that has resulted in the Student having academic performance that is several years below grade level.</p> <p>(OAR 581-015-2040; 34 CFR §300.101)</p>	<p>Substantiated</p> <p>The District did not provide work samples or evidence of the Student's progress in reading fluency, written language, or mathematics. The progress information provided for two other reading goals demonstrate the Student is receiving instruction two years below the projected goals.</p>

<p>REQUESTED CORRECTIVE ACTION</p>
<p>The Parents request that the Department order the District to take the following corrective action:</p> <ul style="list-style-type: none"> • Develop a new IEP that includes one-on-one reading instruction to the Student by a specialist using a multi-sensory structured program with evidence of supporting children with dyslexia. • Provide a written language and an occupational therapy evaluation for the Student. • Provide monthly updates and progress notes for the Student. • Provide the public charter school with the same services as other schools in the District. • Provide training for general education teaching staff. • Provide reimbursement for private tutoring services that have been provided by the Parents.

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 March 26, 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 11 years old and in the fifth grade. The Student has attended the same Charter School since Kindergarten. During the 2020-21 school year, when the Student was in fourth grade, the Student was enrolled in the Charter School and received instruction in the home through the use of distance learning and instruction from the Parents.
2. The Student is described as a "sweet and caring student who quietly leads peers with excellent behavior." The Student is highly motivated, wants to do well at school, and enjoys outside activities.
3. The Student's rate of attendance was 93% (169/182) in Kindergarten, 92% in first grade, 94% in second grade (172/184), 86% in third grade (152/177), 85% (139/163) in fourth grade, and 69% (xxx/yyy) in fifth grade, up to March 25, 2022. The Student was also tardy 28% of the time.
4. During interviews, the Charter School Administrator shared that the Student's anxiety is a reason that the Student is tardy so frequently, stating, "the Student is late almost every day by 10-30 minutes because the Parents are having a hard time getting the Student into the school."
5. On November 5, 2019, the Parents submitted a written request that a special education evaluation be conducted for the Student. The letter was submitted to the Charter School the Student was attending.
6. The District initiated a response to intervention system for the Student, and on December 5, 2019, the Student's school team met with the Parent and agreed to continue the interventions for another six weeks and meet in February, 2020 to determine if formal testing would be needed. The District provided the Parents with a Prior Written Notice (PWN) about the District's decision that it would not be "proceeding immediately into formal testing" on December 12, 2019. The District rejected the option for formal testing because, "there was not progress monitoring data with at least six points of comparison following targeted intervention to determine learning success. The team will reconvene in six weeks to look at such data and make a decision at that time about whether to proceed with formal testing."
7. On February 6, 2020, the District convened an evaluation planning meeting "to review information and determine whether to proceed with formal testing for reading concerns...all these gains reflect steady improvement in the area of reading and the team made the decision to continue intervention and not pursue formal testing."
8. On April 14, 2021, the Charter School Administrator contacted the District's Special Education Case Manager with a written request for the Student to be tested for learning disabilities.
9. On May 5, 2021, the District issued a Pre-Referral Team Meeting Notice to the Parents.

10. On May 12, 2021, the Case Manager gathered information about the Parent concerns at a pre-referral meeting and it was determined that a referral for an evaluation should be made.
11. On May 19, 2021, the District issued the Parents a Referral Team Meeting Notice for a meeting scheduled for June 9, 2021, to “review your child’s educational status and existing information about your child and decide if your child should be evaluated for special education eligibility.”
12. On May 21, 2021, the Case Manager emailed the Charter School Administrator and shared, “as a team we met to complete a pre-referral for the Student on May 12th, at that meeting I stated that we would schedule a meeting for 3 weeks out to review data and determine next steps.”
13. The Student was referred for a special education evaluation due to concerns in math, reading, and written language, and an evaluation planning meeting was held on June 9, 2021. The file review conducted June 9, 2021 indicated the Student had previously received small group reading instruction and 1:1 reading instruction with the Parents at home. The Student had also worked extensively in Lexia Core, and the Special Education Teacher had provided the Parents with “direct instruction packets.” The Student continued to struggle and did not demonstrate appropriate progress. “[The Student] does not exhibit any difficulties in the area of fine or large motor skills. [The Student’s] handwriting is legible and executes well with scissors and art projects.” “[The Student] has significant anxiety when confronted with difficult work and will avoid work by shrinking away.” The classroom teacher feedback included, “[the Student] does not participate in zoom [*sic*] meetings and online instruction as [the Student] struggles to read the instructions which can cause the Student some anxiety.” Health information documented by the District includes, “[The Student] does struggle with anxiety and depression. [The Student] has anxiety surrounding following rules.”
14. The team reviewing the information at the June 9, 2021 evaluation planning meeting agreed to conduct an evaluation to determine if the Student qualified for special education services as a student with a Specific Learning Disability. The meeting notes indicate the teaching staff did not have information on the Student because they did not have recent experience working with the Student. The Parents shared that they were worried about the Student’s ability to focus, the Student struggled with attention, and one of the Parents had ADHD. The School Psychologist said, “we can choose to do some rating scales next year for teachers and parents to complete and then parents can take the Student to the dr. [*sic*] if they want to.”
15. The District’s Response states, “the IEP team met June 9, 2021, and conducted an Evaluation Planning Meeting. The team determined evaluation in written language and anxiety were needed for a full evaluation of the concerns presented.”
16. On June 10, 2021, the Parents provided the District with written consent to conduct an initial evaluation. The Prior Notice about Evaluation/Consent for Evaluation form states the reason for the evaluation as, “after targeted instruction in reading, [the Student] has continued to struggle in reading. The team has determined that formal evaluation is needed at this time to determine if [the Student] might be a student with a specific learning disability (SLD).” The Connors Behavior Rating Scale and observations were listed as the evaluation procedure(s), assessments, and/or tests that the District planned to use.
17. On June 10, 2021, the Parents “paid for private assessments that diagnosed the Student with dyslexia, and started paying for weekly one-on-one reading instruction, the only format that had ever helped the Student make meaningful progress that was ironically demonstrated in the RTI process that denied [the Student] an IEP the year prior.”

18. On September 16, 2021, the Parents provide consent to conduct the Behavior Assessment System for Children (BASC) rating scale in lieu of the Connor's rating scales.
19. On September 26, 2021, the Parents made a written request that "any reports, information, or any documents that will be referenced or used during this meeting be sent to each us of in advance."
20. The evaluation report dated September 29, 2021, states that the Parents shared, "the Student is demonstrating symptoms of anxiety at home particularly related to school. The Student frequently becomes physically ill due to anxiety prior to school and this has impacted the Student's attendance...in third grade, the Student began to struggle with attendance and missed 22 days of school. During an interview with Parents they reported that during that year the Student began to experience more severe anxiety and physical symptoms before school that made it difficult for the Student to attend...The Parents reported that the Student demonstrates significant anxiety particularly before coming to school and some difficulty regulating attention. The Student appears nervous in the morning, experiences significant stomach pain and nausea, and struggle [*sic*] to force themselves to school. With regard to attention, the Student frequently forgets directions and becomes distracted when they are supposed to be completing a task."
21. The evaluation report dated September 29, 2021 indicated that the Student's family completed the BASC-3 checklist. "The team determined that no teacher was available to complete a checklist since the current teacher is injured and the Student has a substitute." The Parent rating scales were clinically significant for withdrawal, anxiety, depression, and somatization. "The results of the BASC completed by the Student's Parent indicate that the Parent has observed that the Student presents with significant issues associated with anxiety, mood issues and associated physical symptoms...the Student is frequently worried, fearful and nervous and has accompanying physical symptoms including stomach aches and nausea. The Student's Parent has observed that this anxiety and mood issues significantly impact the Student's ability to perform required daily tasks." The Student's self-rating for anxiety was in the at-risk range.
22. The evaluation report prepared by the School Psychologist and dated September 29, 2021 indicated that the behavior rating scale used in the evaluation, "gathers information about a wide range of a child's observable behaviors in both the home and school settings. NOTE: For the purpose of this evaluation, the results of this rating scale will be interpreted in the context of determining potential areas of eligibility under IDEA as well as addressing the impact of the student's behavior on their ability to access their education."
23. In the September 29, 2021 evaluation report, the evaluator noted that, "the Parent stated the Student struggles with spacing words, spelling even very simple words, understanding punctuation, and writes every letter slowly." "The team decided that a standardized writing assessment would not be administered and current classroom writing samples would be utilized to determine the Student's current writing skills." The sample provided indicated that the Student is continuing to have the same issues with writing that the Parents described.
24. On September 30, 2021, the Case Manager informed the Parents that information from the School Psychologist would not be shared in advance of the scheduled meeting because "the information in these reports is not to be read separately from the meeting since there is much information that must be explained and interpreted by the school psychologist. This is standard procedure both in the school setting and with private evaluations from doctors...As I have explained I do not provide documents earlier than the meeting when I meet in person

and as a courtesy due to virtual meetings send them out a few hours ahead so that parents can have easier access.” The Parent responded with another request for the information to be provided sooner, “I’m requesting the documents now...I explained to you I am slower at processing information. It is best for me to have time with the information.”

25. On September 30, 2021, the School Psychologist provided a draft evaluation report via email and spoke with the Parents about the assessment results that would be presented at the meeting scheduled for the next day, October 1, 2021.
26. In October 2021, the Student received eight hours of private reading tutoring.
27. On October 1, 2021, at 10:32 a.m., the Case Manager emailed the Parents with a copy of the eligibility form for the eligibility meeting that would be held at 3:00 p.m. that day.
28. On October 1, 2021, the Student was found eligible for special education as a child with a Specific Learning Disability (SLD) in reading, mathematics, and written expression. Meeting notes state, “also looking at anxiety piece as well. Weaknesses in reading/writing/math but determined to just use classroom data for writing rather than have a more intense writing evaluation...BASC-parent and student report-anxiety is significant causing mood to be low.” Classroom teacher shared that they were not seeing anxiety/behavior concerns and described the social impact for the Student as, “[the Student’s] anxiety can manifest if they feel put on the spot. The School Psychologist clarified that [the Student’s] most anxious ‘thinking’ about going to school rather than when they get there.”
29. The eligibility statement for SLD, dated October 1, 2021, does not include verification that a copy of the required initial notice was provided to the Parents when the District implemented the RTI system prior to evaluating the Student.
30. The October 1, 2021 eligibility meeting notes indicate the Case Manager would send the initial draft IEP to the Parents to review prior to the meeting.
31. The PWN of Special Education Action dated October 1, 2021 states, “other evaluation was done to consider emotional needs as well. Data showed that anxiety was a concern that could also affect [the Student’s] performance in the classroom.”
32. The Prior Notice and Consent for Initial Provision of Special Education Services, dated October 1, 2021, includes the following additional factors considered, “Team also discussed how anxiety can affect performance for students with learning disabilities. Behavior rating scales showed anxiety as a possible concern. These factors, in addition to academic needs, will be considered through the goals and services of [the Student’s] IEP. An IEP would be drafted based on evaluation reports, teacher input and feedback from parent, including suggestions from private support personnel. Team agreed to meet on October 8, 2021, at 3 pm to review the drafted IEP document.”
33. On October 4, 2021, the District issued a Special Education Notice of Team Meeting. The role of District Representative is not included in the list of individuals required to attend the IEP meeting scheduled for October 8, 2021.
34. On October 7, 2021, at 5:23 p.m., the Case Manager emailed the Parents a copy of the Procedural Safeguards and a draft Oregon IEP for the Student that would be reviewed at the IEP meeting scheduled the next day, October 8, 2021, at 3:00 p.m.

35. On October 8, 2021, the Parents emailed the District a copy of a private evaluation that had been conducted in June of 2021. The Case Manager replied to the Parent that the information could be discussed at the IEP meeting happening later that afternoon.
36. At the October 8, 2021 IEP meeting, the Charter School Administrator was listed on the IEP Meeting Participant's page and in the meeting notes as the District Representative.
37. At the October 8, 2021 IEP meeting, the Parents requested information regarding the specific interventions and curriculums being used, how data was being collected, progress monitoring, communication between staff, training provided to staff implementing the services and programs, and consultation. The Parents requested "one-on-one intervention from a reading specialist or interventionist, 3 times per week for 30 minutes each time." The Parents requested the Student "have access to curriculum and intervention specific to children with dyslexia." The Parents also requested "separate goals for each area of concern. The goals should not be general bulk goals as they are currently written."
38. At the October 8, 2021 IEP meeting, the Parents also requested that "dark purple paper for all assignment and homework be printed on. We would like this accommodation included in the IEP." The Student requested, through the Parents, to not be placed in smaller groups because of feeling 'stupid' when needing to work with peers. The Student also requested to be notified of how many times they will be called on in class, and to have written copies of items on the board be provided to them.
39. Meeting notes from the October 8, 2021 IEP meeting indicate the Parents "asked about the training given to staff who would be working with [the Student.]" The Case Manager "explained that the purpose of an IEP is to have a specific plan for each student on an IEP. The case manager works in consult with the staff (teachers & support staff)."
40. The October 8, 2021 IEP meeting notes further indicate there were clarifications needed about the differences in reported data from the October 1, 2021 evaluation report and the classroom-based data. The IEP team agreed to move forward with the reading goal as written and to collect more classroom/district data, and the Case Manager would follow up with the School Psychologist regarding appropriate grade level equivalent from the report. "Since the team did not have full consensus on the reading goal and service provider, there was a provisional consensus with the plan for the team to meet back again in 6 weeks to review and amend the IEP as needed."
41. When the IEP Team discussed the Parent's request for a reading specialist to provide the Student's SDI in reading at the October 8, 2021 IEP, meeting notes indicated that the Case Manager stated, "I hate to pass the buck but that is a district question that I don't know enough about to say either way." The Charter School Administrator replied, "I think that is something we would need to talk to district about since they are providing services. That's not something I can answer either."
42. The October 8, 2021 IEP meeting notes indicated, "team will include accommodations to minimize any possible anxiety that [the Student] has regarding school."
43. At the October 8, 2021 IEP meeting, the Parents stated their disagreement "with having the EA [Educational Assistant] provide any instruction", and "asked who would be able to let us know about reading specialists." The meeting notes reflect the IEP team was in consensus to "move forward temporarily with having SDI provided by general ed teacher and/or EA." This would be discussed again in six weeks.

44. The Student's October 8, 2021 IEP included a special factor due to "the need for assistive technology (using Text-to-speech/Speech to text)." The IEP also included specially designed instruction (SDI) in reading for 60 minutes per week, math for 90 minutes per week, and written language for 75 minutes per week, with the anticipated location in the general education classroom. The Student was also to receive SDI in reading for an additional 30 minutes per week in an "alternate setting". The service provider was listed as the Local Education Agency (LEA) or District. No related services were included in the IEP.
45. At the October 8, 2021 IEP meeting, the Classroom Teacher shared that "functional writing might be a struggle." The Case Manager shared, "I could put something in for spelling. It was off my radar."
46. The Student's October 8, 2021 IEP included the following accommodations:
- a. Break large projects into shorter goals, for multi-step directions
 - b. Reduce amount of work, shorten assignments to show mastery
 - c. Read directions, grade level materials and tests aloud, electronic or adult support for written assignments and tests
 - d. Text to Speech/Speech to Text, access to device for audio books and read aloud as well as writing assignments
 - e. Copy of notes provided, when needing to copy...reduce frustration
 - f. Colored acetate sheets, dark purple overlay on instructional materials or provide printer materials on dark purple paper
47. The PWN dated October 8, 2021 states in part, "present levels were updated to reflect information from evaluation report, evaluation planning data, and team input including itemized list of parent concerns, goals in reading, math and writing were drafted, reviewed, and accepted with the intent for more specific data to be determined for the Student's reading baseline to be reviewed in 6 weeks time [sic], service delivery drafted to include weekly minutes for reading (90), math (90), writing (75) in the general ed classroom with classroom teacher or instructional assistant to provide service under consult of special education case manager." Other factors considered by the team include, in part, "there was a discussion about who would be delivering specially designed instruction...delivery would be either from the classroom teacher or the instructional assistant in conjunction with consult from the case manager, the Parent requested that a reading specialist provide service minutes. There was consensus to move forward with the current delivery model and revisit the request at a follow up meeting. Meeting notes will be provided to parent in lieu of recording the meeting."
48. On October 12, 2021, the Parents contacted the District's Special Education Administrator and requested assistance in understanding what the Student was eligible for and how to get supports for the Student. The Parents reported that during the call they shared they "had been trying to learn about dyslexia and what kinds of interventions are used in special education that are evidence-based...we were looking to bring an advocate to help us and the Special Education Administrator said they 'do not encourage families looking up their children's disabilities on the internet and they do not encourage families working with an advocate because they tend to make processes more negative.'" During interviews, the Special Education Administrator recalled that the Parents expressed concerns about tutoring, 1:1 support, and having meeting materials provided before meetings. The Special Education Administrator denies providing the Parents with discouragement from seeking outside sources of information and advocacy.
49. On October 15, 2021, the Student started a digitally-based reading intervention program that the District utilizes for SDI. The Program, Lexia Core, includes standard, guided, and direct

instruction. From October 15, 2021 through January 13, 2022, the Student completed five units that included instruction for advanced word chains, multi-syllable words, sight words, simple suffixes, and building sentences. The instructional level for these units was at the beginning second grade.

50. On October 20, 2021, the Parents contacted the Student's IEP team and District Administration with a concern that a District Representative was not at the October 8, 2021 IEP meeting and that this person "should be given the responsibility to approve services and resources such as a one-on-one reading specialist! I'm thinking this missing piece is why we ran into the funding providing support issue?" The Parents requested that another IEP meeting be scheduled "so that we can have a district representative there and they can help us decide on the available supports within the district." The Parents also requested that the IEP team review and revise the Student's present levels and IEP goals, including levels in the reading goal; list, in the IEP, the specific curriculum that will be used to address the Student's dyslexia; and include "specific language in the IEP about consultation hours and frequency until proper training can be completed."
51. On October 20, 2021, there was an email exchange between the District's Special Education Administration and the Case Manager with a differing understanding of whether the Charter School Administrator was designated to act as a District Representative at the Charter School's IEP meetings, as the Case Manager's "understanding is that they don't have the ability to appropriate special ed funds from the district." During interviews, the Charter School Administrator stated that they did not have the authority to allocate District funds.
52. On October 20, 2021, the Case Manager consulted with the Student's Classroom Teacher about "student's needs and SDI identified students."
53. On October 22, 2021, the Case Manager provided an overview about "inclusive specially designed instruction (consult model)" for teachers. The Student's Classroom Teacher attended the training.
54. On October 28, 2021, the District scheduled an IEP meeting for November 17, 2021. The Parents requested that the IEP be revised to include "pull-out services with multi-sensory structured interventions with a properly trained credentialed/endorsed teacher, and that the IEP meeting be recorded or, if the request to record was denied, that the District issue a PWN."
55. On October 28, 2021, the Parents made a written request to the Department for a Facilitated IEP Meeting. On November 2, 2021, the Department notified the Parents that the District wanted to hold an IEP meeting without outside facilitation before proceeding with a facilitated meeting.
56. In November 2021, the Student received seven hours of private tutoring.
57. On November 3, 2021, the District's Special Education Administrator emailed the Parents and informed them that they would attend the next IEP meeting, that the District was declining the Parents request to ODE for a facilitated IEP meeting, that the District might be open to a facilitator from ODE after they had a chance to facilitate the upcoming meeting, and that the District "does not record meetings, the IEP and notes are an accommodation to support someone's understanding of what was discussed."
58. On November 15, 2021, the Case Manager emailed Charter School staff to see if a Contracted Interventionist, working for the Charter School, "had a grade equivalent placement/progress

for [the Student] so I can compare that with all the other data?" The intention was to use this data for progress monitoring, per the Case Manager's notes.

59. At the November 17, 2021 IEP meeting, the Parents' concerns included the "writing goal seems too big, the story problem piece in the math goal, reading goal, training for staff who are providing services, special education services being provided by a general education teacher, doesn't want Fountas & Pinnell, requested an evaluation for OT services, LEA piece of service delivery clarified and one-on-one support from someone who is a reading specialist." The District Representative offered to have an occupational therapist connect with the Classroom Teacher, "to get some eyes on that I'm hearing letters, words, sentences as things to focus on." The Parent also requested a copy of the amended IEP prior to the next meeting, scheduled for December 7, 2021.
60. On November 17, 2021, the Case Manager conducted three curriculum-based assessments that all placed the Student's reading skills at the beginning-mid second grade reading level and the Student was reading 60 words per minute.
61. On November 18, 2021, a Contracted Interventionist working for the Charter School conducted two standardized and individually administered assessments, Gray Oral Reading Test and Word Identification and Spelling Test with the Student because the Special Education Case Manager, "asked me to do a more formal assessment on [the Student]...I left the testing protocols with the teacher, they wanted them for special education processes." There is no record that the District had attempted to obtain or had received written parental consent to conduct these standardized assessments. The Student's IEP goals in the areas assessed indicated that classroom and district reading assessments as well as teacher observation of work samples and assessments would be used to measure the Student's progress toward the IEP goals.
62. The results reported by the Contracted Interventionist placed the Student's "literacy ability at about 2nd grade level, including oral reading and comprehension."
63. On November 19, 2021, the District provided curriculum training to Charter School teaching staff in the use of systematic instruction in phonological awareness, phonics, and sight words. The Classroom Teacher attended this training.
64. In December 2021, the Student received six hours of private tutoring.
65. On December 7, 2021, at 9:43 a.m., the Parents emailed the District, "I have an IEP meeting for the Student on my calendar today. Do I have the date wrong? I never received the updated draft IEP or a meeting notice. Did I put it in on the wrong date?" At 10:05 a.m., the Case Manager emailed the Parents and other members of the IEP Team the Special Education Notice of Team Meeting and the updated draft for the amended IEP.
66. At the December 7, 2021 IEP meeting, the Parents expressed frustration that they had just received the amended IEP that day and had not had an opportunity to process the information. One Parent shared, "I feel at a disadvantage. I feel like I'm constantly missing significant pieces. Jargon like DRAs, as a team member, I just don't see it in a larger picture. I feel left out of a lot of these conversations." The Parents also requested an update on when an OT was coming to look at the Student's writing, as they were having a hard time with spacing and pencil grip. Meeting notes indicated the District representative stated, "an OT can come check after this IEP is completed. As part of an RTI process to give some suggestions prior to any evaluations or formal measures." [sic] The District Representative confirmed this would occur

by the end of January 2022. The Parents also requested that the District provide a reading specialist to work with the Student.

67. At the December 13, 2021 IEP meeting, the Parents expressed frustration that the District was not providing “specially designed instruction beyond what is provided as part of the general education curriculum. [The Student] needs one-on-one instruction.” The Classroom Teacher indicated that the audio books and text-to-speech, listed on the IEP as accommodations, were not being utilized. Monthly communication with the Parent to review monthly progress reports was added to the IEP, listed as a support to personnel. The Classroom Teacher described the Student’s direct instruction as, “[the Student] is in Lexia Core that used AI to teach. And if Lexia Core flags something then I provide instruction.” The Charter School Administrator shared that the School was providing training of dyslexia approaches through February to educational assistants. The IEP team discussed having the reading goal be for a fourth-grade level.
68. The PWN dated December 13, 2021 indicated the IEP team updated the present levels, added additional reading goals, updated all previous goals, and updated the services to reflect multiple locations for reading instruction and monthly consultation to Parents. The District affirmed that an OT would observe and support interventions. The PWN also documented the District’s decision to provide the Parents with written meeting notes and an opportunity to review the notes with district personnel in lieu of recording the meeting.
69. On December 17, 2021, the Case Manager stopped working at the Charter School. A new Case Manager started working at the Charter School at the beginning of February 2022.
70. In January 2022, the Student received four hours of private tutoring.
71. On January 14, 2022, the Student started a mid-second grade instructional level for reading instruction in Lexia Core. Between January 14, 2022 and April 14, 2022, the Student completed 82% of the level with five units that included instruction for Hard and Soft C & G, Syllable Division, Spelling Rules 1, Synonyms and Antonyms, and Text Connections 1. The Student received guided or direct instruction in 28% (14/64) of the lessons completed.
72. On January 14, 2022, the District provided the Charter School teaching staff professional development for the use of collaborative problem solving. The Classroom Teacher attended the training.
73. On January 17, 2022, the District provided the Parents with a copy of the finalized IEP and a PWN from the December 13, 2021 IEP meeting. The notice states, “this amended IEP is effective 12/14/21.”
74. In February 2022, the Student received six hours of private tutoring.
75. On February 1, 2022, the Student’s received a report card for the first semester. Student performance is documented using a four-point scale, as follows: 1 (emerging), 2 (developing), 3 (proficient), and 4 (exceeded expectations). The Student’s proficiency levels for English Language Arts was listed as 1 (emerging) in all areas, except for three areas in writing in which the Student had a 1.5.
76. On February 2, 2022, the Parents declined to sign the Student’s IEP. A note was included that stated, “I do not agree with this IEP. There is no tier three intervention being offered by the district and the only accommodation allowed still has not been provided. We are nearly 4 months since [the Student] should have been provided with support.”

77. On February 11, 2022, the District provided the Charter School teaching staff professional development from an occupational therapist that included training in sensory processing and handwriting supports and strategies. The Student's Classroom Teacher attended the training. The OT did not observe the Student.
78. On February 24, 2022, the District's Teaching and Learning Department presented information on IEP meeting facilitation to District staff with directions to provide draft IEPs three days before the meeting, and to clarify the role of the District Representative during IEP meetings.
79. In March 2022, the Student received seven hours of private tutoring.
80. On March 25, 2022, the Parents filed this Complaint.
81. On April 7, 2022, the Student's private tutoring was paused. In total, the Student received 40 hours of private tutoring from October 2021 through April 2022. Parents paid \$2,370 for these services.
82. On May 11, 2022, the District notified the Complaint Investigator that they were not able to produce "all Student demographic information, since kindergarten, including attendance, grades, discipline and District and State assessment scores," as requested in the Request for Response dated April 11, 2022, as "these items are all housed and managed by the Charter School." Charter School staff indicated, "I've included as much as I could get my hands on, unfortunately for a long time the Charter School wasn't using WebSIS to track data it seems, so I'm lacking in some of the items on your list."
83. On May 18, 2022, the Charter School Classroom Teacher provided the Complaint Investigator with service logs of the instruction being provided to the Student.

IV. DISCUSSION

Child Find

The Parents allege that the District violated the IDEA when it failed to find the Student eligible for special education and related services when the Student was in third grade.

School districts must identify, locate, and evaluate all children with disabilities for whom they are responsible, regardless of the severity of the disability, who are in need of special education services, including children enrolled in public charter schools. The district in which the charter school is located is responsible for child find for students enrolled in the charter school regardless of parental resident district.³

The District responded to the Parents' request for an evaluation in the fall of 2019 and implemented a response to intervention system. The District ultimately determined that the Student made "steady improvement in the area of reading and the team made the decision to continue intervention and not pursue formal testing." In April of 2021, the Charter School provided a written request for the District to conduct an evaluation for learning disabilities. The District initiated a pre-referral process and made a referral for a special education evaluation in May of

³ OAR 581-015-2080(2)(2e)(3)

2021. The District obtained consent to evaluate the Student for special education in June of 2021 and the Student was found eligible for special education services in October of 2021.

The Department does not substantiate this allegation.

Evaluation

The Parents allege that the District violated the IDEA when it failed to fully evaluate the Student in the areas of written language and anxiety. Further, the Complaint alleges the District did not meet the required timelines for the Student's evaluation.

A public agency must conduct an evaluation before determining that a child is a child with a disability. An initial evaluation must be conducted to determine if a child is eligible for special education services when a public agency suspects or has reason to suspect that the child has a disability that has an adverse impact on the child's educational performance, and the child may need special education services as a result of the disability.⁴ In conducting the evaluation, the public agency must assess the child in all areas related to the suspected disability, including if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. The evaluation is to be sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified and the evaluation includes assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child. An initial evaluation must be completed within 60 school days from written parent consent to the date of the meeting to consider eligibility.⁵ In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, each team must ensure that information obtained from all these sources is documented and carefully considered.⁶

For this Student's initial evaluation, the District conducted academic assessments and, in consultation with the Parents, determined that "a standardized assessment for written language would not be administered and current classroom writing samples would be utilized to determine the Student's current writing skills." Meeting notes indicate that writing samples were reviewed at the initial eligibility meeting. The initial evaluation report does not include the findings of the assessment(s)/review of the Student's writing skills, based on the Student's writing samples. The District was not able to produce copies of the writing samples that were reviewed as part of the initial evaluation and eligibility that occurred on October 1, 2021. The use of the Student's writing samples as part of the initial evaluation, in lieu of a standardized assessments, is allowable under IDEA. However, the District failed to document all sources of information that was used in the interpretation of evaluation data when the September 29, 2021 evaluation report did not include information about the Student's writing skills, based on the writing samples.

The Department substantiates this portion of the allegation.

The District initiated the initial evaluation for the Student due to concerns with the Student's reading and the suspicion that the Student may be a child with a specific learning disability. The Prior Notice about Evaluation/Consent for Evaluation form sought written parent permission to conduct assessments to determine if the Student had a specific learning disability and a set of behavior rating scales. The evaluation report dated September 29, 2021 indicated, "for the purpose of this evaluation, the results of this rating scale will be interpreted in the context of

⁴ OAR 581-015-2105(1)(1a)(3a)(3A)

⁵ OAR 581-015-2110(3)(4d)(4e)(4f)(5a)

⁶ OAR 581-015-2125(2)

determining potential areas of eligibility under IDEA as well as addressing the impact of the student's behavior on their ability to access their education." The results of the Parent's rating scales indicated the Parent's observations of the Student indicated a clinically significant concerns in the area of anxiety, the Student rated themselves as at-risk in this area, and the Classroom Teacher did not know the Student well enough to complete the behavior rating scales. Parent concerns for the Student's anxiety were well documented in meeting notes and the parent interview. The District had sufficient information to suspect that the Student may be a child with an Other Health Impairment, due to anxiety, and failed to conduct a full evaluation and eligibility determination in this area.

The Department substantiates this portion of the allegation.

The District obtained written consent to commence an initial evaluation of the Student on June 10, 2021. The District completed the evaluation and held an eligibility meeting on October 1, 2021, 25 school days from the time the Parent provided consent. The District met its obligation to conduct an initial evaluation within 60 school days.

The Department does not substantiate this portion of the allegation.

Access to Student Education Records

The Parents allege that the District violated the IDEA when it failed to provide the Parents with a copy of the evaluation report prior to an already scheduled eligibility meeting.

A district must comply with a parent's request to inspect and review records without unnecessary delay. For children over the age of three, the district must comply with the parent request before any IEP meeting, any due process hearing, or resolution session related to a due process hearing, and in no cases more than 45 days after the request has been made. This provision includes all education records with respect to the identification, evaluation, and education placement of the child, and the provision of a free appropriate public education to the child.⁷

On September 26, 2021, the Parents made a written request that "any reports, information, or any documents that will be referenced or used during this meeting be sent to each of us in advance." This request was made five days in advance and in reference to the initial eligibility meeting scheduled for October 1, 2021. The District held a phone conference with the Parents and then sent a copy of the evaluation report to the Parents on September 30, 2021, one day before the eligibility meeting and the eligibility statement was provided to the Parents five hours before the meeting. Under OAR 581-015-2300, and as it relates to this case, parents have a right to access educational records with respect to the identification, evaluation, and educational placement of the child, and the provision of FAPE before an IEP meeting.

The regulation requires that programs, districts, agencies, and contractors comply with the parent's request to inspect and review records without unnecessary delay and before any meeting regarding an IEP/IFSP, or any due process hearing, or resolution session related to a due process hearing. The regulation does not include an eligibility meeting and the District provided the requested records within 45 days.

The Department does not substantiate this allegation

IEP Team

⁷ OAR 581-015-2300(2)(3)(3b)

The Parents allege that the District violated the IDEA when it failed to have a District Representative attend the October 8, 2021 IEP meeting.

School districts must ensure that the IEP Team for each child with a disability includes one or both parents, except as provided in OAR 581-015-2195, the child where appropriate, at least one regular education teacher of the child if the child is or may be participating in the regular education environment, at least one special education teacher or provider of the child, an individual who can interpret the instructional implications of the evaluation results, and other individuals, including related services personnel invited by the parent or school district. The IEP Team must also include a representative of the school district, who may also be another member of the team, who is qualified to provide, or supervise the provision of specially designed instruction, knowledgeable about the general education curriculum, knowledgeable about district resources, and authorized to commit district resources and ensure that services set out in the IEP will be provided.⁸ 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 and the written notice must state the purpose, time, place of the meeting, and who will attend.⁹

Meeting notes taken at the October 8, 2021 IEP meeting and interviews conducted as part of the investigation indicate the Case Manager and the Charter School Administrator did not believe they had the authority to commit district resources and ensure that services set out in the IEP would be provided. The Parents brought the lack of an authorized District Representative to the District's attention on October 20, 2021. The District scheduled and held a second IEP meeting, with a District Administrator who was authorized to commit District resources, on November 17, 2021. The delay between the first and second IEP meetings was due to scheduling conflicts for both the Parents and the Special Education Administrator who was to act as District Representative.

The Department substantiates this allegation.

Content of IEP

The Parents allege that the District violated the IDEA when it failed to provide special education and related services that were designed for the unique needs of the Student. Specifically, the Parents allege the District should have included one-on-one reading instruction, alternate materials from Lexia Core, services for written language, and support for the Student's anxiety.

The individualized education program (IEP) must include a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. A statement of measurable annual goals, including academic and functional goals designed to 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 meet each of the child's other educational needs that result from the child's disability. The IEP must also include a description of how the child's progress toward meeting the annual goals will be measured and when periodic reports on the progress the child is making toward meeting the annual goals will be provided.¹⁰

A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school

⁸ OAR 581-015-2210(1)

⁹ OAR 581-015-2190 (2a)(2bA)

¹⁰ OAR 581-015-2200(1)(1a)(1b)(1c)

personnel that will be provided for the child to advance appropriately toward attaining the annual goals, to be involved and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities and to be educated and participate with other children with disabilities and children without disabilities. The IEP must include the projected dates for initiation of services and modifications, and the anticipated frequency, amount, location, and duration of the services and modifications; and an explanation of the extent, if any, to which the child will not participate with children without disabilities in the regular class and activities.¹¹

At the time the IEP was written, the IEP included services for written language and an accommodation to support the Student's anxiety. Based on the information the District had available, the District was not required to include one-one-reading instruction or alternate materials to Lexia Core. The IDEA requires an IEP to include "a statement of the special education, related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child."¹² However, the IDEA does not require that the IEP identify the specific methodology that the district will use. Federal regulations note that "there is nothing in the [IDEA] that requires an IEP to include specific instructional methodologies."¹³ Districts have great leeway in selecting the educational methodology for a student with a disability as long as the methodology provides FAPE. Courts and administrative officers have generally decided that the choice of educational methodology falls within the sole discretion of the district.¹⁴

The Department does not substantiate this allegation.

When IEPs Must Be in Effect

The Parents allege that the District violated the IDEA when it failed to implement all services and supplementary aides as described in the Student's IEP including specially designed instruction by trained staff, consultation services to the classroom teacher, the text-to-speech accommodation, and by failing to provide IEP progress reports to the Parents.

At the beginning of each school year, a school district must have in effect an IEP for each child with a disability within the district's jurisdiction. The school district must provide special education and related services to a child with a disability in accordance with an IEP. A school district must conduct a meeting to develop an initial IEP within 30 calendar days of a determination that the child needs special education. As soon as possible following the development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP. Each school district must ensure that the IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation, and inform each teacher and provider of their specific responsibilities for implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for or on behalf of the child in accordance with the IEP.¹⁵

The District provided training to paraprofessionals and the Classroom Teacher on the use of the SDI materials (SIPPS and Lexia Core) being used with the Student. The District did not have a special education case manager/provider available at the Charter School for the month of January 2022. The District provided evidence that some SDI, through the use of Lexia Core, was occurring from January 14, 2022 until April 13, 2022. However, there is no evidence how this was actually

¹¹ OAR 581-015-2200(1d)(1e)(1f)

¹² 34 CFR 300.320 (a)(4)

¹³ 71 Fed. Reg. 46,665 (2006); and [34 CFR 300.320](#) (d)(1).

¹⁴ See *Board of Educ. of the Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 553 IDELR 656 (U.S. 1982)

¹⁵ OAR 581-015-2220

being delivered to the Student or whether the content was individualized and presented to meet the Student's unique needs. The Charter School Classroom Teacher, the Charter School Administrator, and the Parents have all asserted that the Student did not receive any SDI when the District did not have special education staff available at the Charter School. The Charter School Classroom Teacher provided a service log of special education services provided to the Student, and there is no record that SDI was provided during the months of January 2022 through March 2022.

The Parents' allegation that the District failed to implement consultation to the classroom teacher is addressed in the Content of IEP portion of the discussion. The Student's IEP included monthly consultation to the Parents on progress toward IEP goals. The IEP Service Summary Page reflects a start date for this support as of October 9, 2021. IEP meeting notes indicated that the consultation to Parents was not added to the IEP until December 13, 2021, and during interviews District staff confirmed there was a clerical error and December 13, 2021 is the correct start date. There is no evidence that the District provided the Parents with monthly consultation about the Student's progress toward the IEP goals during the month of January 2022. Starting in February of 2022, there were email and phone exchanges between the Parents and the new Case Manager, but there is no evidence that the Parents received monthly consultation on the Student's progress toward IEP goals from February 1, 2022 until the time of the Complaint filing on March 25, 2022.

The Student's IEP Team included text-to-speech/speech-to-text as an accommodation at the October 8, 2021 IEP meeting. The provider of the service was the local education agency (LEA), or the District, and the Case Manager was the staff member responsible for monitoring the support. The Charter School Classroom Teacher and the Case Manager confirmed that the Classroom Teacher did not receive training on implementing this support from the Case Manager. The Classroom Teacher reported they were taught how to implement this support by a parent at the school and that this support was not provided until February of 2022. In the District's Response, they acknowledged that there a delay in the implementation of this support. Also in the Response, the District acknowledged that IEP progress reports had not been issued to the Parents. This was confirmed during the course of the investigation.

The Department substantiates this allegation.

Parent Participation

The Parents allege that the District violated the IDEA when District staff discouraged the Parents from seeking outside sources of information and advocacy, and delayed the delivery of IEPs, prior to IEP meetings, when requested in advance by the Parents.

School districts must provide one or both parents with an opportunity to participate in meetings with the respect to the identification, evaluation, IEP, and educational placement of the child, and the provision of a free appropriate public education to 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.¹⁶ 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

¹⁶ OAR 581-015-2190(1)(3)

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.¹⁷

Prior to the October 8, 2021, November 17, 2021, December 7, 2021, and December 13, 2021 IEP meetings, the Parents made requests, in writing and at IEP meetings, for advance copies of the draft IEPs. The Parents communicated the need for advance copies of the information that was to be reviewed at the IEP meetings due to the slow nature in which the Parent processed information. The Case Manager informed the Parents that advance copies of the documents were provided a few hours in advance as a courtesy to parents. In each case, the draft IEPs were provided to the Parents less than 24 hours prior to the scheduled meeting. The District provided evidence that, in February of 2022, a staff training occurred in which it was recommended that draft IEPs be provided three days in advance of an IEP meeting. There is no evidence that this standard was in place at the time the Parents made the requests for draft IEPs.

There is no requirement for draft IEPs to be completed prior to IEP meetings. Therefore, the District was under no obligation to provide copies of a draft IEP to the Parents prior to IEP meetings.

The Department does not substantiate this portion of the allegation.

The Parents alleged that the District limited their participation in the special education process when the Special Education Administrator discouraged the Parents from seeking outside sources of information and advocacy. Due to lack of evidence provided by both parties, the Department is not able to determine if this in fact occurred.

The Department does not substantiate this portion of the allegation.

In the course of this investigation, the Department noted additional findings related to parent participation. Although the Special Education Notice of Team Meeting issued by the District for the October 8, 2021, and the November 17, 2021 IEP meetings did not identify which required attendee was acting as the district representative, the roles of attendees are not a required element of the meeting notice. However, the District also failed to provide the Parents with a Special Education Notice of Team Meeting for the December 7, 2021 and the December 13, 2021 IEP meetings.

The District failed to provide parents with written meeting notices each time they were required and did not always include required content when notice was provided.

Prior Written Notice (PWN)

The Parents allege that the District violated the IDEA when District failed to provide the Parents with Prior Written Notices (PWNs) addressing the Parents' multiple requests for an occupational therapy evaluation and one-on-one reading instruction.

PWN must be given to the parent of a child within a reasonable period of time before a school district proposes to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child. PWN must also be given to the parent of a child within a reasonable period of time before the district refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. The content of the PWN must include a description of the action proposed or refused by the school district; an explanation of why the district proposes or refuses

¹⁷ OAR 581-015-2190(2)

to take the action; a description of each evaluation procedure, assessment, test, record, or report the school district used as a basis for the proposed or refused action; and a statement that the parents of a child with a disability have protection under the procedural safeguards, if this notice is not an initial referral for evaluation. The notice is also required to include the means by which a copy of the Notice of Procedural Safeguards may be obtained, sources for the parents to contact to obtain assistance in understanding their procedural safeguards, a description of other options that the IEP team considered and the reasons why those options were rejected, and a description of other factors that are relevant to the agency's proposal or refusal.¹⁸

The Parents requested one-on-one reading instruction by a reading specialist at each IEP meeting that was held. There is no record that this request was addressed at any IEP meeting and the District failed to provide the Parents with a PWN to document the District's decision about this request.

The Parents also made requests that alternate instructional materials, rather than Lexia Core, be provided. There is no evidence in the record that this request was addressed and the District failed to provide the Parents with a PWN about the District's decision. The Student's December 13, 2021 amended IEP indicated services were to start on December 14, 2021. The District issued a PWN about changes to the IEP on January 17, 2022. The District failed to provide the PWN before the District's actions were to commence.

The Department substantiates this allegation.

Free Appropriate Public Education (FAPE)

The Parents allege that the District denied the Student a free appropriate public education (FAPE) that has resulted in the Student having academic performance that is several years below grade level.

School districts must provide a FAPE to all school-age children with disabilities for whom the district is responsible.¹⁹ "School-age children" are children who have reached five years of age but have not yet reached 21 years of age on or before September 1 of the current school year.²⁰

Procedural violations may only lead to a finding that a child did not receive a FAPE if they: "(I) impeded the child's right to a free appropriate public education; (II) significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parent's child; or (III) cause a deprivation of educational benefit."²¹ In order to determine whether a student has been denied a FAPE, the courts review a district's compliance with the procedural and substantive components of the student's education. Reviewing courts must inquire whether the school district complied with the procedural requirements of the IDEA, and whether the school district met the substantive requirement to develop an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.²²

The District failed to conduct a full evaluation for the Student's anxiety and written language skills, did not provide verifiable special education services during the month of January 2022, significantly delayed the implementation of the text-to-speech accommodation, did not collect progress monitoring data in the area of reading until after the complaint had been filed, did not

¹⁸ OAR 581-015-2310(1)(2)(3)

¹⁹ OAR 581-015-2040(1)

²⁰ OAR 581-015-2020(1)

²¹ 20 U.S.C. § 1415(f)(3)(E)(ii)(2005)

²² Endrew F., 137 S.Ct. at 999

provide the Parents with required progress reports, and denied the Parent meaningful participation in IEP meetings. The Student's IEP and the District's progress monitoring data in the area of reading that was provided during the investigation showed that the Student's instructional level has remained at the second-grade level and the IEP goals in these areas are at the fourth-grade level.

Further, the report card provided by the Parents indicated the Student was receiving all emerging scores in the general education classroom. The District was not able to produce any Student work samples or progress monitoring data for IEP goals in the areas of reading fluency, math, or writing. These violations significantly impeded the Parents' opportunity to participate in the decision-making process and the Student's ability to access a FAPE.

The Department substantiates this allegation.

Additional Findings

In the course of the investigation, the Complaint Investigator identified the following additional violations:

Determination of Eligibility for Specific Learning Disability

Upon completing the administration of assessments and other evaluation materials, a team must determine whether the child is a child with a disability under OAR 581-015-2130 through 581-015-2180 and the educational needs of the child. For a child suspected of having a disability, the team's written report and documentation of determination of eligibility must meet the requirements of OAR 581-015-2170.²³ If the child participated in a response to intervention process, the evaluation report and written statement of eligibility must include documentation that the parents were notified in a timely manner about the state's policies regarding the amount and nature of student performance data that would be collected, and the general education services that would be provided, as part of the response to intervention process, strategies for increasing the child's rate of learning, and the parent's right to request an evaluation.²⁴

Prior to the Student being evaluated for special education and related services, the District had the Student undergo a response to intervention (RTI) process. The Parents were not provided with the required notification. The notification, provided to the parents in a timely manner, was required to include ODE and district policies describing the amount and nature of student performance data to be collected and the general education services to be provided as part of the District's RTI model, strategies for increasing the child's rate of learning, and the parents' right to request an evaluation. The District asserted this notification was the responsibility of the Charter School; however, the District records indicated it was District Special Education Staff that implemented the pre-referral interventions and process. Further, the Statement of Eligibility for a Specific Learning Disability did not meet the requirements of OAR 581-015-2170 when it was not documented that this notification had been provided to the Parents.

Consent

Consent means that the parent has been fully informed, in their native language or other mode of communication, of all information relevant to the activity for which consent is sought; and understands and agrees in writing to the carrying out of the activity for which for which their

²³ OAR 581-015-2120(1)(2c)

²⁴ OAR 581-015-2170(5e)

consent is sought. The school district must provide notice and obtain written consent from the parent before conducting any reevaluation of a child with a disability.²⁵ School districts must give parents a copy of the Notice of Procedural Safeguards upon initial referral or parent request for evaluation.²⁶

Written parent or adult student consent is not required before reviewing existing data as part of an evaluation or a reevaluation; administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children; conducting evaluation tests, procedures, or instruments that are identified on a child’s IEP as a measure for determining progress; or conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.²⁷

In November of 2021, the Case Manager requested progress monitoring data of the Student’s reading skills from a service provider that had been contracted by the Charter School. The contracted service provider administered two standardized assessments and gave the results to the Case Manager and had the assessment protocols filed in the Student’s educational records. These standardized assessments were not given to all children and the Student’s IEP goals did not indicate that standardized assessment would be used to measure the Student’s progress. The District failed to inform the Parents that standardized assessments were being conducted and failed to obtain written parental consent to conduct these standardized assessments.

Review and Revision of IEPs

Each school district must review and revise a Student’s IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general education curriculum, the results of any reevaluation conducted, information about the child provided to or by the parents, the child’s anticipated needs, or other matters.²⁸

Over the course of the 2021-22 school year, the Student’s rate of tardies increased to 28% of the time. The Charter School Administrator confirmed that, after arriving at school, it would take the Student 10-30 minutes to make it into the building due to the Student’s anxiety about school. The District failed to review and revise special education and related services for the Student’s anxiety when it did not address all of the Student needs in this area.

V. CORRECTIVE ACTION²⁹
In the Matter of Corvallis School District 509J
Case No. 022-054-011

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

Action Required	Submissions	Due Date
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²⁵ OAR 581-015-2090(1)(2)(5a)

²⁶ OAR 581-015-2315(1a)

²⁷ OAR 581-015-2095(1)

²⁸ OAR 581-015-2225(1b)

²⁹ 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)).

<p>1. The District must seek consent to conduct a comprehensive evaluation to determine whether the Student is eligible for special education in the areas of written language and Other Health Impairment.</p> <p>If consent is obtained, the District must conduct and document the evaluation and eligibility determinations.</p>	<p>The District shall submit a copy of the consent form provided to the Parents.</p> <p>The District shall submit a copy of the evaluation and eligibility paperwork.</p>	<p>September 30, 2022</p> <p>October 15, 2022</p>
<p>2. The District must reconvene an IEP meeting to review and revise the IEP, as appropriate, based on the results of the evaluation and the findings of this investigation.</p>	<p>The District shall submit a copy of the meeting notice.</p>	<p>October 15, 2022</p>
<p>3. The District must conduct progress monitoring for all IEP goals and provide the Parents with IEP progress reports as required by the IEP.</p>	<p>The District shall submit copies of each progress report provided to the Parents.</p>	<p>May 1, 2023</p>
<p>5. The District must provide Compensatory Education to make up for the SDI not provided pursuant to the Student's IEP. The Compensatory Education to be provided shall include at least:</p> <ul style="list-style-type: none"> • 360 minutes of SDI in reading, • 360 minutes of SDI in math, and • 300 minutes of SDI in writing. <p>The District must hold an IEP meeting with the Parent to develop a plan to deliver this SDI.³⁰</p>	<p>The District shall submit the following:</p> <p>Completed plan for delivery of Compensatory Education developed in IEP meeting with Parent;</p> <p>Evidence showing compensatory education was provided.</p>	<p>September 30, 2022</p> <p>March 24, 2023</p>
<p>6. The District must ensure that all District staff responsible for reviewing, revising, developing, and implementing IEPs for this student receive training in each of the following areas:</p> <ul style="list-style-type: none"> • IEP Review/Revision; • IEP Content; • IEP Implementation; • Prior Written Notices; • Parent Participation; • Members of the IEP Team; and • RTI Parent Notification/Specific Learning Disability Eligibility 	<p>Training agenda/materials to County Contact for review/approval.</p> <p>Sign-in sheet for training.</p>	<p>October 15, 2022</p> <p>January 9, 2023</p>

³⁰ The Department provides IEP Facilitation services when it is mutually desired by parents and school districts and is available to support the Student's IEP team in this meeting. If a Facilitated IEP meeting is desired, please email ode.disputeresolution@ode.state.or.us.

Dated: this 8th Day of June 2022



Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: June 8, 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).)