

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of Hillsboro School District 1J )  
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FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER  
Case No. 22-054-013

**I. BACKGROUND**

On April 14, 2022, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the Hillsboro School District 1J (District). The Parent requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

Under state and federal law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue an order within sixty days of receipt of the complaint.<sup>1</sup> This timeline may be extended if the Parent and the District agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.<sup>2</sup>

On April 20, 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 May 4, 2022.

The District submitted a *Response* on May 3, 2022, denying all except one of the allegations, providing an explanation, and submitting documents in support of the District's position. The District did not contest the allegation that a prior written notice was not provided to the Parent. The District submitted the following relevant items:

1. Email, re: Student's IEP, 4/18/22
2. Oregon Standard IEP, 4/4/22
3. Special Education Placement Determination, 4/4/22
4. Prior Notice of Special Education Action, re: placement, FAPE, 4/4/22
5. Notice of Team Meeting, 3/16/22
6. Oregon Standard IEP, 4/6/21
7. Special Education Placement Determination, 4/6/21
8. Special Education Meeting Minutes, 4/6/21
9. Notice of Team Meeting, 3/18/21
10. Prior Notice of Special Education Action, re: placement, FAPE, 4/6/21
11. Notice of Proposed Transfer of Special Education Rights, 4/6/21
12. Midterm check-ins, no date
13. Email, re: Student, 12/10/21
14. Stand Ready Letter Templates, English and Spanish, no dates
15. Oregon Standard IEP, 4/4/22, duplicate

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

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

16. Special Education Placement Determination, 4/4/22, duplicate
17. Special Education Meeting Minutes, re: IEP, 4/4/22
18. Letter, re: COVID-19 Recovery Services, 4/4/22
19. Prior Notice of Special Education Action, re: placement, FAPE, 4/4/22
20. Notice of Team Meeting, re: IEP, transition, 3/16/22
21. Oregon Standard IEP, re: amendment, 4/15/22
22. Special Education Meeting Minutes, re: IEP amendment/2nd parent attended, 4/15/22
23. Prior Notice of Special Education Action, re: placement, FAPE, 4/15/22
24. Notice of Team Meeting, re: IEP, transition, 4/12/22
25. Contact Log, 3/16/22-4/15/22
26. Text, re: between Parent and Teacher, 4/9/21-9/8/21
27. Checklist for all HS and transition IEPs, no date
28. Email, re: parent questions, 11/19/21
29. Email, re: not taking college career path class, re: 11/29/21
30. Email, re: 10-day drop, 1/12/21
31. Email, re: senior project, 12/13/21
32. Email, re: schedule changes, 12/14/21
33. Texts between Teacher and Parent, 11/10/21-4/18/22
34. Email, re: Student, 12/2/21
35. Email, re: Student meeting, 12/6/21
36. Email, re: Student, 12/10/21
37. Email, re: can we work together?, 12/17/21
38. Texts between Teacher and Parent, 12/1/21-12/14/21
39. Student Profile, no date
40. Progress Report, re: date sent, 2/12/22
41. Texts between Teacher and Parents, 3/16/no year
42. Electronic Meeting Invite, re: IEP meeting, 3/16/22
43. Text, re: IEP meeting reminder, 4/4/22
44. Text, re: phone call and text to Parent, 4/7/22
45. Electronic Meeting Invite, re: IEP meeting, 4/12/22
46. Text from Parent, 4/14/22
47. Email, re: IEP meeting, 4/14/22
48. District Response, 5/3/22
49. Message, re: YTO grant program presentation this Friday 4/22, 4/19/22
50. Oregon Transcript, 4/27/22
51. Texts between Teacher and Parent, 4/20/21
52. Email, re: voice message, 12/2/21
53. Email, re: Student, 2/14/22
54. Email, re: Youth Transition Program, 12/17/21
55. Email, re: careers curriculum for Student's room, 1/7/22
56. Transition IEP Checklist, 10/13/15
57. School Board Policy IGBAG-AR, re: Special Education Procedural Safeguards, 5/28/19
58. Meeting notes, re: Student, 4/6/22
59. Links to parent and case manager newsletters, no date
60. Notice of Team Meeting procedures, no date
61. Training agenda, 9/14/no date
62. Email, re: Student educational packet, 4/6/21
63. Email, re: Student, 12/12/21
64. Email, re: phone call, 12/1/21
65. Staff list, no date
66. District Policies and Procedures
67. Supplemental Judgement, re: modification of custody and parenting time, 2016
68. Email, re: answers from Mr. Painter, senior administrator

69. Email, re: update DM

The Parent submitted the following relevant items:

1. Senior Project Contract, no date
2. Notice of Team Meeting, 4/12/22
3. Texts between Teacher and Parent, re: Student attending school, various
4. Email, re: complaint response, 5/3/22
5. Email, re: Student IEP meeting, 4/12/22
6. Email, re: can we work together?, 12/17/21
7. Email, re: Student, 4/15/22
8. Email, re: Student, 4/18/22
9. Email, re: teacher screenshots, 5/6/22
10. Email, re: Student schedule, 12/17/21
11. Email, re: Student, 12/17/21
12. Email, re: phone call from teacher, 12/1/21
13. Email, re: schedule, 12/17/21
14. Email, re: senior project, 12/14/21
15. Email, re: Student, 12/1/21
16. Voice Message, re: not able to join meeting, no date

The Complaint Investigator interviewed the Parent on May 16, 2022. On May 18, 2022, the Complaint Investigator interviewed District staff to include two Special Education Teachers, the Special Education Coordinator in the School, a Special Education Director, and the Executive Director. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits in reaching the findings of fact and conclusions of law contained in this order. This order is timely.

## II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parents' allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from April 16, 2021, to the filing of this Complaint on April 15, 2022.

<b>Allegations</b>	<b>Conclusions</b>
<p><b>When IEPs Must Be in Effect</b></p> <p>The Complaint alleges that the District violated the IDEA by not providing special education and related services in accordance with the Student's IEP when the Student was not enrolled in classes identified in the Student's IEP during the first semester of the 2021-22 school year.</p> <p>(OAR 581-015-2220; 34 CFR §300.323)</p>	<p><b>Not Substantiated</b></p> <p>Special education services were available to the Student as described in the Student's IEP. The District was not required to provide specific electives to the Student.</p>
<p><b>Parent Participation</b></p>	<p><b>Not Substantiated</b></p>

<p>The Complaint alleges that the District violated the IDEA by not offering a mutually agreeable place to hold a meeting about the Student attending school, and not providing the Parent with a Notice of Team Meeting for the Student's April 2022 IEP meeting.</p> <p>(OAR 581-015-2190, OAR 581-015-2195; 34 CFR §300.322)</p>	<p>The meeting held on December 13, 2021 was not an IEP meeting and the District was not required to follow IEP meeting regulations. The District did send a Notice of Team Meeting to both Parents for the April 4, 2022, IEP meeting and one Parent attended the meeting. A second meeting was held for the second Parent not in attendance at the first meeting.</p>
<p><b>Request for Records</b></p> <p>The Complaint alleges that the District violated the IDEA by failing to provide the Parent with information about the Student's Senior Project requirements and a course syllabus for a career and education class.</p> <p>(OAR 581-015-2300; 34 CFR §300.613)</p>	<p><b>Not Substantiated</b></p> <p>The information requested by the Parent was not an educational record directly related to the Student and does not fall under the Access to Educational Records regulations.</p>
<p><b>Content of IEP</b></p> <p>The Complaint alleges that the District violated the IDEA when it failed to include transition services/plan in the Student's IEP.</p> <p>(OAR 581-015-2200; 34 CFR §300.320)</p>	<p><b>Not Substantiated</b></p> <p>The Student's IEP included a transition plan and services.</p>
<p><b>Prior Written Notice (PWN)</b></p> <p>The Complaint alleges that the District violated the IDEA when it failed to provide the Parent with prior written notice that the Student's special education services had ended when the Student was disenrolled from school by the District.</p> <p>(OAR 581-015-2310; 34 CFR §300.503)</p>	<p><b>Not Contested</b></p> <p>The District did not contest this allegation.</p>

<p><b>REQUESTED CORRECTIVE ACTION</b></p>
<ul style="list-style-type: none"> <li>• Provide services to compensate for lacking IEP and transition plan.</li> <li>• Provide support in career planning and job placement.</li> <li>• Provide District staff with training.</li> </ul>

### III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before April 15, 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. At the time the Complaint was filed, the Student was 17 years old, in the 12th grade, and was scheduled to graduate during the 2021-22 school year at one of the District's high schools.
2. The Parents of the Student have joint legal custody. The Parent who filed the Complaint had the legal authority to "make decisions and direct the Student's medical care, counseling, psychological testing and any educational testing as may be requested or required by the Student's educators." The other Parent had the legal authority to "make all other custodial decisions regarding the Student."
3. The Student is eligible for special education as a child with an Emotional Behavior Disability and had an eligibility due date of April 16, 2020.
4. The Student was described by the IEP Team as bright, humorous, creative, polite and not disruptive. The Student is interested in theater, science and art. The Student is working at grade level in all academic areas, met all State assessment standards, and is on track to graduate with a Standard Diploma in the Spring of 2022. The Student is unsure of post-secondary plans.
5. The Student has a medical diagnosis of anxiety and had trouble with organization, time management, completing non-preferred assignments, and attending school. "The Student's social challenges impact their ability to build relationships with peers." "The Student received specially designed instruction in a specialized classroom for emotional regulation, social communication, and time management/organization."
6. The Student's school attendance and GPA were as follows:
  - a. 2017-18 School Year - 95.95% attendance, 3.27 GPA
  - b. 2018-19 School Year - 91.91% attendance, 2.94 GPA
  - c. 2019-20 School Year - 93.52% attendance, 2.63 GPA
  - d. 2020-21 School Year - 20.76% attendance, 1.85 GPA
  - e. 2021-22 School Year - 32.91% attendance, 2.35 GPA
7. At the April 6, 2021 IEP meeting, the Student and both Parents attended. The April 6, 2021 IEP included a Transition Planning page with the following elements:
  - a. results of age-appropriate transition assessments, including the Student's preferences, interests, needs, and strengths (PINS);
  - b. appropriate, measurable post-secondary goals based upon age-appropriate transition assessments;
  - c. transition services/activities;
  - d. course of study;
  - e. anticipated graduation date with a regular diploma, and;
  - f. when the Student's rights would transfer and when they were informed of this.
8. The April 6, 2021 IEP Transition Planning page included a course of study designed to assist

the Student in reaching post-secondary goals and listed 11<sup>th</sup> grade courses the Student would take including Language Arts, Biology, Theater 3, Spanish 3, Personal Finance, US History, Tutorial, Advisory, and Computer Applications. The projected courses for 12<sup>th</sup> grade included Language Arts, People and Politics, Economics, Senior Project, and electives in areas of interest such as computers, connections to careers, and/or connections to college.

9. The April 6, 2021 IEP included specially designed instruction (SDI) for organization and time management and emotional regulation. Transportation was included as a related service. Accommodations noted in the IEP included extra processing time, fewer problems presented, access to individual work space, and extended time. Consultation by a School Psychologist was included as a support to personnel.
10. The April 6, 2021 IEP meeting minutes documented that the IEP team “discussed current grad progress and that the Student can graduate on time if they can increase input during hybrid and finish biology tests. Discussed next year’s classes and current classes. Discussed ways to improve grades and pass current classes.” The meeting minutes also document that there were no questions or comments about the diploma type and [they would] “stick with Standard for now.” The courses Connections to College and Connections to Careers were going to be requested for the following year.
11. On April 6, 2021, the District issued a PWN, which stated that other factors considered by the team included, “the Student needs 6.0 credits to graduate, which can be accomplished in order to graduate on time, [if] the Student completes all credits from now until June 2022 and re-engages with school. The Student will need to complete the state mandated essential skills at standard diploma levels by that time.”
12. On November 10, 2021, the District withdrew the Student from school due to 10 consecutive days of school absences.
13. On November 10, 2021, November 16, 2021, and November 23, 2021, the District contacted the Parent with a request to discuss the Student’s grades and attendance. The Parent replied that a meeting could be scheduled and they wanted to discuss the “class regarding careers and college” and was worried about the Student’s Senior Project.
14. On November 29, 2021, the District realized that the Student had not yet taken a ‘college career path class.’ The Student’s Counselor suggested that the Student take a Senior Seminar class the following semester.
15. On December 1, 2021, the Case Manager emailed the Parent with notification that the Student was being dropped from classes “since the Student has not attended school in some time.”
16. On December 2, 2021, a meeting was scheduled to be held with the Parent to discuss the Student’s attendance and grades. The meeting was cancelled due to the Parent being ill.
17. On December 2, 2021 and December 17, 2021, the District Responses indicated, “phone calls between parent and Student Services staff included explanations of the 10-day drop requirement and what had changed in the rules from last school year during CDL.”
18. On December 9, 2021, the Parent emailed the Student’s Counselor with a request to reschedule the re-enrollment meeting and to review the Student’s graduation status. The Parent further shared, “at the IEP mtg [*sic*] last year, we didn’t have his end of year info. There was some discussion of moving to a modified diploma...is standard diploma still on the table?”

The Counselor affirmed that graduation requirements could be discussed at the upcoming meeting scheduled for December 13, 2021.

19. On December 12, 2021, the Parent emailed the Counselor with a request to only discuss getting the Student re-enrolled at the December 13, 2021 meeting and said, "we can meet at a different time for the other stuff." The Parent also contacted the District's Student Services office with a request to "schedule a phone call with someone that can make sure the Student gets the vocational and transitional supports/classes previously agreed to in the IEP."
20. On December 13, 2021, the School held a re-enrollment meeting to discuss the Student attending school and a schedule of classes and the Student was re-enrolled in school.
21. On December 14, 2021, the Case Manager emailed the Parent with information on the Student's schedule, which included a "connections to college and careers" class. On December 16, 2021, the Case Manager emailed the Parent a new schedule that did not include the "connections to college and careers" class.
22. On December 17, 2021, the Parent emailed the Student's Counselor with concerns about how the meeting held on December 13, 2021 was conducted as well as the school's requirement that the Student attend a re-enrollment meeting before resuming classes. The Parent twice indicated the Student had autism. The Counselor replied and referred the Parent to the Case Manager and school administration if they had additional questions.
23. On December 17, 2021, the Parent contacted the District's Student Services office and shared, "the School needs help creating an IEP for my child. Currently out of compliance with federal regulations. Please contact me." The same day, the District responded to the Parent and suggested "holding an IEP meeting after the holidays as a great next step." The Parent replied, "an IEP mtg [sic] is too slow. There is no point in having an IEP mtg [sic] without any workable ideas or plans." An IEP meeting was not scheduled at this time because the Parent declined the District's suggestion.
24. At the end of December 2021, the Youth Transition Specialist contacted the Parent about scheduling a meeting after the holidays to discuss how the District's Youth Transition Program might be able to help the Student. The District did not receive a reply from the Parent on this topic. The District contacted the Parent a second time about this topic after the April 15, 2022, IEP meeting.
25. On February 12, 2022, the District provided the Parent with an electronic copy of the Student's IEP progress report.
26. On March 16, 2022, the District texted both Parents about scheduling an IEP meeting for April 4, 2022. One Parent responded that the scheduled time would work. The District issued a Notice of Team Meeting to both Parents and the Student via email for an annual IEP meeting to be held on April 4, 2022. The District sent a text to both Parents the morning of April 4, 2022 reminding them of the IEP meeting that day. The meeting notice included the following statements:
  - a. "we encourage you to participate in all meetings about your child's special education program. If you cannot attend this meeting, or wish to discuss a different meeting location or time, or would like to participate through alternate means, please contact...", and
  - b. "if you choose not to participate, the meeting may be conducted without you. If you are not going to attend, please contact the individual named above to provide them with information you wish to have considered as part of this meeting."

27. The District records show that the contact information for one of the Parent's may not have been accurate at the time the April 4, 2022 IEP meeting was being scheduled. The email address for one of the Parents was correct and the phone number used to text the other Parent was incorrect.
28. On April 4, 2022, the IEP team met to develop the Student's annual IEP. One Parent attended the meeting. The Student and the other Parent were not in attendance.
29. The April 4, 2022 IEP included a Transition Planning page with the following elements:
  - a. results of age-appropriate transition assessments, including the Student's preferences, interests, needs and strengths (PINS);
  - b. appropriate, measurable post-secondary goals based upon age-appropriate transition assessments;
  - c. transition services/activities;
  - d. course of study;
  - e. anticipated graduation date with a regular diploma, and;
  - f. when the Student's rights would transfer and when they were informed of this.
30. The April 4, 2022 IEP Transition Planning page included a course of study designed to assist the Student in reaching post-secondary goals and listed 12<sup>th</sup> grade courses the Student would take including People and Politics, English, Math, Senior Seminar, and electives aligned with potential career interests.
31. The April 4, 2022 IEP included SDI for organization and time management, and emotional regulation. Accommodations noted in the IEP included extra processing time, fewer problems presented, access to individual work space, extended time, and tangible rewards for improved attendance. Consultation by a psychologist was included as a support to personnel.
32. On April 4, 2022, the District issued a PWN detailing the changes to the IEP made at the IEP meeting, including changes to goals and the transition page. Other factors considered by the team included that the Student was on track to graduate with a standard diploma.
33. On April 7, 2022, the Parent who did not attend the April 4, 2022 IEP meeting contacted the District with a concern that they had not been invited to the IEP meeting. The District was able to obtain updated contact information for the Parent and offered to schedule a second IEP meeting.
34. On April 12, 2022, the District issued a Notice of Team Meeting to both Parents and the Student for a second IEP meeting to be held on April 15, 2022.
35. On April 14, 2022, one of the Parents emailed the Case Manager with questions about the Student's Senior Project, career and college requirements, graduation, and transition services.
36. On April 14, 2022, one of the Parents filed this Complaint.
37. On April 15, 2022, the District held a second IEP meeting at the request of the Parent who was not in attendance at the April 4, 2022 IEP meeting. The Student did not attend this meeting. Additional Parent concerns that were added to the IEP include, "I want the Student to go to school and graduate. The Student also needs to finish the senior project." The IEP goal for emotional regulation was revised. The Parent also asked about diploma options and



thought the Student was working towards a Modified Diploma. District staff indicated that the Student pursuit of a modified diploma, “is not documented in the paperwork or previous meeting minutes. The Student is very bright and on track to graduate with a standard diploma.” The Parent also “asked for clarification about services available post high school for standard students. What are the next steps moving forward?” District staff shared that the Student would not be eligible for special education services through the school district and would be able to participate in Youth Transition Services or obtain accommodations in college.

38. On April 15, 2022, the District issued a PWN to the Parent and included the following statement as other factors considered by the team, “As a reminder, and in alignment with the email sent on 12/1/21, students who miss 10 days of school in a row are dropped and have to re-enroll. If that should happen during the remainder of the school year, we will contact you and work to get the Student re-enrolled quickly.”
39. During interviews, the Parent asserted that the District had a report from a private clinician that diagnosed the Student with high functioning autism. The District reviewed the Student’s files and the records do not include such a report.

#### IV. DISCUSSION

##### **When IEPs Must Be in Effect**

The Parent alleged that the District violated the IDEA by not providing special education and related services in accordance with the Student’s IEP when the Student was not enrolled in classes identified in the Student’s IEP during the first semester of the 2021-22 school year.

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. School districts must provide special education and related services to a child with a disability in accordance with an IEP.<sup>3</sup>

The Student’s transition plan included in the April 6, 2021, IEP listed courses of study designed to assist the student in reaching post-secondary goals that included the Student completing a senior project as well as electives in area of interest such as computers, connections to careers, and/or connections to college. In November of 2021, the Parent inquired with the District about the ‘class regarding careers and college’ and was worried about the Student’s senior project. In December of 2021, the District suggested that an IEP meeting be scheduled to discuss the Parent concerns and the Parent declined.

The District made two attempts in December of 2021 and April of 2022 to connect the Parent with a Youth Transition Specialist to discuss possible services, and the Parent did not return messages. The Parent alleged that the District did not provide a Senior Seminar course for the Student to complete the Senior Project and the Student was not enrolled in a connections to careers and/or connections to college course.

The listed courses of study are projected courses or experiences for the Student. The District offered support for the Senior Project to the Student during the special education class for which the Student was enrolled. During interviews, the District reported that the senior seminar course is not a required course and is akin to a study hall in which students can obtain assistance on their projects. Also, the District reported that the connections to college and career courses were

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<sup>3</sup> OAR 581-015-2220 (1)

also electives that are typically used for students who were working toward modified diplomas. The Student was working toward a standard diploma and had access to support for the senior project during the assigned special education class when the Student was in attendance.

The Department does not substantiate this allegation.

### **Parent Participation**

The Parent alleged that the District violated the IDEA by not offering a mutually agreeable place to hold a meeting about the Student attending school, and not providing the Parent with a Notice of Team Meeting for the Student's April 2022 IEP meeting.

School districts must provide one or both parents with an opportunity to participate in meetings with respect to the identification, evaluation, IEP and educational placement of the child, and the provision of a free appropriate public education to the child. 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 respond. The written notice must state the purpose, time, and place of the meeting and who will attend. The written notice must inform the parent that they may invite other individuals whom they believe have knowledge or special expertise regarding the child. The written notice must inform the parent that the team may proceed with the meeting even if the parent is not in attendance, and whom to contact before the meeting to provide information if they are unable to attend.<sup>4</sup>

School districts must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate. School districts must notify parents of the meeting early enough to ensure that they will have an opportunity to attend, and schedule the meeting at a mutually agreed on time and place. If neither parent can attend, the school district must use other methods to ensure parent participation, including, but not limited to, individual or conference phone calls or home visits. An IEP or placement meeting may be conducted without a parent in attendance if the school district is unable to convince the parents that they should attend. If the school district proceeds with an IEP meeting without a parent, the district must have a record of its attempts to arrange a mutually agreed on time and place such as detailed records of telephone calls made or attempted and the results of those calls, copies or correspondence sent to the parents and any responses received, and detailed records of visits made to the parent's home or place of employment and the results of those visits.<sup>5</sup>

School district attempts to convince parents to attend are considered sufficient if the school district communicates directly with the parent and arranges a mutually agreeable time and place and sends written notice to confirm this arrangement, or sends written notice proposing a time and place for the meeting and states in the notice that the parent may request a different time and place, and confirms that the parent received the notice. Sufficient attempts may all occur before the scheduled IEP or placement meeting, and do not require the scheduling of multiple agreed-upon meetings unless the team believes this would be in the best interest of the child. The school district must give the parent a copy of the IEP at no cost to the parent. If the parent does not attend the IEP meeting, the school district must ensure that a copy is provided to the parent.<sup>6</sup>

The meeting held on December 13, 2021 was not an IEP meeting, and the District was not required to follow IEP meeting regulations. On March 16, 2022, the District texted both Parents

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<sup>4</sup> OAR 581-015-2190(1)(2)

<sup>5</sup> OAR 581-015-2195(1)(2)(3a)

<sup>6</sup> OAR 581-015-2195(3b)(3c)(5)

to see if April 4, 2022 was a mutually agreeable date and time for the Student's annual IEP meeting. One of the Parents responded in the affirmative that the April 4, 2022 meeting date was agreeable. The other Parent, who filed this Complaint, did not respond. The District issued a Notice of Team Meeting via email to both Parents and the Student for the April 4, 2022 IEP meeting. On the morning of April 4, 2022, the District sent a reminder text to both Parents about the meeting and only one Parent attended the IEP meeting.

On April 7, 2022, the Parent who did not attend the IEP meeting contacted the District about not being notified about the meeting and it was discovered that the District did not have current contact information for the Parent. There is no evidence that the Parent had updated their contact information with the District. The District scheduled and held a second IEP meeting for the Parent who did not attend the April 4, 2022 IEP meeting, for April 15, 2022. The District followed up with a second IEP meeting to encourage the participation of the other Parent. The District was only required to have one Parent in attendance at an IEP meeting, and the District met this requirement when one of the Parents attended the April 4, 2022, IEP meeting.

The Department does not substantiate this allegation.

### **Request for Records**

The Parent alleged that the District violated the IDEA by failing to provide the Parent with information about the Student's Senior Project requirements and a course syllabus for a career and education class.

The district must comply with a parent's request to inspect and review records without unnecessary delay and before any meeting regarding an IEP and in no case more than 45 days after the request has been made. This provision includes all education records with respect to the identification, evaluation, educational placement of the child, and the provision of a free appropriate public education to the child.<sup>7</sup> The term education records means those records that are directly related to the student, and are maintained by an educational agency.<sup>8</sup>

The District did not respond in a timely manner to the Parent's requests for information about the requirements for the Senior Project and a course syllabus for the connections to careers and colleges courses. However, this information is not considered to be an education record as general information about the project or courses were not directly related to the Student.

The Department does not substantiate this allegation.

### **Content of IEP**

The Parent alleged that the District violated the IDEA when it failed to include transition services/plan in the Student's IEP.

For the purpose of transition, the IEP must include appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills. The IEP must include transition services (including courses of study) needed to assist the child in reaching those goals. For employment, planning shall include information about and opportunities to experience supported employment services provided by Oregon Vocational Rehabilitation or the Oregon Office of Developmental Disability Services. These services must be provided in a competitive integrated employment

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<sup>7</sup> OAR 581-015-2300(2)(3)(3b)

<sup>8</sup> 20 U.S.C. 1232g(b)(3), (b)(5)

setting. Information about these services shall also be provided to the parents by the school district at each annual review for IEPs to be in effect when the child turns 16. Beginning at least one year before a student reaches age 18, or when the district obtains actual knowledge that within one year the student will marry or become emancipated before age 18, a statement that the district has informed the student that procedural rights will transfer to the student upon age 18, marriage, or emancipation, whichever occurs first.<sup>9</sup>

The Student's April 6, 2021 and April 4, 2022, IEPs included a transition plan. These transition plans included all the required elements including results of age-appropriate transition assessments, including the Student's preferences, interests, needs, and strengths. The Student's measurable post-secondary goals included training, education, employment, independent living skills, courses of study, and transition services and activities. The agency participation portion of the Student's transition plan was not applicable as the Student was on track to graduate with a standard diploma. The Student's transition plan also included verification that the Student and Parent were informed that the rights under Part B of IDEA will transfer to the Student at the age of majority. The identified transition services and activities to be provided by the District during school included SDI for 60 minutes weekly in a special education classroom for organization, time management, and emotional regulation skills. Additional transition plan support was provided in the Student's advisory class. When the Student attended school they have access to their transition plan and services.

The Department does not substantiate this allegation.

### **Prior Written Notice (PWN)**

The Parent alleged that the District violated the IDEA when it failed to provide the Parent with prior written notice that the Student's special education services had ended when the Student was disenrolled from school by the District.

PWN must be given to the parent of a child, and to the adult student after rights have transferred, within a reasonable period of time before a school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. The content of the PWN must include a description of the action proposed or refused by the school district, and an explanation of why the district proposed or refuses to take the action. The PWN must also include 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. The PWN must include sources for parents to contact to obtain assistance in understanding their procedural safeguards, a description of other options that 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. The prior written notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.<sup>10</sup>

The District does not contest this allegation.

## **V. CORRECTIVE ACTION<sup>11</sup>**

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<sup>9</sup> OAR 581-015-2200(2)

<sup>10</sup> OAR 581-015-2310(2)(3)(4)

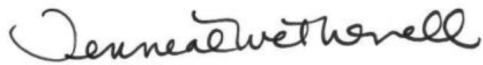
<sup>11</sup> The Department's order shall include any necessary corrective action as well as documentation to ensure that the corrective action has been completed (OAR 581-015-2030(13)). The Department expects and requires the timely completion of corrective

*In the Matter of Hillsboro School District 1J*  
*Case No. 022-054-013*

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

<b>Action Required</b>	<b>Submissions</b>	<b>Due Date</b>
1. The District must review and, if necessary, revise its policies and procedures for provision of PWN related to mandatory withdrawal for attendance purposes. If any changes are made to District policies and procedures, the District must ensure that all applicable staff have been informed of the revisions.	The District shall submit any updated policies and procedures, and evidence that applicable staff have been informed.	<b>November 15, 2022</b>

Dated: this 13<sup>th</sup> Day of June 2022



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Tenneal Wetherell  
Assistant Superintendent  
Office of Enhancing Student Opportunities

E-mailing Date: June 13, 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).)

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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)).