

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of
Portland School
District 1J

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FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Case No. 23-054-013

I. BACKGROUND

On May 10, 2023, the Oregon Department of Education (the Department) received a written request for a special education complaint investigation from an individual (Complainant) on behalf of students (Student) residing in the Portland School District 1J (District). The Complainant 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 Complainant 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 May 16, 2023, the Department's Complaint Investigator (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 31, 2023.

The District submitted a *Response* on June 9, 2023, and a supplemental response on June 13, 2023 denying the allegations for four of the students, and agreeing with the allegations for the remaining students, providing an explanation, and submitting documents in support of the District's position. The scope of the investigation included the four students for which the District denied the allegations. The District submitted the following relevant items for the four students:

Student A

1. List, re: list of staff knowledgeable about complaint, no date
2. Prior Written Notice, re: evaluation, 1/25/23
3. Parent/Guardian Consent for Individual Evaluation, 1/25/23, unsigned
4. Parent/Guardian Consent for Individual Evaluation, 1/25/23, signed
5. Meeting Minutes, re: evaluation planning, 1/25/23
6. Notice of Team Meeting, re: eligibility determination and review or develop IEP, 4/18/23
7. Notice of Team Meeting, re: eligibility determination and review or develop IEP, 4/18/23
8. Notice of Team Meeting, re: develop or review IEP, 5/12/23
9. Notice of Team Meeting, re: develop or review IEP, 5/12/23
10. Eligibility Summary Statement, 5/15/23, unsigned
11. Eligibility Summary Statement, 5/15/23, signed
12. Communication Evaluation Report, 5/15/23

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

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

13. Occupational Therapy (OT) Evaluation, 5/15/23
14. Prior Notice and Consent for Initial Provision of Special Education Services, 5/15/23, unsigned
15. Disability Statement, re: Developmental Delay (98) Criteria, 5/15/23
16. Prior Written Notice, re: educational placement, 5/15/23
17. Disability Statement, Speech or Language Impairment (50) Criteria, 5/15/23
18. Letter, re: request for medical input, 4/20/23
19. Authorization to Use and/or Disclose Educational and Protected Health Information, no date, signed
20. Medical Statement or Health Assessment Statement, no date
21. Communication Evaluation Report, 5/15/23
22. Psychoeducational Assessment Report, 5/15/23
23. Prior Written Notice, re: eligibility meeting date delayed, 5/18/23
24. Meeting Minutes, re: eligibility, 5/15/23
25. Daily Attendance By Week, 9/5/22
26. Calendar, re: 2022-23 district calendar, no date
27. Emails, 5/27/22-5/15/23

Student D

1. List, re: list of staff knowledgeable about complaint, no date
2. Notice of Team Meeting, re: review information and decide if your child should be evaluated for special education, 10/31/22
3. Parent/Guardian Consent for Individual Evaluation, 11/10/22, unsigned
4. Parent/Guardian Consent for Individual Evaluation, 11/10/22, signed
5. Prior Written Notice, re: evaluation, 11/10/22
6. Meeting Minutes, re: determine if testing is needed, 11/10/22
7. Meeting Minutes, re: determine if testing is needed, 11/10/22
8. Meeting notes, re: evaluation review/eligibility meeting, 3/23/23
9. Disability Statement, re: Autism Spectrum Disorder (82) criteria, 3/23/23
10. Medical Statement or Health Assessment Statement, no date
11. Eligibility Summary Statement, 5/16/23, unsigned
12. Disability Statement, re: Other Health Impairment (80) Criteria, 5/16/23
13. Disability Statement, Emotional Behavior Disability (60) Criteria, 5/16/23
14. Meeting notes, re: evaluation review/eligibility meeting, 5/16/23
15. Notice of Team Meeting, re: develop or review an IEP and placement, 5/16/23
16. Prior Notice and Consent for Initial Provision of Special Education Services, 5/25/23, signed
17. IEP, 5/25/23, unsigned
18. Meeting notes, re: initial IEP, 5/25/23
19. Daily Attendance by Week, 8/29/22
20. Calendar, re: 2022-23 district calendar, no date
21. Emails, 9/13/22-5/16/23

Student F

1. List, re: list of staff knowledgeable about complaint, no date
2. Notice of Team Meeting, re: decide if your child should be evaluated, 11/01/22
3. Prior Written Notice, re: evaluation, 11/16/22
4. Parent/Guardian Consent for Individual Evaluation, 11/16/22, unsigned
5. Parent/Guardian Consent for Individual Evaluation, 11/16/22, signed
6. Meeting Minutes, re: parent request for evaluation, 11/16/22
7. Disability Statement, re: emotional behavior disability (60) Criteria, 3/8/23
8. Prior Written Notice, re: educational placement, 3/8/23
9. Medical Statement of Health Assessment Statement, no date

10. Multidisciplinary Evaluation Report, 3/8/23
11. Eligibility Summary Statement, 3/8/23, signed
12. Disability Statement, re: Autism Spectrum Disorder (82) Criteria, 3/8/23
13. Meeting notes, re: evaluation review/eligibility & IEP meeting, 3/9/23
14. Prior Notice and Consent for Initial Provision of Special Education Services, 5/23/23, signed
15. Prior Notice and Consent for Initial Provision of Special Education Services, 5/23/23, unsigned
16. Notice of Team Meeting, re: develop or review an IEP and placement, 5/15/23
17. Special Education Placement Determination, 5/23/23, unsigned
18. IEP, 5/23/23, unsigned
19. Meeting notes, re: initial IEP, 5/23/23
20. Daily Attendance By Week, 8/29/22
21. Calendar, re: 2022-23 district calendar, no date
22. Emails, 9/23/22-5/18/23

Student L

1. List, re: list of staff knowledgeable about complaint, no date
2. Notice of Team Meeting, re: decide if student should be evaluated, 2/8/22
3. Notice of Team Meeting, re: decide if student should be evaluated, 3/7/22
4. Prior Written Notice, re: evaluation, 3/15/22
5. Parent/Guardian Consent for Individual Evaluation, 3/15/22, signed
6. Meeting notes, re: evaluation planning, 3/15/22
7. Parent/Guardian Consent for Individual Evaluation, 3/15/22, unsigned
8. Academic Evaluation Report, 10/10/22
9. Notice of Team Meeting, re: determine eligibility, 10/26/22
10. Notice of Team Meeting, re: determine eligibility and develop or review IEP and placement, 10/31/22
11. Medical Statement or Health Assessment Statement, no date
12. Psychoeducational Assessment, 11/22/22
13. Prior Written Notice, re: educational placement, 12/16/22
14. Disability Statement, re: Other Health Impairment (80) Criteria, 12/16/22
15. Meeting Minutes, re: review assessment components, 12/16/22
16. Eligibility Summary Statement, 12/16/22, signed
17. Eligibility Summary Statement, 12/16/22, unsigned
18. Disability Statement, re: Specific Learning Disability (90) Criteria, 12/16/22
19. Notice of Team Meeting, re: develop or review IEP and placement, 12/16/22
20. Special Education Placement Determination, 1/6/23
21. Meeting Minutes, re: initial IEP, 1/6/23
22. Prior Notice and Consent for Initial Provision of Special Education Services, 1/6/23, unsigned
23. Prior Notice and Consent for Initial Provision of Special Education Services, 1/6/23, signed
24. IEP, 1/6/23
25. Daily Attendance by Week, 5/1/22
26. Daily Attendance by Week, 8/29/22
27. Student Progress Monitoring, no date
28. Calendar, re: 2021-22 district calendar, no date
29. Calendar, re: 2022-23 district calendar, no date
30. Emails, 5/10/22-1/26/23

The Complainant submitted a *Reply* on June 16, 2023, providing an explanation, rebuttal, and documents in support of the Complainant's position. The Complainant submitted the following relevant items:

1. Emails, 3/6/23-3/23/23
2. SIT attendance, 2022-23

The Complaint Investigator reviewed and considered all of these documents 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 Complainant’s allegations and the Department’s conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from May 11, 2022 to the filing of this Complaint on May 10, 2023.

Allegations	Conclusions
<p>When IEPs Must Be In Effect</p> <p>The Complaint alleges that the District violated the IDEA by not developing initial IEPs within 30 calendar days of establishing special education eligibility for Students. Additionally, the Complaint alleges the required instructional minutes for specially designed instruction are not being met by multiple providers at the School. The Complaint further alleges that progress reports were not provided to Parents during the 2022-23 school year.</p> <p>(OAR 581-015-2220; 34 CFR § 300.323)</p>	<p>Substantiated</p> <p>The District failed to develop IEPs by the required due dates or did not provide services as described in the IEPs for 19 of the 20 students reviewed.</p>
<p>Initial Evaluation and Reevaluations</p> <p>The Complaint alleges that the District violated the IDEA by not conducting special education evaluations within the required timelines, and did not disqualify Students from special education services when they were no longer eligible.</p> <p>(OAR 581-015-2105, OAR 581-015-2110(5); 34 CFR §§ 300.301, 300.303, 300.305)</p>	<p>Substantiated</p> <p>The District failed to determine special education eligibility by the required due dates for all 12 students reviewed.</p>

REQUESTED CORRECTIVE ACTION
<p>The Complainant requests that the Department order the District to take the following corrective action:</p> <ol style="list-style-type: none">1. A thorough investigation to determine the root and scope of the problem for the students listed and potentially other impacted students in our school.2. Determining and providing either additional FTE, hours, or accountability to ensure student's legal rights to education are met within the legal time frame.

III. FINDINGS OF FACT

IDEA regulations limit complaint investigation to alleged violations occurring no more than one year before the Department's receipt of the special education complaint. This Complaint Investigation did not consider any IDEA violations alleged to have occurred before May 11, 2022. 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.

Student A

1. The Student was five years old, in kindergarten, and attending elementary school at the time the Complaint was filed.
2. According to the Student's Psychoeducational Assessment Report, the Parent requested that the District refer the Student for an initial special education evaluation.
3. On November 23, 2022, the District's School Psychologist emailed the Parent.
 - a. "I was told that you would like to refer [Student] for a special education evaluation. [School] follows a Response-to-Intervention (RTI) model which is a multi-tier approach to the early identification and support of students with learning and behavioral needs. Every student receives Tier 1 or universal interventions in their classroom with their teachers, both general education and special education. Targeted groups of students may receive additional interventions to provide them with support to find academic success."
 - b. The School Psychologist explained that the Student Intervention Team (SIT) consisted of the "school counselor, instructional specialist, climate coach & various members of the special education team."
 - c. The School Psychologist explained: "The SIT may refer students to a Tier 3 meeting, which then involves the family, to discuss concerns and more intensive or specific interventions. Special education eligibility may be discussed at this meeting to determine appropriateness; however, this is not always the outcome."
 - d. The School Psychologist offered to assist the Parent to meet with the evaluation team. "Because you have made this referral, I am happy to set up a meeting for you...with the Evaluation Planning Team."

4. On January 23, 2023, an email indicated that the Bilingual School Psychologist, the Speech Language Pathologist, and the Parent attended an evaluation planning meeting. The team decided to proceed with an evaluation for a Developmental Delay.
5. On January 25, 2023, the District issued a Parent/Guardian Consent for Individual Evaluation. On January 26, 2023, the Parent signed the Parent/Guardian Consent for Individual Evaluation.
6. On January 25, 2023, an email indicated that the Student would be out of town between January 27, 2023, and February 18, 2023.
7. On April 18, 2023, the District issued a Notice of Team Meeting for an individualized education program (IEP) meeting scheduled for May 1, 2023. The purpose of the meeting was to review existing information about the Student and decide whether the Student is eligible or continues to be eligible for special education and to develop or review an IEP and placement for the Student.
8. On May 12, 2023, the District issued a Notice of Team Meeting for an IEP meeting scheduled for May 15, 2023. The purpose of the meeting was to review an IEP and placement for the Student and review existing information about the Student, and decide whether the Student is eligible for or continues to be eligible for special education.
9. An Eligibility Summary Statement reflected that the Student was found eligible for a Speech or Language Disorder on May 15, 2023.
 1. The Eligibility Summary Statement indicated that the IEP team agreed the Student met disability criteria for a Speech or Language Disorder;
 2. The Eligibility Summary Statement indicated that the Student did not meet disability criteria for a Developmental Delay; and
 3. The Parent did not sign the Eligibility Summary Statement to indicate agreement with either eligibility determination.
10. On May 15, 2023, the District issued a Prior Written Notice (PWN) to indicate the Student was found eligible for a Speech Language Impairment.
11. The District issued a PWN to notify the Parent that the special education evaluation had not been completed, and the eligibility meeting was delayed due to the Student's attendance rate of 56%.
12. Internal correspondence among District staff and emails exchanged with the Parent indicated that numerous obstacles impeded the team's ability to collect assessment data:
 - a. Student absences;
 - b. Scheduling conflicts/confusion among team members required to attend the evaluation planning meeting; and
 - c. Parent delay or cancellation of meetings with the evaluation team to discuss concerns and provide input necessary for the completion of the evaluation.
13. Based on the 2022-23 District Calendar and given the 60-school day maximum timeline between parent consent for evaluation and the date of eligibility meeting, the Student's eligibility meeting was due on or before May 1, 2023.

Student B

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. The Student was in kindergarten when the Complaint was filed.
2. In August and September 2022, Student B's Parent and the Complainant communicated about supporting Student B at school. Among other things, they discussed having the Student's medical provider complete a medical statement.
3. On November 22, 2022, the Complainant emailed several school staff that the Parent had "requested evaluation for their student based on [the Student's] ADHD diagnosis. [Classroom Teacher] is going to move ahead with SIT but since the parent has been asking about evaluation can/should we also move to an evaluation planning meeting?"
4. On November 24, 2022, [School Psychologist] wrote to the Parents about their request for an evaluation and offered to schedule an evaluation planning meeting or discuss further with the Parents in a phone call. [They] also followed up the next week.
5. On December 12, 2022, a team met to discuss whether to conduct a special education evaluation. The group discussed Student B's needs and their current concerns. They also discussed whether a 504 Plan or IEP would better support the Student. Ultimately, the team decided to collect additional data and meet again when the Complainant could attend.
6. On January 31, 2023, the evaluation planning team reconvened. The team reviewed the additional data collected since the December meeting. They decided to conduct an evaluation for possible eligibility under the category of Other Health Impairment (OHI). The Parent signed consent for the initial evaluation the same day. The next day, the Parents wrote to [School Psychologist], expressing their frustration with how long the process had been taking. [School Psychologist] responded, explaining the timeline of events from [their] perspective.
7. On March 17, 2023, [Principal] wrote to [School Psychologist] asking to have Student B's evaluation results meeting scheduled because the Student was "starting to refuse to go to school because [Student] feels so bad about [their] academic skills." [School Psychologist] responded [they] had "tentatively penciled in this meeting for [April 20]. I'll check with [Classroom Teacher] before reaching out to the parents."
8. On April 20, 2023, the Student's team met to review the eligibility and found [Student] eligible under the category of OHI.
9. On June 9, 2023, Student B's IEP team met to develop an initial IEP. The Parents signed consent for the initial provision of services the same day.

Student C

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. The Student was in Kindergarten when the Complaint was filed.
2. On August 31, 2022, The Classroom Teacher asked the Speech Language Pathologist to observe Student C in the classroom, due to concerns related to the Student's

communication needs.

3. On September 8, 2022, the School team met to discuss Student C and collect additional information.
4. On October 27, 2022, an evaluation planning team met and decided to conduct an evaluation into potential eligibility areas of Autism Spectrum Disorder (ASD) and Speech or Language Impairment (SLI). Student C's Parent signed the evaluation consent form on October 27, 2022.
5. On February 10, 2023, the group met to review the Student's eligibility. The eligibility team determined Student C was eligible under both categories of ASD and SLI, with SLI being the primary eligibility.
6. On February 22, 2023, Student C's IEP team met to develop an initial IEP. A follow-up meeting was scheduled for March 8, 2023 but then postponed. The meeting was eventually held on May 3, 2023. The team developed goals and specially designed instruction (SDI) to be delivered to Student C in the areas of reading, writing, math, classroom/school skills, social/emotional skills, and communication; and related services from the occupational therapist. The team determined a Communication Behavior program will best serve Student C's needs. The Parent signed consent for the initial provision of special education services on May 3, 2023.

Student D

1. The Student was eight years old, in the first grade, and attending elementary school when the Complaint was filed.
2. On October 31, 2022, the District issued a Notice of Team Meeting that indicated a meeting was scheduled for November 10, 2022. The purpose of the meeting was to review existing information about the Student, decide whether additional testing was needed and whether the Student should be evaluated for special education eligibility.
3. On November 11, 2022, the Parent signed a Parent/Guardian Consent for Individual Evaluation, which provided consent for a multidisciplinary team to assess the Student's needs.
4. On November 11, 2022, the District issued a PWN that gave notice of the District's decision to evaluate the Student for special education services.
5. On March 23, 2023, an Evaluation Review/Eligibility Meeting was held to review assessment results and determine whether the Student met eligibility criteria for an Other Health Impairment, Emotional Behavioral Disability, or an Autism Spectrum Disorder (ASD).
 - a. The team determined that the Student met some of the eligibility criteria for Other Health Impairment and Emotional Behavior Disability but did not meet all of the eligibility criteria for either disability because no medical statement was presented.
 - b. The team discussed ASD criteria and agreed that the Student met eligibility criteria for the first two of three social communication questions, an insistence on sameness/routine, and hyper/hypo sensory input.
 - c. The ASD Criteria Disability Statement dated March 3, was not completed.

6. On May 11, 2023, the Nurse Practitioner signed a Medical Statement or Health Assessment Statement to indicate that the Student had “a provisional diagnosis [ASD] per mom, and is being referred to a developmental pediatrician for testing.”
 - a. The Medical Statement did not confirm the Autism diagnosis;
 - b. The Medical Statement documented that the Student was diagnosed with a sensory processing disorder and ADHD; and
 - c. The Medical Statement documented that the Student did not experience a Health Impairment, an Orthopedic Impairment, a Motor Impairment, or a Traumatic Brain Injury caused by an external force.
7. An Eligibility Summary Statement dated May 16, 2023 reflects that the Student was found eligible for Emotional Behavior Disability (EBD) and Other Health Impairment (OHI); the Student was not found eligible for ASD.
8. On May 16, 2023, the District issued a Notice of Team Meeting and requested an IEP meeting on May 23, 2023. The purpose of the meeting was to develop or review an IEP for the Student.
9. On May 25, 2023, the Parent signed a Prior Notice and Consent for the Initial Provision of Special Education Services, which permitted the District to provide special education services to the Student.
10. On May 25, 2023, an IEP was developed for the Student.
11. According to the Student's 2022-23 Daily Attendance By Week Report, the Student's attendance rate between August 2022 and June 2023 was 76% (43/177).
12. An email dated May 7, 2023, from the Principal to the School Climate Coach indicated: “When I talked to [Parent] I was under the impression that [they were] waiting to get [their] IEP. I told [Parent] that it sounded like we were unable to move forward because we were missing a medical statement. I offered to connect [Parent] and [School Psychologist] via email to get another copy. I also shared that with an ROI [Release of Information] we could do the leg work. [They] said [they'd] look in [their emails] to see if [they'd] gotten the med statement document before. I haven't heard back about this.”

Student E

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. The Student was in first grade when the Complaint was filed.
2. In mid-September 2022, Student E's guardian communicated about the Student's health needs, including a recent diagnosis of ADHD.
3. On November 7, 2022, the School Psychologist emailed Student E's Foster Parent regarding their availability for an evaluation planning meeting.
4. On November 14, 2022, an evaluation planning team convened to discuss Student E's needs. The team decided to conduct an evaluation into potential eligibility areas of Emotional Behavior Disability (EBD) and Other Health Impairment (OHI) due to the

Student's diagnoses of ADHD and anxiety.

5. On November 20, 2022, the School Psychologist sent Student E's foster Parent two rating scales and a social/developmental history questionnaire to complete for the evaluation. The School Psychologist also sent an updated consent form that Student E's foster parent signed on November 23, 2022.
6. In January 2023, the school team initiated a Functional Behavior Assessment (FBA).
7. On February 22, 2023, the Student's team met to review the Student's eligibility. The eligibility team determined Student E met the criteria for eligibility under both OHI and EBD, with OHI as the primary eligibility. At the meeting, the School Psychologist gave an update on the status of the FBA; explained the plan to review the FBA together with the Student's initial IEP.
8. On May 30, 2023, the team met to develop Student E's initial IEP. The team reviewed Student E's strengths, foster parents' concerns, present levels of performance, and goals. The team agreed to continue the IEP meeting on June 12, 2023. In the meantime, the team agreed to begin implementing the draft IEP reviewed at the meeting and a foster parent provided consent for the initial provision of special education services on May 31, 2023.

Student F

1. The Student was seven years old, in the first grade, and attending elementary school when the Complaint was filed.
2. On November 11, 2022, the District issued a Notice of Team Meeting to request a November 16, 2022 meeting. The purpose of the meeting was to review existing information about the Student and decide if the Student should be evaluated for special education eligibility.
3. On November 16, 2022, the District issued a PWN, which indicated the evaluation planning team had decided to collect additional data on the Student.
4. On November 16, 2022, the District issued a Parent/Guardian Consent for Individual Evaluation. The Parent signed consent for the evaluation on November 16, 2022.
5. On November 16, 2022, the District Special Education Meeting Minutes documented the Parent's feedback/concerns, the Teacher's feedback/concerns, and the team's input on the Student's strengths:
 - a. The Parent expressed "concerns with ADHD, Autism..." and "Trauma from brother..." The Parent shared that the Student:
 - i. Gets "angry or dis-regulated [*sic*] very easily...does worry about many things";
 - ii. Is "sensory seeking...does best with choice...[h]yperlexic-reading at three..."; and
 - iii. Has "[l]ots of friends at apartment complex...trouble with waiting... [has] self-care skills but likes support."
 - b. The Teacher shared that the Student:
 - i. "Recently started to show some behaviors in the classroom-dysregulation;
 - ii. Needed time to learn about school skills;

- iii. Prefers high-interest items over school activity;
 - iv. Has trouble finishing tasks”; and
 - v. “Timers have been very helpful.”
 - c. The team described the Student’s strengths:
 - i. “Loves drawing;
 - ii. Likes school;
 - iii. Extroverted; and
 - iv. Loves to read books.”
- 6. A Disability Statement indicates that the Student was found eligible for special education services in the category of EBD on March 8, 2023.
- 7. An Eligibility Summary Statement indicates that the Student met disability criteria and was found eligible for special education services due to Emotional Behavior Disability (EBD) Disability and Autism Spectrum Disorder (ASD); the team determined that ASD was the primary area of disability.
- 8. According to the 2022-23 School Daily Attendance by Week, the Student’s attendance rate between August 30, 2022 and June 16, 2023, was 68%. (57/177).
- 9. According to the 2022-23 District Calendar, the Student’s evaluation process and eligibility meeting should have been concluded by March 6, 2023.

Student G

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. The Student was in first grade when the Complaint was filed.
2. During [Student’s] kindergarten year, 2021-22, Student G was discussed among school staff at regular Student Intervention Team (SIT) meetings. A meeting was scheduled to consider whether to conduct an evaluation into potential eligibility under the IDEA but was canceled and delayed until the current school year.
3. On November 1, 2022, an evaluation planning team met and decided to conduct an evaluation into the potential eligibility area of OHI. Student G’s Parent signed the evaluation consent form on January 11, 2023. The District received the form on January 18.
4. On April 13, 2023, the group met to review the Student’s eligibility. The team determined Student G met the criteria for eligibility under OHI.
5. On June 6, 2023, Student G’s IEP team met to develop an initial IEP.

Student H

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. The Student was in the first grade when the Complaint was filed.
2. On September 1, 2022, [Learning Specialist] and [School Psychologist] communicated

about the Parents' request for an evaluation to determine Student H's eligibility for IDEA services.

3. On September 8, 2022, [School Psychologist] contacted the Parent to discuss the request. Later that same day, an evaluation planning team met. The team decided to conduct an evaluation into potential eligibility areas of OHI, ASD, and EBD. Student H's Parents both signed the evaluation consent form by September 13, 2023.
4. On December 8, 2022, the group met to review the Student's eligibility. The eligibility team determined Student H did not meet the criteria for eligibility under OHI because of a lack of a medical diagnosis. A majority of the team agreed Student H met the criteria for eligibility under ASD. [Special Education Administrator] asked clarifying questions about the assessment activities completed for the ASD eligibility, and also asked for a copy of the completed FBA that the Parents gave consent for along with the data underlying the FBA. The team was unable to discuss the Student's eligibility under EBD within the time allotted for the meeting.
5. The eligibility meeting continued on December 13, 2022. During the meeting, [School Psychologist] emailed the team a document titled "Worksheet for Function-based Behavior Support Planning" dated December 5, 2022. The team determined Student H met the criteria for eligibility under EBD.
6. In January 2023, [Special Education Administrator] asked [School Psychologist] twice for the underlying data and other material supporting the FBA that the Parents had signed consent for in September. [School Psychologist] did not provide the requested information.
7. In February and again in May, [Special Education Administrator] emailed the group, asking when the next meeting would be scheduled to continue discussion of Student H's services.
8. On May 24, 2023, [School Psychologist] responded by attaching the same Worksheet [they] had provided in December, 2022, the evaluation report the group reviewed in December, and the Meeting Notice from the December 8 meeting. The Student's Parent also responded, reiterating the need to hold a meeting. In response to [School Psychologist's] message, [Special Education Administrator] explained the difference between the Worksheet [School Psychologist] provided and the FBA the Parents had signed consent for in September; [School Psychologist] again asked for the underlying data that had been collected regarding Student H's behavior. [School Psychologist] did not provide the requested information.

Student I

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. The Student was in second grade when the Complaint was filed and eligible to receive special education services under the category of Speech or Language Impairment.
2. On March 16, 2023, [Principal] emailed [Speech Language Pathologist] about the status of IEPs and/or evaluations for several students, including Student I. [Speech Language Pathologist] did not respond.
3. In May 2023, the Parent emailed [Speech Language Pathologist] about Student I's communication services for the current school year because [Parent] had not received

any progress notes yet for the school year. [Speech Language Pathologist] did not respond. The Parent then contacted [Principal], who acknowledged that Student I's IEP and triennial reevaluation were overdue; [Principal] suggested the Parent ask [Speech Language Pathologist] to schedule an IEP meeting. The Parent emailed [Speech Language Pathologist], requesting an IEP meeting and for [Speech Language Pathologist] to send possible dates/times for the meeting. No meeting has been scheduled.

Student J

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. The Student was in second grade when the Complaint was filed and eligible to receive special education services under the category of Speech or Language Impairment.
2. On May 8, 2023, [Speech Language Pathologist] emailed Student J's Parents about scheduling [Student's] annual IEP review. They agreed to meet virtually on May 11, 2023. The day of the meeting, [Speech Language Pathologist] emailed the Parent...that [Parent] was "in transit so might be a tad late to the meeting."

Student K

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. The Student was in second grade when the Complaint was filed and was eligible to receive services under the category of Speech or Language Impairment.
2. Student K's triennial evaluation and annual IEP were completed in June 2022. The team continued [Student's] eligibility under SLI. The group also considered whether Student K qualified for services under the additional category of OHI due to a diagnosis of ADHD.
3. Although the Parent signed the evaluation consent form on April 6, 2022, it appears the assessment activities for the OHI eligibility were not fully completed "because there [was] not a school psych[ologist.] We will look at it in the fall." The IEP team added several new goals to Student K's IEP in the areas of reading, writing, and math, and was providing SDI in communication.
4. Student K's potential eligibility under OHI was not determined during the current school year.
5. On June 2, 2023, Student K's IEP team met for an annual IEP review. The group reviewed and discussed all aspects of the IEP. [Teacher on Special Assignment] explained [Teacher on Special Assignment] would consult with Student K's usual general education teacher before finalizing the academic present levels of performance and goals.

Student L

1. The Student was seven years old, in the second grade, and attending elementary school at the time the Complaint was filed.

2. On March 15, 2022, the District issued a Parent/Guardian Consent for Individual Evaluation. The Parent signed consent on May 12, 2022, which gave the District permission to evaluate the Student for initial special education services.
3. An Evaluation Planning Meeting took place on March 15, 2022, to discuss concerns about the Student and to explain the special education process. The team agreed to conduct an evaluation.
4. On October 26, 2022, the District issued a Notice of Team Meeting requesting that a meeting take place on November 1, 2022. The purpose of the meeting was to review existing information about the Student and decide whether the Student was eligible or continues to be eligible for special education services.
5. On October 31, 2022, the District issued a Notice of Team Meeting requesting that a meeting take place on November 1, 2022. The purpose of the meeting was to review existing information about the Student, to decide whether the Student was eligible or continues to be eligible for special education services, and develop or review an IEP and placement for the Student.
6. On December 16, 2022, a PWN was issued by the District, indicating that the evaluation team had found the Student eligible in the category of Specific Learning Disability (SLD).
7. On December 16, 2022, the District Special Education Meeting Minutes documented that a meeting was held to review evaluation results, that the Student was found eligible under SLD, and that the Student was not found eligible under OHI. The IEP was scheduled to take place on January 1, 2023.
8. On May 10, 2022, the K-3 Learning Specialist emailed the Parent, "Attached is the follow up paperwork for [Student] from our meeting on 3/15/22. I apologize for the delay-I thought I had sent it home already. I'm happy to send hard copies if that is better for you. I have also emailed you the consent form for you to sign."
9. On January 6, 2023, an IEP was developed for the Student.
10. According to the 2021-22 and 2022-23 School Daily Attendance by Week, the Student's rate of attendance was 62% (11/29) between May 1, 2022 and June 15, 2022; the Student's rate of attendance was 92% (14/177) between August 30, 2022 and June 16, 2023.
11. According to the 2022-23 District Calendar and given the 60-school day maximum timeline between parent consent for evaluation and date of eligibility meeting, the Student's eligibility meeting was due on or before October 26, 2023.

Student M

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student M was in second grade at the time the Complaint was filed and was eligible to receive services under the categories of OHI and EBD.
2. The IEP at issue in the Complaint is dated May 11, 2022.

3. On June 7, 2023, Student M's IEP team met for his annual review.

Student N

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student N is in third grade and is eligible to receive services under the categories of OHI and Speech or Language Impairment.
2. The IEPs at issue in the Complaint are dated April 19, 2022, and April 24, 2023.
3. In mid-September 2022, Student N's Parent asked school staff members whether the Student's speech services had begun for the current school year. [Special Education Case Manager] replied via email [they were] unsure if those services had begun and referred the Parent to [Special Education Administrator].
4. On October 4, 2022, [Speech Language Pathologist] contacted the Parent about Student N's speech services. The Parent later asked [Speech Language Pathologist] follow-up questions via email about their conversation but did not receive a response.
5. On January 2, 2023, the Parent again emailed [Speech Language Pathologist] regarding Student N's speech services and requested copies of [Speech Language Pathologist's] service logs for [Speech Language Pathologist] sessions with Student N. [Principal] responded to the Parent's January 2, 2023 email, explaining [they were] "following up with" [Speech Language Pathologist] about Student N's speech services. [Principal] also said [they] would advocate with the central office's special education department "to get compensatory services for [Student N]." The Parent emailed the request to [Speech Language Pathologist] again on January 8, 2023. After receiving no response to the emails, the Parent requested an IEP meeting.
6. On January 12, 2023, [Speech Language Pathologist] responded to the Parent's October 4, 2022 email. [Speech Language Pathologist] explained Student N had been scheduled for services twice per week, but [Speech Language Pathologist] had been absent frequently due to illnesses in [their] own family and also explained how Student's N's articulation and social communication needs were being addressed.
7. On January 18, 2023, the IEP team met to discuss Student N's communication services. Among other things, the group discussed the schedule for [Speech Language Pathologist] services and a plan to provide any services that had previously been missed. [Speech Language Pathologist] also agreed to provide service logs and Student N's progress notes to the family on a regular basis. Specifically, [Speech Language Pathologist] agreed to provide the family a log of services provided by January 27; they received it on January 31. The family received an updated log of February's services on March 24.
8. On April 4, 2023, Student N's IEP team met for the annual review. The meeting continued on April 24, 2023.

Student O

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student O is in third grade and is eligible to receive services under the category of Speech or Language Impairment.
2. The IEP at issue in the Complaint is dated November 22, 2021.

Student P

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student P is in third grade and is eligible to receive services under the category of Speech or Language Impairment.
2. The IEP at issue in the Complaint is dated January 28, 2022.
3. The evaluation at issue in the Complaint is dated January 24, 2020.
4. On March 17, 2023, the Parent wrote to [Speech Language Pathologist] with concerns regarding the lack of Student P's triennial evaluation, annual IEP, and services. The Parent revoked consent for continued special education services.

Student Q

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student Q is in fourth grade and is eligible to receive services under the category of Speech or Language Impairment.
2. The IEP at issue in the Complaint is dated September 30, 2022.

Student R

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student R is in fourth grade and is eligible to receive services under the category of Autism Spectrum Disorder.
2. The IEPs at issue in the complaint are dated April 21, 2022, November 21, 2022 (amendment), and April 20, 2023.

Student S

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student S is in fifth grade and is eligible to receive services under the category of Autism Spectrum Disorder.
2. The IEP at issue in the Complaint is dated June 9, 2022.

Student T

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student T is in fifth grade and eligible for services due to Autism Spectrum Disorder.
2. The IEPs at issue in the Complaint are dated February 3, 2022, and March 20, 2023.
3. During the first two weeks of school in fall 2022, the Parents communicated with [Case Manager] about Student T's schedule – in particular, the Student's time in general education.
4. On March 20, 2023, Student T's IEP team met for the annual review.

Student U

The Parent of this Student filed a separate complaint that included similar allegations. The Department determined that the allegations in this case could be addressed through the complaint initiated by the Parent.

Student V

The District did not dispute the allegations for this Student and provided the following facts in the District *Response*.

1. Student V is in fifth grade and is eligible to receive services under the category of ASD.
2. The IEPs at issue in the Complaint are dated February 24, 2022, and February 21, 2023.
3. The Student began attending [School] in mid-November 2022, transferring from [Another] School District. [Special Education Case Manager] alerted the District's Assistive Technology (AT) team that the Student would likely be needing an augmentative communication device.
4. In early December, the IEP team met to review and accept the IEP from the previous District.
5. In January 2023, [Special Education Case Manager] communicated with the provider of a communication device available on a trial basis through the Parents' private insurance. [They] shared the information and data-collection expectations for the device with [Speech Language Pathologist].
6. On February 21, 2023, Student V's IEP team met for the annual review. The group reviewed all aspects of the IEP; [Speech Language Pathologist] agreed to update the communication present levels and goals.
7. In March, [Special Education Case Manager] communicated with [Speech Language Pathologist] about the trial for Student V's communication device ending and a speech assessment required by the provider. Meanwhile, [Special Education Case Manager] also communicated with the District's AT team about extending the use of Student V's iPad at school; this was granted through the end of the school year.

IV. DISCUSSION

When IEPs Must Be In Effect

The Complaint alleges that the District violated the IDEA by not developing initial IEPs within 30 calendar days of establishing special education eligibility for Students. Additionally, the Complaint alleges the required instructional minutes for specially designed instruction are not being met by multiple providers at the School. The Complaint further alleges that progress reports were not provided to Parents during the 2022-23 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. 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 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 providers who are 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.³

Student D's initial eligibility for special education services was established on May 16, 2023 and the initial IEP was developed on May 25, 2023, well before the 30-calendar day deadline.

Student L's initial IEP was developed on January 6, 2023. According to the District calendar, 30 calendar days from the date the Student's special education eligibility should have been established was November 26, 2023. This is a delay of 42 calendar days and four weeks of school.

For the following students, the District did not dispute the allegations that the District failed to implement IEPs within 30 calendar days or did not implement the IEP as described:

- For Student B, the District admitted to a delay in completing Student B's initial IEP, from May 20 to June 9, 2023.
- For Student C, the District convened an IEP meeting within 30 calendar days of determining Student C's eligibility for services under the IDEA, the District admits to a delay in completing the initial IEP, determining placement, and obtaining parental consent for the provision of special education services from February 22 to May 3, 2023. This delay resulted in the Student missing 94 hours of services in the area of classroom/school skills; 75 hours of services in each area of reading, writing, and math; 63 hours of services in the area of social/emotional skills; and 9 hours of communication services.
- For Student E, the District admitted to a delay in completing Student E's initial IEP, which was due on or before March 24 and completed on May 30, 2023.

³ OAR 581-015-2220

- For Student F, the District admitted to a delay in completing Student F's initial IEP, which was due on or before May 12, 2023, and completed on June 6, 2023.
- For Student G, the District admitted to a delay in completing Student G's initial IEP, which was due on or before May 12, 2023, and completed on June 6, 2023.
- For Student H, because the determination of Student H's eligibility had been delayed, the District admitted that the initial IEP had yet to be developed.
- For Student I, the District admitted that Student I's annual IEP was not completed as of October 2022, nor communication services provided during the current school year.
- For Student J, although there may have been a meeting on May 11, 2023, there was no current IEP for Student J. The District admitted Student J's annual IEP review was not completed as of April 2023, nor were communication services provided during the current school year.
- For Student K, [Speech Language Pathologist] attended Student K's annual IEP meeting and spoke to [Student's] current communication skills, the District was unaware of any service logs or progress reports that would otherwise demonstrate the communication services described in the IEP had been delivered during the school year.
- For Student M, the District admitted Student M's annual IEP review was approximately one month overdue, it denied this resulted in a denial of FAPE to Student M. The IEP services were implemented throughout the school year and did not change substantially in the June review.
- For Student N, the District admitted that it appeared Student N's communication services had not consistently been provided during the current school year.
- For Student O, the District admitted the annual IEP review was not completed as of November 2022, nor were communication services provided during the current school year.
- For Student P, the District admitted that Student P's annual IEP was not completed as of January 23, 2023, nor communication services provided during the current school year.
- For Student Q, the District admitted that it appeared Student Q's communication services had not been provided during the current school year.
- For Student R, the District admitted that it appeared communication services had not been provided during the current school year. During its investigation of this matter, the District also became aware that Student R's services in math were not consistently provided.
- For Student S, the District admitted that it appeared Student S's communication services had not been provided during the current school year.
- For Student T, while the District admitted Student T's annual IEP review was approximately six weeks overdue, it denied this resulted in denial of FAPE to Student T. IEP services were implemented throughout the year and did not change substantially in

the March review.

- For Student V, the District admitted Student V's progress notes for the communication services had not been completed during the current school year. The Student had access to an augmentative communication device throughout [their] time with the District; it denied any violations of the IDEA in this respect.

The Department substantiates this allegation.

Initial Evaluation and Reevaluations

The Complaint alleges that the District violated the IDEA by not conducting special education evaluations within the required timelines, and did not disqualify Students from special education services when they were no longer eligible.

A public agency must conduct an evaluation or reevaluation process before determining that a child is a child with a disability, determining that a child continues to have a disability, changing the child's eligibility, or terminating the child's eligibility as a child with a disability, unless the termination is due to graduation from high school with a regular diploma or exceeding the age of eligibility for a free appropriate public education. A parent or public agency may initiate a request for an initial evaluation to determine if 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. The public agency must designate a team to determine whether an initial evaluation will be conducted. The team must include the parent and at least two professionals, at least one of whom is a specialist knowledgeable and experienced in the evaluation and education of children with disabilities. The team may make this decision without a meeting. If a meeting is held, parents must be invited to participate.⁴

The public agency must ensure that a reevaluation of each child with a disability is conducted if the public agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or if the child's parents or teacher requests a reevaluation. A reevaluation for each child with a disability may occur not more than once a year, unless the parent and public agency agree otherwise, and must occur at least every three years, unless the parent and public agency agree that a reevaluation is unnecessary.⁵

An initial evaluation must be completed within 60 school days from written parent consent to the date of the meeting to consider eligibility. A reevaluation must be completed within 60 school days from written parent consent (or from the date the evaluation is initiated under OAR 581-015-2095 (Exceptions to Consent) (3)(c)) to the date of the meeting to consider eligibility, continuing eligibility or the student's educational needs. An evaluation may be completed in more than 60 school days under the following circumstances documented in the child's educational record: the parents of a child repeatedly fail or refuse to produce the child for an evaluation, or for other circumstances outside the school district's control, or the student is a transfer student in the process of evaluation and the district and the parents agree in writing to a different length of time to complete the evaluation the district. This exception only applies if the current school district is making sufficient progress to ensure prompt completion of the evaluation and the parent and current school district agree to a specific time for completion of

⁴ OAR 581-015-2105(1-3)

⁵ OAR 581-015-2105(4)

the evaluation. Parents may agree in writing to extend the timeline for an evaluation to determine eligibility for specific learning disabilities. When a child with disabilities transfers from one school district to another school district in the same school year, the previous and current school district must coordinate any pending assessments as necessary and as expeditiously as possible to ensure prompt completion of the evaluation.⁶

Student A's special education eligibility should have been determined on or before May 1, 2023. The District did not hold the eligibility meeting until May 15, 2023, which is a delay of 10 school days.

Student F's special education eligibility should have been determined on or before March 6, 2023. The District did not hold the eligibility meeting until March 8, 2023, which is a delay of 2 school days.

Student L's special education eligibility should have been determined on or before October 26, 2022. The District did not hold the eligibility meeting until December 16, 2022, which is a delay of 30 school days.

The District did not dispute the allegations that the District failed to meet its obligations to conduct evaluations in a timely manner, within the required timelines, and followed the evaluation requirements for the following Students:

- For Student B, the District met the 60-day timeline described in OAR 581-015-2110(5). The District admitted to a delay from October 2022 to January 31, 2023 in initiating Student B's evaluation.
- For Student C, the District met the 60-day timeline described in OAR 581-015-2110(5). The District admitted to a delay from September 8 to October 27, 2022 in initiating Student C's evaluation.
- For Student E, the District met the 60-day timeline described in OAR 581-015-2110(5). The District admitted to a delay from October to November 14, 2022 in initiating Student E's evaluation. An FBA was initiated but had not been completed, despite the foster parents signing consent for one in January.
- For Student G, the District met the 60-day timeline described in OAR 581-015-2110(5). The District admitted to a delay from September to November 1, 2022 in initiating Student G's evaluation. A further delay occurred in obtaining the Parents' consent for the evaluation from November 1, 2022, to January 11, 2023.
- For Student H, the District held two evaluation determination meetings within the 60-day timeline described in OAR 581-015-2110(5), the District admitted to a prolonged delay in finalizing Student H's eligibility for special education services. A comprehensive FBA was not completed, despite the Parents signing consent for one in September.
- For Student I, the District admitted that Student I's school-age IDEA evaluation was not completed as of October 2022.

⁶ OAR 581-015-2110(5)

- For Student K, during its investigation of this matter, the District became aware that the evaluation for potential eligibility under the category of OHI that began last school year was not completed during the current school year.
- For Student P, The District admitted that Student P’s triennial reevaluation was not completed as of January 23, 2023.

The District identified the root causes for the numerous failures to meet the required eligibility timelines due to school-wide deficiencies that included inconsistent student referral process, unclear roles and responsibilities, and an inconsistent escalation of concerns to the appropriate District staff.

The Department substantiates this allegation.

V. CORRECTIVE ACTION⁷
In the Matter of Portland School District 1J
Case No. 023-054-013

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

Action Required	Submissions	Due Date
Student A: Provide the Department with verification that the District developed a compliant IEP for the Student after finding the Student eligible for services on May 15, 2023.	Copy of IEP to ODE	October 10, 2023
Student B: Provide 8.5 hours of compensatory education services in each area of social/emotional skills, writing, and classroom/school skills; and 17 hours of compensatory services in reading within one calendar year of the date of ODE’s final order in this matter.	Copy of plan to deliver compensatory services Evidence of compensatory services delivered	October 10, 2023 August 15, 2024
Student C: Hold an IEP meeting as soon as possible and no later than October 1, 2023, to determine an appropriate method to provide Student compensatory services within one calendar year of the date of the Final Order. Compensatory services: The District shall provide the student 94 hours of services in the area of classroom/school skills; 75 hours of services in each area of reading, writing, and math; 63 hours of services in the area of	Copy of IEP and plan to deliver compensatory services to ODE Evidence of compensatory services delivered	October 1, 2023 August 15, 2024

⁷ 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>Student I: No later than November 1, 2023, complete the Student’s IDEA evaluation and annual IEP review, and to determine an appropriate method to provide Student compensatory services within one calendar year of the date of the Final Order.</p> <p>Compensatory services: The District shall provide the Student with 14 hours of compensatory communication services, and compensatory services in any additional areas of need identified in the evaluation.</p>	<p>Copy of IEP and plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>November 10, 2023</p> <p>August 15, 2024</p>
<p>Student J: Complete the Student’s annual IEP review as soon as possible and no later than October 1, 2023.</p> <p>Compensatory services: The District shall provide 18 hours of compensatory communication services within one calendar year of the date of the Final Order.</p>	<p>Copy of IEP and plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2023</p>
<p>Student K: No later than November 1, 2023, a comprehensive reevaluation in all areas of suspected disability is to be conducted, and an eligibility and IEP meeting are to be held to review and revise the IEP, and determine an appropriate method to provide Student compensatory services within one calendar year of the date of the Final Order.</p> <p>Compensatory services: Provide 19 hours of compensatory communication services, and in any additional areas that would have been identified if the evaluation had been timely completed.</p>	<p>Copy of IEP and plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>November 10, 2023</p> <p>August 15, 2024</p>
<p>Student L: Provide Student 4 hours of compensatory services for social emotional skills, as well as compensatory services in the amounts of writing 6 hours, math 8 hours, and reading 12 hours within one calendar year of ODE’s final order.</p>	<p>Copy of plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2024</p>
<p>Student N: Provide Student 12 hours of compensatory communication services within one calendar year of ODE’s final order.</p>	<p>Copy of plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2024</p>

<p>Student O: By no later than October 1, 2023, complete the Student’s annual IEP review, and determine an appropriate method to provide Student compensatory services within one calendar year of the date of the Final Order.</p> <p>Compensatory services: The District shall provide 14 hours of communication services.</p>	<p>Copy of IEP and plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2024</p>
<p>Student P: The District will contact the Parent to propose to complete the Student’s reevaluation and annual IEP review, as well as provide compensatory communication services.</p>	<p>Copy of IEP and plan to delivery compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2024</p>
<p>Student Q: The District will provide 18 hours of compensatory communication services within one calendar year of ODE’s final order.</p>	<p>Copy of plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2023</p>
<p>Student R: The District will provide 21 hours of compensatory communication services and 6 hours of compensatory education services in math within one calendar year of ODE’s final order.</p>	<p>Copy of plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2024</p>
<p>Student S: The District will provide 18 hours of compensatory communication services within one calendar year of ODE’s final order.</p>	<p>Copy of plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2023</p>
<p>Student V: Provide 10 hours of compensatory communication services within one calendar year of ODE’s final order.</p>	<p>Copy of plan to deliver compensatory services</p> <p>Evidence of compensatory services delivered</p>	<p>October 10, 2023</p> <p>August 15, 2023</p>
<p>The District must ensure that all District staff responsible for reviewing, revising, developing, and implementing IEPs for any of the students named in this complaint receive training in each of the following areas:</p>	<p>Copy of training materials and agenda</p> <p>Sign-in sheet for training</p>	<p>September 30, 2023</p> <p>January 15, 2024</p>

<ul style="list-style-type: none">• Evaluation requirements, and• When IEPs must be in effect.		
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Dated: this 7th Day of September 2023



Tenneal Wetherell
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: September 7, 2023

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).)