

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of )  
Beaverton School District 48J )

)  
)  
)  
)

FINDINGS OF FACT,  
CONCLUSIONS,  
AND FINAL ORDER  
Case No. 24-054-038

**I. BACKGROUND**

On June 26, 2024, the Oregon Department of Education (the Department) received a written request for a special education complaint (Complaint) from the parents (Parents) of a student (Student) residing in the Beaverton School District (District), through the Parents' Attorney. The Parents requested that the Department conduct a special education investigation under OAR 581-015-2030. The Department confirmed receipt of this Complaint and forwarded the request to the District.

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

On July 3, 2024, the Department's Complaint Investigator sent a *Request for Response (RFR)* to the District identifying specific allegations in the Complaint to be investigated and establishing a *Response* due date of July 17, 2024. On July 8, 2024, the District requested an extension of time to submit its *Response* due to the fact that the District had received numerous complaints in a short period of time and did not currently have a special education director on staff. On July 9, 2024, the Department granted a two-week extension to the District to submit its *Response*, establishing a new *Response* date of July 31, 2024.

On July 31, 2024, the District submitted a *Response*, disputing the allegations described in the Complaint. The District submitted the following relevant items:

1. District *Response*
2. IEP Team Meeting Minutes, 2/27/2024
3. Student IEP, 2/27/2024
4. IEP Team Meeting Minutes, 4/9/2024
5. Notice of Team Meeting, 4/8/2024
6. Student IEP, 4/9/2024
7. Prior Notice of Special Education Action, 4/9/2024
8. Academic Evaluation Report, 5/3/2024
9. IEP Team Meeting Minutes, 5/14/2024
10. Student IEP, 5/14/2024
11. Prior Notice of Special Education Action, 5/14/2024
12. Academic Evaluation Report, 5/3/2024
13. Psychoeducational Evaluation, 5/6/2024

---

<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)

14. Statement of Eligibility for Special Education, Other Health Impairment, 5/14/2024
15. Statement of Eligibility for Special Education, Emotional Behavior Disability, 5/14/2024
16. Statement of Eligibility for Special Education, Specific Learning Disability, 5/14/2024

The Parents submitted the following items on June 26:

1. Request for Complaint Investigation
2. Email: Re: (Student) – emails to (Staff), 4/28/2024, 5/2/2024
3. Email: Fw: Final Docs from Meeting, 5/13/2024
4. Student IEP, 4/9/2024
5. Prior Notice of Special Education Action, 4/9/2024
6. Email: Fw: Eligibility Meeting Docs, 6/12/2024
7. Student IEP, Draft, 4/9/2024
8. Email: Fw: (Student's) Status/IEP Document Request, 6/11/2024
9. ODE Final Order in Complaint 23-054-036, 11/1/2023
10. ODE Final Order in Complaint 23-054-031, 10/13/2023
11. Parents' *Reply* to District's *Response*
12. El Paso Count School District 2, 113 LRP 44602 (2013)
13. Parkrose School District 3, 115 LRP 17206 (2015)
14. Letter to Chandler, 59 IDELR 110 (2012)

On August 8, 2024, the Complaint Investigator spoke with the District's Attorney regarding this matter. 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 June 27, 2023, to the filing of this Complaint on June 26, 2024.

Allegations	Conclusions
<p><b>Prior Written Notice</b></p> <p>The Parent alleged that the District violated the IDEA when it failed to provide accurate and timely prior written notice of changes made to the Student's IEP, and services implemented for the Student, following IEP team meetings held April 3, 2024, and April 9, 2024. It is alleged that the District sent the Parents a prior written notice (PWN) on May 13, 2024, which was dated April 9, 2024.</p> <p>(OAR 581-015-2310; 34 CFR § 300.503)</p>	<p><b>Substantiated.</b></p> <p>The PWN to the Parents on May 13, 2024 was provided after the District began implementing the Student's revised IEP.</p>

<p><b>Additional Parent Participation Requirements for IEP and Placement Meetings</b></p> <p>The Parents alleged that the District violated the IDEA when the District failed to provide the Parents with a copy of the Student’s IEP following the April 3, 2024, April 9, 2024 and May 14, 2024 IEP meetings.</p> <p>(OAR 581-015-2195; 34 CFR §§ 300.322, 300.500, 300.327, 300.328, &amp; 300.501(c))</p>	<p><b>Substantiated.</b></p> <p>Following the April 9, 2024, IEP meeting, the District sent the Parents a copy of the IEP on May 13, 2024. That IEP did not reflect the agreements at the April 9, 2024 meeting. The IEP team met again on May 14, 2024. The District provided the Parents with a copy of the Student’s IEP on July 2, 2024, following the filing of this Complaint.</p>
---	--

<p><b>REQUESTED CORRECTIVE ACTION</b></p> <p>The Parents request that the District:</p> <ul style="list-style-type: none"> <li>• Order training of all special education staff on proper IEP document requirements, including accurate dates on IEP and prior written notices;</li> <li>• Require that the District send PWNs prior to implementing a student’s IEP and provision of FAPE, and;</li> <li>• Require the District to update their special education procedure manual.</li> </ul>
--

### III. FINDINGS OF FACT

1. The Student in this case attended the ninth grade in a District high school. The Student is eligible for special education under the eligibility categories of Emotional Behavior Disability (EBD) and Other Health Impairment (OHI).
2. The Student shows an academic strength in reading, is adept at technology, interacts with others in group activities, and enjoys fine motor activities. The Student is creative, displays an impressive imagination, and uses these skills in art and community and social activities. The Student gets along well with peers and engages in conversation and higher-interest preferred activities.
3. On February 27, 2024, the Student’s IEP team held an evaluation planning meeting. During the meeting, the IEP team discussed potential eligibility categories for the Student. As part of this meeting, the IEP team scheduled an additional IEP team meeting for April 3, 2024.
4. On April 3, 2024, the IEP team met to review the Student’s IEP. The meeting concluded without completing the review of the IEP. The District and the Parents agree that a draft of the Student’s IEP was not provided ahead of the meeting, leading the Parents to decline to participate during the meeting. The Parents reported that past practice was for the District to provide draft IEPs ahead of IEP team meetings.
5. On April 9, 2024, the IEP team held for the Student’s annual IEP review meeting. During the meeting, a draft of the IEP was reviewed. At the conclusion of the meeting, the District

agreed to share the completed IEP with the Parents by April 23, 2024.

6. On April 25, 2024, the Parents' Advocate sent an email to the District requesting a copy of the Student's IEP as well as associated documents such as the Student's evaluation reports. The Advocate noted that the Student's reevaluation meeting was scheduled for May 14, 2024, and they hoped to receive the information in advance of the meeting.
7. On May 2, 2024, the District, responding to the Advocate's April 25, 2024, email, wrote that the IEP would be sent to the Parents by May 10, 2024.
8. On May 13, 2024, the District sent an email to the Parents with a copy of the Student's IEP and a PWN. The IEP and the PWN had a date of April 9, 2024. The IEP indicated that the IEP services and specially designed instruction (SDI) would commence on April 9, 2024.
9. On May 14, 2024, the IEP team met to discuss eligibility. During the meeting, the Advocate observed that the copy of the IEP received on May 13, 2024 appeared identical to the draft previously received and did not reflect the agreements made at the April 9, 2024 IEP meeting.
10. On May 28, 2024, the Parents sent an email to the District stating that they had yet to receive "an accurate and completed IEP for [the Student]." Later that day, the District wrote that staff "were under the impression that [they] would be receiving additional feedback from the last IEP as there were some requested changes" and "were waiting to finalize those changes to ensure they would also be reflected on this IEP amendment as well."
11. On June 11, 2024, the Advocate sent an email to the District asking for final copies of the Student's IEP developed in the April 9 and May 14 IEP meetings. The Advocate noted that the IEP received on April 9, 2024, did not reflect changes agreed to during the April 9, 2024 and May 14, 2024 meetings. The Advocate further noted that the District's May 28, 2024 email asked about the revisions the Parents would make, observing that the Parents had not received a copy of the IEP to comment on. The Advocate also addressed various concerns they had with the content of the IEP, such as alignment of goals with eligibility categories and other changes agreed to during the April 9, 2024 and May 14, 2024 IEP meetings.
12. On June 26, 2024, the Parents, through their Attorney, filed this Complaint.
13. On July 2, 2024, the District sent the Parents copies of the IEP revised at the May 14, 2024 IEP meeting. On the same date, the District sent PWN dated May 14, 2024 reflecting the changes made at the May 14, 2024 IEP meeting.
14. On July 31, 2024, the District submitted its *Response*. In the *Response*, the District reported understanding that during the April 9, 2024, IEP meeting, the District had stated it would provide the final IEP to the Parents by April 23, 2024. In addition, the District reported that it was awaiting the Parents' written input regarding the IEP and that the "Parent[s] requested additional time to provide parent input in writing."
15. On August 6, 2024, the Parents submitted their *Reply* to the District's *Response*. The Parents *Reply* took issue with aspects of the District's interpretation regarding the timing of PWN and reiterated their concerns regarding parent participation in this matter.

#### IV. DISCUSSION

## **Prior Written Notice**

The Parents alleged that the District violated the IDEA when the District failed to provide accurate and timely PWN of changes made to the Student's IEP and services implemented for the Student, following the IEP meeting held April 9, 2024. It is alleged that the District sent the Parents PWN on May 13, 2024, which was dated April 9, 2024.

The IDEA requires a school district to give parents PWN within a reasonable period of time before it proposes or refuses to initiate or change anything related to the identification, evaluation, educational placement, or the provision of FAPE to a child with a disability.<sup>3</sup> PWN must be both specific and explanatory, including:

- a. A description of the action the school proposed or refused;
- b. An explanation of why the school proposes or refuses to take the action;
- c. A description of each evaluation procedure, assessment, record, or report the school used as a basis for the proposed or refused action;
- d. A statement that the parents of a child with a disability have procedural safeguards under IDEA and how parents can obtain a copy of the procedural safeguards notice;
- e. Sources for parents to contact to obtain assistance in understanding the IDEA;
- f. A description of other options considered and the reasons why those options were rejected; and
- g. A description of other factors that are relevant to the school's proposal or refusal.

The purpose of such detailed PWN requirements is two-fold. First, it assists school personnel to consider options carefully and to make decisions on the basis of articulable criteria or reasoning. Second, it gives parents definitive statements of school district decisions and enables their understanding of exactly what considerations led to those decisions.

The IEP developed during the April 9, 2024 IEP meeting was provided to the Parents on May 13, 2024. That IEP, dated April 9, 2024, indicated that the Student's IEP services would commence on April 9, 2024. The District provided PWN to the Parents on May 13, 2024, which was dated April 9, 2024. Following the May 14, 2024 IEP meeting, the District sent the Parents PWN on July 2, 2024, dated May 14, 2024. The PWNs sent to the Parents on May 13, 2024 and July 2, 2024 were not sent to the Parents prior to the implementation of the IEP.

The Department substantiates this allegation.

## **Additional Parent Participation Requirements for IEP and Placement Meetings**

The Parents alleged that the District violated the IDEA when it did not provide them with a copy of the Student's IEP following the April 9, 2024 IEP meeting until May 14, 2024. The Parents also alleged that the District had not provided them a copy of the Student's IEP following the May 14, 2024 IEP meeting through to the date this Complaint was filed. The Parent noted that the IEPs received prior to the date of filing this Complaint did not contain the agreed upon changes discussed at the IEP meetings.

---

<sup>3</sup> OAR 581-015-2310; 34 CFR §300.503(a)

School districts must take steps to ensure the parents of a child with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate. Districts must also give parents a copy of the Student’s IEP at no cost.<sup>4</sup> While the IDEA does not provide a specific timeframe within which to provide a copy of the IEP to the Parents, a copy should be provided within a reasonable time. The District’s Special Education Handbook specifies that the IEP should be sent to parents within 10 days of the IEP team meeting.<sup>5</sup>

Following the April 9, 2024 IEP meeting, the District provided a copy of the IEP to the Parents on May 13, 2024, indicating that the District began implementing the revised IEP services and SDI on April 9, 2024. The Parents subsequently sent the District feedback about the IEP on May 28, 2024, indicating that the IEP did not reflect agreements made during the May 14, 2024 IEP meeting. On the same date, the District responded, explaining that it was awaiting the Parents’ feedback to finalize the IEP. On June 11, 2024, the Parents reiterated their request to the District to receive a copy of the IEP. On July 2, 2024, following the filing of this Complaint on June 26, 2024, the District sent the Parents a copy of the Student’s IEP. As a result, the Parents’ ability to participate in the education of their child was impacted, as they were unaware of the content of their Student’s IEP.

The Department substantiates this allegation.

**VII. CORRECTIVE ACTION**  
*In the Beaverton School District*  
*Case No. 24-054-038*

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 ensure that all District staff responsible for reviewing, revising, developing, implementing, and providing copies of IEPs for this Student receive training in each of the following areas: a. Prior Written Notices; b. Parent Participation.	Training agenda/materials to ODE for review/approval.	<b>October 15, 2024</b>
	Sign-in sheet for training.	<b>January 15, 2025</b>
2. The District will review and revise special education policies, practices, and procedures for PWNs to meet the requirements under the IDEA.	Draft of revised procedures to be provided to ODE;	<b>October 15, 2024</b>
	Finalized procedures to be provided to ODE.	<b>January 15, 2024</b>

Dated: this 23rd Day of August 2024

<sup>4</sup> OAR 581-015-2195(1) & (5)

<sup>5</sup> Beaverton School District, Special Education Handbook (Updated 10/2023), pp. 32—33

*Ramonda Olaloye*

---

Ramonda Olaloye  
Assistant Superintendent  
Office of Enhancing Student Opportunities

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 provision of ORS § 183.484. (OAR 581-015-2030 (14).)