

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Beaverton School District)	
48J)	FINDINGS OF FACT,
)	CONCLUSIONS, AND
)	STIPULATED CORRECTIVE ACTION
)	Case No. 24-054-041

I. BACKGROUND

On July 16, 2024, 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 Beaverton School District 48J (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.¹ 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.²

On July 23, 2024, 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 August 6, 2024.

The Complaint alleged that the District violated the IDEA when it did not provide the Parent with Prior Written Notice (PWN) before the changes made to the Student’s IEP were implemented, the date of which is unknown.

On August 6, 2024, the District submitted a *Response* to this Complaint and did not contest the allegations and proposal for stipulated corrective action. On August 8, 2024, the District submitted the following items:

1. Written *Response*, 08/06/25 [sic]
2. Prior Notice of Special Education Action, 09/14/23
3. Individualized Education Program, 09/14/23
4. Special Education Placement Determination, 09/14/23
5. Short Form FBA and BSP Worksheet, 04/02/23, 04/06/23, 09/06/23
6. Special Education Program Notes, 10/10/23

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

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

7. Academic and Psycho-Educational Evaluation, 09/14/23
8. Statement of Eligibility for Special Education, 09/14/23
9. Meeting Minutes, 09/14/23
10. Notice of Team Meeting, 09/05/23
11. Prior Notice of Special Education Action, 06/06/24
12. Written Agreements between the Parent and the District, 06/05/24
13. Special Education Placement Determination, 06/05/24
14. IEP, 06/05/24
15. Special Education Progress Notes, 06/10/24
16. Short Form FBA and BSP Worksheet, revised, 06/05/24
17. Extended School Year Data Determination, 06/05/24
18. Meeting Minutes, 06/05/24
19. Emails, 9/05/23-6/5/24

The Parents submitted a *Reply* on August 9, 2024 refuting the District's understanding of the uncontested facts and proposed corrective action. The Parents submitted the following items:

1. Request for Complaint Investigation, 07/16/24
2. Email, re: final docs from meeting, 06/18/24
3. Individualized Education Program, 06/05/24
4. Prior Notice of Special Education Action, 06/06/24
5. Email, re: memo from [Counsel] re: [Student], 06/19/24
6. Email, re: [Student] - IEP changes needed, 07/12/24
7. ODE Final Order in Complaint 23-054-036, 11/01/23
8. ODE Final Order in Complaint 23-054-031, 10/13/23

On August 23, 2024, the Complaint Investigator discussed the nature and content of a Stipulated Corrective Action and the District's proposal with the Parent and their Attorney. This order is timely.

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this Complaint under 34 CFR §§ 300.151-153 and OAR 581-015-2030. The Parent's allegations and the Department's conclusions are set out in the chart below. The conclusions are based on the Findings of Fact in Section III and the Discussion in Section IV. This Complaint covers the one-year period from July 17, 2023, to the filing of this Complaint on July 16, 2024.

Allegations	Conclusions
<p>Prior Written Notice</p> <p>The Parent alleged that the District violated the IDEA when it did not provide the Parent with Prior Written Notice (PWN) before the changes made to the Student’s IEP were implemented, the date of which is unknown.</p> <p>(OAR 581-015-2310; 34 CFR § 300.421)</p>	<p>Not Contested</p> <p>The District does not contest this allegation.</p>

REQUESTED CORRECTIVE ACTION
<p>The complainant requests the following corrective action:</p> <ul style="list-style-type: none"> ● “Require [the] District to update their [S]pecial [E]ducation [P]rocedures [M]anual.” ● Train “all special education staff on proper IEP documentation requirements, including accurate dates on IEPs and prior written notices.” ● “Require [the] District to send PWNs prior to implementing the students’ IEPs and provision of FAPE.”

III. FINDINGS OF FACT

1. The Student is sixteen years old and attends a high school in the District. The Student is eligible for special education services due to an Other Health Impairment and an Emotional Behavior Disability.
1. On July 16, 2024, the Parents, through their Attorney, filed this Complaint.
2. On August 6, 2024, the District did not contest the allegations made in the Complaint and the Parent and their Attorney have been apprised of the nature and content of the Stipulated Corrective Action, as set forth in the Corrective Action table below.

IV. DISCUSSION

The Complaint alleges an IDEA violation with the District does not contest.

The Department does not make a substantive determination in the allegations of the Complaint.

Based on the District not contesting the allegation of this Complaint, the Department orders and the District stipulates to the following Corrective Action:

V. STIPULATED CORRECTIVE ACTION³
In the Matter of Beaverton School District 48J
Case No. 024-054-041

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

Action Required	Submissions	Due As Soon As Possible But No Later Than
1. Review and revise the District’s written procedures to include the IDEA requirement for PWNs being provided to Parent(s) prior to implementation of IEPs and provision of FAPE.	Draft of revised procedures to be provided to ODE for review/approval. Finalized procedures to be provided to ODE.	October 15, 2024 January 15, 2025
2. Train all special education staff on the District’s written procedures to include the IDEA requirement for PWNs being provided to Parent(s) prior to implementation of IEPs and provision of FAPE.	Training agenda/materials to ODE for review/approval. Sign-in sheet for training.	October 15, 2024 January 15, 2025
3. Provide the Parent with the final and accurate IEP and PWN from the June 5, 2024 IEP meeting.	Provide copies to ODE.	October 15, 2024

Dated: this 9th Day of August 2024



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

³ 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)).

E-mailing Date: August 9th, 2024

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).)