

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. 24-054-045

I. BACKGROUND

On August 9, 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. The Complaint also included seven exhibits, as follows:

1. Email Communication, 6/10/24
2. PWN (Prior Written Notice), 5/9/24
3. IEP, 5/15/24
4. Email Communication, 6/11/24
5. Email Communication, 7/12/24 and 7/30/24
6. Oregon Department of Education Final Order, 23-054-036
7. Oregon Department of Education Final Order, 23-054-031

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 August 22, 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 September 5, 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.

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

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

On September 6, 2024, the District submitted a *Response* to this Complaint and did not contest the allegations and provided a proposal for stipulated corrective action. The District did not submit any documents with their narrative *Response* to this Complaint.

The attorney for the Parent did not submit a *Reply* in this case.

On September 23, 2024, September 24, 2024 and September 26, 2024, the Complaint Investigator communicated by email with the attorney for the Parent and the attorney for the District concerning the nature and content of a Stipulated Corrective Action and the Department agreed with the District’s proposal for a Stipulated Corrective Action. 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 August 10, 2023, to the filing of this Complaint on August 9, 2024.

Allegations	Conclusions
<p>Prior Written Notice</p> <p>The Complaint alleges that the District violated the IDEA when the District did not provide the Prior Written Notice (PWN) to the Parents before the changes made to the Student’s IEP were implemented, the date of which is unknown. Specifically, the Complaint alleges that after IEP meetings on May 9, 2024 and May 15, 2024, the District failed to provide to Parent a PWN before implementing the amended IEP, which indicated the amended IEP would be implemented on May 15, 2024; and the Parent did not receive the updated IEP and a PWN until June 11, 2024.</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"> ● “The Oregon Department of Education should order training of all special education staff on proper IEP document requirements, including accurate dates on IEPs and prior written notices”; ● Require District to send PWNs <i>prior</i> to implementing the student’s IEPs and provision of

- FAPE”; and
- “Require [the] District to update their [S]pecial [E]ducation [P]rocedures [M]anual.”

III. FINDINGS OF FACT

1. The Student is fourteen years old and attends school in the District. The Student is eligible for special education services due to a Specific Learning Disability, an Other Health Impairment, an Emotional Behavior Disability, and a Speech or Language Impairment.
2. On August 9, 2024, the Parents, through their Attorney, filed this Complaint.
3. On September 6, 2024, the District did not contest the allegations made in the Complaint and the Parents, through 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 which 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. 024-054-045

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

Action Required	Submissions	Due As Soon As Possible But No Later Than
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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)).

<p>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.</p>	<p>Draft of revised procedures to be provided to ODE for review/approval.</p> <p>Finalized procedures to be provided to ODE.</p>	<p>October 15, 2024</p> <p>January 15, 2025</p>
<p>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.</p>	<p>Training agenda/materials to ODE for review/approval.</p> <p>Sign-in sheet for training.</p>	<p>October 15, 2024</p> <p>January 15, 2025</p>

Dated: this Day of October 8th 2024



Ramonda Olaloye
Assistant Superintendent
Office of Enhancing Student Opportunities

E-mailing Date: October 8th, 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).)