

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

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| In the Matter of Perrydale School District 21))))) | FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER Case No. 24-054-055 |
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I. BACKGROUND

On September 12, 2024, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parents (Parents) of a student (Student) residing in the Perrydale School District 21 (District). 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.¹ 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.²

On September 17, 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 October 1, 2024.

The District submitted a *Response* on October 1, 2024, denying the allegations, providing an explanation, and submitting documents supporting the District’s position. The District submitted the following relevant items:

1. District’s Written *Response* to Complaint, 10/1/24
2. Statement of Eligibility for Special Education, 05/24/23
3. Individualized Education Program (IEP), 05/24/23
4. IEP Amendment Notes, 06/14/24
5. IEP, 05/08/24
6. Report Card, 09/19/24
7. Report Card, 02/07/24
8. Report Card, 09/19/24
9. Report Card, 06/18/24

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

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

10. Student-Parent Handbook, 2023-24
11. Check-In Log, 10/19-02/28, no year
12. Social Studies Accommodations, no date
13. Field Trip Permission Slip, 04/08/23
14. Accommodations for [Student], class unknown, no date
15. Supports for [Student], 09/23/24
16. Email, re: OT, 09/27/23-02/23/24
17. Email, re: [Student] - resource room, 03/01/24
18. Email, re: [Student] - rr, 02/15/24
19. Email, re: [Student], 02/21/24
20. Email, re: [Student], 02/21-02/23/24
21. Email, re: [Student], 04/09-04/10/24
22. Email, re: Jun 4, 2024 digest, 06/04-09/25/24
23. Email, re: help, 06/14-09/25/24
24. Email, re: [Student] science grade, 02/13-02/23/24
25. Email, re: [Student] - field trip, 06/04-06/06/24

The District submitted the following relevant School Board Policies:

1. Special Education - Individualized Education Program (IEP)** , IGBAF, 2/11/08
2. Special Education - Individualized Education Program (IEP)** , IGBAR-AR, 4/18/16
3. Field Trips and Special Events** , IICA, 11/5/07

The Parents submitted a *Reply* on October 8, 2024, providing an explanation, rebuttal, and documents in support of the Parents' position. The Parents submitted the following relevant items:

1. Parents' *Reply* to the District's *Response to RFR*, 10/8/24
2. Email, re: [Student] field trip, 06/04-06/05/24
3. Email, re: OFI list, 05/08/24
4. Email, re: 4/22 meeting, 09/11/24
5. Email, re: follow up, 06/05/24
6. Email, re: checking in/suggestions, 09/12-09/13/24

The Complaint Investigator interviewed District personnel on October 15, 2024, and the Parents on October 16, 2024. The Complaint Investigator reviewed and considered all of these documents, interviews, and exhibits to reach 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 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 September 13, 2023 to the filing of this Complaint on September 12, 2024.

| Allegations | Conclusions |
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| <p>When IEPs Must Be In Effect</p> <p>The Parents alleged that the District violated the IDEA by failing to provide the Student with the support necessary to complete assignments, which resulted in a “poor test score.”</p> <p>(OAR 581-015-2220; 34 CFR § 300.323)</p> | <p>Not Substantiated</p> <p>The District provided the required support in accordance with the Student’s IEP.</p> |
| <p>Non-Academic Services and Setting</p> <p>The Parents alleged that the District violated the IDEA when the Student “was excluded from attending [the] 6th-grade end-of-the-year field trip on 6/6/24 without [the] [P]arents being notified.” The exclusion was due to a “poor test score.”</p> <p>(OAR 581-015-2070, OAR 581-015-2240, OAR 581-015-2255; 34 CFR §§ 300.107, 300.117, 300.114(a)(2))</p> | <p>Not Substantiated</p> <p>The District notified the Parents of the field trip requirements in April 2024. The Student was excluded from the field trip, but not because the District failed to implement the IEP or because the Student experienced a disability.</p> |
| <p>Review and Revision of IEPs</p> <p>The Parents alleged that the District violated the IDEA when it failed to convene an IEP meeting when the Parents made a written request “on 6/6/24 for an [IEP] meeting prior to the 2024-2025 school year.”</p> <p>(OAR 581-015-2225; 34 CFR § 300.324 (b))</p> | <p>Not Substantiated</p> <p>On June 14, 2024, the District fulfilled its obligation to convene a meeting in response to the Parents’ request.</p> |

| REQUESTED CORRECTIVE ACTION |
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| <p>The Parent requested the following corrective action:</p> <ul style="list-style-type: none"> • “[G]et rid of behavior and academic contracts that single out students who consistently already feel worthless, helpless, hopeless, and unable to meet expectations.” |

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 September 13, 2023. Any facts listed below relating to circumstances or incidents earlier than that date are included solely to provide the context necessary to understand the Student's disability and special education history.

1. The Student attends 7th grade at a middle school in the District.
2. The Student is eligible for special education services under the category of Autism Spectrum Disorder (ASD).
3. The Student's 6th grade Report Cards listed the following relevant marks:

| Courses | Grades | | | |
|----------------|--------|----|----|----|
| | Q1 | T2 | Q3 | Q4 |
| Social Studies | A | B+ | A- | C- |

- a. The Report Card listed the following comments for each quarter:
 - i. Quarter 1: "respectful to others" and "pleasure to have in class";
 - ii. Term 2: "poor test performance" and "with supports and accommodations";
 - iii. Quarter 3: No comments were noted.
 - iv. Quarter 4: "with supports and accommodations."
4. Relevant items from the IEP dated May 24, 2023 indicated the following:
 - a. The re-evaluation for the Student was due on May 23, 2026.
 - b. The Special Factors indicated that the Student's communication needs required assistive technology devices or services.
 - c. The Student's Present Levels of Academic Achievement and Functional Performance included:
 - i. The Student was described as creative, artistic, and able to follow directions and routines.
 - ii. The Parents described the Student as socially unaware and worried about potential bullying.
 - d. The Student performed at grade level in reading, writing, and math and did not exhibit needs in those areas. The Student exhibited strengths in receptive communication, and "Building expressive language, social language, and the use of non-verbal language would be good areas to focus on." The Student was described as observant but struggled with "perspective taking, expected/unexpected behaviors, and tolerating disappointment." The Student "has specific ways of doing things and may struggle with flexibility. ... Self-advocacy would be a suggestion for a goal."

- e. The Student's social skills goal was "[The Student] will demonstrate increased understanding of the perspectives of others and the effect of [their] behavior on others by meeting the following objectives in 4/5 presented, observed, or reported opportunities."
- i. Objective 1: "Given ambiguous visual or verbal information (e.g., an optical illusion, minimal description of an animal), [the Student] will identify [their] perspective and the details that support that perspective, acknowledge the perspective of others and the details that support their perspective, and accept that both perspectives are valid based on the evidence available."
 - ii. Objective 2: "Given a visual representation of a non-social situation (e.g., picture or video of a messy room, a fancy table in a restaurant, an animal in a cage), [the Student] will identify the possible perspective of others by their role (e.g., 'what might a teacher think?') or experience (e.g., 'X only likes to eat at home or McDonald's. What might [the Student] think or feel at this restaurant?')."
 - iii. Objective 3: "With visual supports, [the Student] will identify expected and unexpected behaviors in problem-solving situations and describe matches and mismatches between the size of the problem and size of the solution/response."
 - iv. Objective 4: "With visual supports, [the Student] will identify others' thoughts/feelings and potential consequences for [the Student] based on [their] expected and unexpected behaviors across at least three situation[s]/contexts."
 - v. Objective 5: "In pictures or videos of age-appropriate social situations, [the Student] will identify possible thoughts or feelings of others based on their proximity and orientation to others, facial expressions, and gestures."
 - vi. Objective 6: "In one-on-one interaction with adults or small group interactions with peers, [the Student] will identify others' availability for conversation/interaction and interest/disinterest by reading social-environmental cues and non-verbal communication of others."
 - vii. Progress was measured using data, observations, and input from staff and reported three times each year: twice with report cards and once at an IEP meeting.
- f. The Student's communication goal was, "In one instructional year, [the Student] will expand [their] expressive language skills during a variety of linguistic activities by meeting the following objectives in 4 / 5 opportunities."
- i. Objective 1: "Given faded cues, during structured and unstructured language tasks, [the Student] will use expansive language to verbally describe an object, picture, character, or event, with at least two descriptive attributes with 80% accuracy or greater."
 - ii. Objective 2: "Given faded cues, during structured and unstructured language tasks, [the Student] will provide a verbal summary with clear description or explanation about an opinion/thought/answer regarding both preferred and nonpreferred subject matter with 70% accuracy or greater."
 - iii. Objective 3: "Given faded cues, [the Student] will identify opportunities to use a communication repair strategy (such as when a conversation halts unexpectedly or has a long pause, or when a communication partner says 'huh?' or another word/phrase indicating communication breakdown) with 80% accuracy or greater."

- iv. Objective 4: “Given faded verbal/visual cues, [the Student] will utilize communication repair phrases/strategies (such as saying ‘I’m not sure, I need help, I’m still thinking ...’) with 70% accuracy or greater to improve clear and functional communication with a variety of communication partners.”
 - v. Progress was measured by speech therapy data three times per year, twice with report cards and once at an IEP meeting.
 - g. Specially Designed Instruction (SDI) for communication included 60 minutes per month in the resource room, beginning on June 1, 2023 and ending on May 22, 2024, and was monitored by a case manager.
 - h. SDI for social skills included 90 minutes per month in the resource room, beginning on June 1, 2023 and ending on May 22, 2024, and was monitored by a case manager.
 - i. The following Supplementary Aids/Services and Accommodations occurred at all school sites, were monitored by a case manager, and were in effect from June 1, 2023 through May 22, 2024:
 - i. “Highlight relevant information ... when reading directions, or other information that is related to content and assignments.”
 - ii. “Preferential seating ... to minimize distractions and peer consideration.”
 - iii. “Visual and concrete supports ... for multi[-]step projects, schedule information, social processing, [and] teaching new skills.”
 - iv. “Sensory supports ... to minimize overstimulation, stress relief, [and] teach regulation.”
 - j. Program Modifications/Supports for School Personnel included:
 - i. Consultation between the general education teachers and special education teachers to discuss needs and supports; and
 - ii. Autism consultation for the autism and special education teams to discuss supports and goal implementation.
 - k. The Non-Participation Justification statement included the Student’s removal “for one period per day to receive specially designed instruction in the areas of communication and social skills. Periods are typically 53 minutes.”
 - l. The Student’s special education placement included 30-80% or more of the day in the “regular class.”
5. In an email exchange on September 27, 2023, the Parents shared concerns that the Student was having trouble keeping track of their assignments and getting to class on time. The Special Education Director replied that they would talk to the Student’s teachers about being more flexible with the Student. The ASD Specialist noted that the Student seemed a bit “off” the previous day, possibly due to a canceled therapy session and family worries. The ASD Specialist acknowledged they would monitor the Student’s progress and resource room use.
6. On February 13, 2024, the Parents, the Science Teacher, and the Special Education Teacher exchanged emails regarding the Student’s grade in science. One of the Parents asked, “Can I get some information as to why [the Student] received a D in Science? [The Student] said [they] had a test while [the Student] was sick that everyone else had a chance to retake but [the Student] didn’t.” The Science Teacher replied, “My apologies I thought [the Student] just decided not to take the retake when that was offered on Thursday. [The Student] absolutely

is able to retake the quiz and if [the Student's] score improves I can go in and fix [their] overall grade."

"I am going to send [the Student] to intervention to review [the Student's] study guide (highlighted information) that [they] can use [it] on [their] quiz retake. I will check in with [the Student] tomorrow to see if [the Student] still has the review, if not I will get [them] set up with a new one and we can work on that prior to retaking the quiz. Thank you for bringing this to my attention. If [the Student] ever feels uncomfortable talking to me or bringing up [their] concerns, [the Student] and [the Special Education Teacher] meet on a weekly basis and [the Student] can convey those concerns to [the Special Education Teacher] and [they] will make sure we are all on the same page." The Special Education Teacher clarified, "... one of our [instructional assistants] IA's ... checks in with [the Student] on a regular basis, it is not always me. I hope that they are building rapport and that [the Student] will eventually begin to feel more comfortable and have the skills to ask for help when [the Student] needs it (this is one of the things they are working on)."

"However, I will meet with [the Student] tomorrow at the beginning of intervention time to check in about this quiz specifically and see how we can best support [the Student]. This quiz had a large impact on [their] overall grade due to it being an academic score but I anticipate that after a retake [the Student] will be more pleased with where [the Student] is at." After the Student retook the test, the Student's grade was changed to a C.

7. On February 15, 2024, the Special Education Teacher emailed the following to the Student's teachers and the Parents, "I am writing regarding [the Student]. [The Student] has expressed feeling overwhelmed with [their] school work and not knowing how/feeling comfortable asking for help. [The Student] has expressed that having more time in the resource room to work on assignments and get help would be beneficial. I have spoken with [the Student] and given [them] some cards that say "I need to go to the resource room" and [the Student] has been instructed to use those to signal one of you that [the Student] needs to go to the resource room to get help on an assignment. We will work on some scripts for [the Student] to utilize for if/when [the Student] needs to ask for additional materials/information from you. Also, [the Student] is aware that [their] teacher may ask [the Student] to wait a few minutes but [the Student] will be given the opportunity to go when [the Student] needs to. Please encourage [the Student] to reach out for support."
8. On February 21, 2024, the Parents emailed the Special Education Teacher and the Special Education Director regarding the discovery that the Student had three D's and one F in their classes. The Parents also shared concerns about the resource room, computer games, supervision, and the Student's social interactions.
9. On February 23, 2024, the Special Education Teacher emailed the Parents and described that "[The Student] did spend the majority of Wednesday in the Resource Room; [the Student] was given permission from [their] teacher when [the Student] expressed feeling sad/overwhelmed about [the Student's] great aunt being ill. When teachers send students to the resource room they generally send them with the assignments they are expected to

complete and then there are instructional assistants in the resource room checking in and offering support as needed. I will remind staff that when [the Student] is in the room that [the Student] may need reminders/prompts to remain on task.” The Special Education Teacher described the protocol for playing games on Chromebooks and agreed to check in with the Student regarding those expectations. The Special Education Teacher noted, “[The Student’s] grades are concerning; fortunately, because it is the beginning of the term, only one or two missing assignments can make a huge difference. I have confidence that [the Student] will be able to get these items turned in and improve [their] grade.”

“One of the instructional assistants from the resource room looks at grades and checks in with students regularly. [The Instructional Assistant] and I spoke today about needing to check in on [the Student] multiple times a week and potentially come up with a better system for organization and supporting [the Student] with getting [their] assignments turned in.”

10. A document provided by the District listed seven dates between October 19, 2023 and February 28, 2024 in which the Instructional Assistant checked in with the Student to build rapport and/or check in on academic progress.
11. On March 1, 2024, the Special Education Teacher emailed the Parent, “After talking with [the Student] and observing how [the Student] is utilizing [their] time in the resource room this past week; I have made up a daily schedule for [the Student] as a visual cue of when [the Student] can/should come to the resource room for support and what [their] expectations are while [the Student] is here...All middle school students have an option for ‘intervention’ during their 3rd[-]period elective; instead of going with all the other students to a ‘study hall’ type room [the Student] will be able to come to the Resource Room where there is more adult support available. As well, I think it will be helpful for [the Student] to have a short check-in with a teacher in the afternoon.”

“This one-on-one check[-]in with a teacher will be focused on study skills; missing assignments, making sure that [the Student] has turned in completed work, helping [the Student] to prioritize tasks and practicing strategies for self[-]advocacy/study habits/social skills. ... This daily schedule has a column for ‘assignments’ and for ‘notes’ where [the Student] can record what [the Student] has been working on, what may need to be followed up with and any communication staff has had with [the Student] (hoping this will help [the Student] stay organized and be an easy way for staff to communicate about [the Student’s] expectations/needs.)” On the same day, the Special Education Teacher emailed the Student’s teachers and informed them of the expectations around the Student’s use of the resource room.

12. On April 9, 2024, the Parents signed a permission slip for the June 6, 2024 field trip. The permission slip indicated, “... To be eligible to go your student must fulfill the following academic and behavioral goals between now [April 8, 2024] and June 5th.”
 - a. “The student is passing all classes as of May 31st. This means they are off the ineligible list on that date.”

13. In an interview with the Complaint Investigator, the Parents acknowledged signing the permission slip for the field trip, putting the date on the calendar, and not thinking there would be any issues. The Parents shared that this was the first field trip permission slip/contract they had signed for the Student at this School.
14. On May 8, 2024, the District Secretary emailed the Parents, "I am sending out on behalf of [the District] teachers today to let families know about some classes that their students need to work on. If you are getting this email, that means that your student has landed on the *OFI (Opportunity For Improvement) list this week." The message indicated that the Student had a 56% F grade in Social Studies.
15. During interviews with the Complaint Investigator, the Special Education Director explained that the OFI list was an "opportunity for improvement." When students' grades fell below a D, their names would be placed on the OFI list, and parents would be notified via email. Regarding the signed contract to attend the rewards field trip, the Special Education Director stated, "I believe the contract says a passing grade and cannot be on ... the opportunity for improvement list." The Special Education Director said the Parents were notified when the Student was placed on the OFI list.
16. Relevant items from the IEP dated May 8, 2024 indicated the following:
 - a. The Student's Present Levels of Academic Achievement and Functional Performance included:
 - i. "[The Student] is improving [their] flexible thinking. [The Student] is creative and seems much more comfortable this year with both peers and staff. [The Student] participated in the production of "The Lion King" and did not need [their] accommodations during this activity. [The Student] is gaining more confidence working in groups but still prefers working alone." The Student was described as creative, kind, and hardworking.
 - ii. The Parents would like to increase the Student's self-advocacy, ability to apologize without reminders, and for them to learn to take responsibility for their actions. The Parents indicated that the Student "struggles with organization and may take things that are not [theirs]."
 - iii. The Student reads and comprehends grade-level texts and needs support understanding written directions. The Student may need encouragement to ask for help.
 - iv. The Student's handwriting, written content, and use of appropriate spacing were strengths. The Student made editing, punctuation, and capitalization errors.
 - v. The Student excelled in understanding data, probability, and ratios but struggled with algebraic and geometric reasoning. The Student struggled with explaining the "why" behind math concepts.
 - vi. The Student exhibited strengths in speech fluency and articulation and worked on expanding their expressive language. While the Student sometimes used simple sentences, they improved the skill of describing things and events with more detail. The Student was described as needing less prompting. Sentence starters and verbal cues were helpful.

- vii. The Student increased their interactions with people, had a group of friends, and participated in music and plays without accommodations.
- viii. The Student struggled with organization.
- ix. The Student struggled with “negotiating and problem[-]solving in groups.”
- x. There were no concerns in self-care or fine and gross motor skills.
- b. The Student’s communication goal was, “By the next IEP, [the Student] will improve expressive language skills by meeting the following objectives to promote clear and effective communication in at least 4 out of 5 opportunities.”
 - i. Objective 1: “Given faded cues, [the Student] will recognize when a communication breakdown has occurred in either stories/scenarios provided, or real-life opportunities, in at least 3 out of 4 observed opportunities.”
 - ii. Objective 2: “Given faded cues, [the Student] will utilize communication repair strategies (such as saying ‘I’m not sure, I need help, I’m still thinking,’ or asking follow[-]up/clarification questions ...) in at least 3 out of 4 observed opportunities.”
 - iii. Objective 3: “Given an educational or social situation/scenario, [the Student] will state 1-2 ways that a person could advocate for themselves or others in 3 out of 4 opportunities.”
 - iv. Progress was measured with data and observations and was reported quarterly in writing.
- c. The Student’s social skills goal was navigating social situations and developing relationships.
- d. SDI for communication included 60 minutes monthly at all school sites and/or virtual teletherapy, beginning on May 9, 2024 and ending on May 7, 2025. A speech-language pathologist (SLP) or speech-language pathologist assistant (SLPA) provided the instruction, which a case manager monitored.
- e. SDI for social skills included 90 minutes monthly in the resource room, beginning on May 9, 2024 and ending on May 7, 2025. SDI was provided by the Local Educational Agency (LEA) and monitored by a case manager.
- f. The following Supplementary Aids/Services and Accommodations began on May 9, 2024 and were scheduled to end on May 7, 2025. Accommodations were provided by the LEA, at all school sites and monitored by a case manager.
 - i. “Highlight relevant information ... when reading directions, or other information that is related to content and assignments.”
 - ii. “Preferential seating ... to allow for easy access to the teacher interaction and checking for comprehension” occurred in the general education classroom.
 - iii. “Checklists ... to help with prioritizing assignments.”
 - iv. “Preferential Seating ... to minimize distractions and peer consideration.”
 - v. “Visual and concrete supports ... for multi[-]step projects, schedule information, social processing, teaching new skills.”
 - vi. “Check for comprehension ... after directions/content is provided to make sure [the Student] understands the expectations.”
 - vii. “Sensory supports ... to minimize overstimulation, stress relief, teach regulation including movement breaks and fidgets.”
- g. Program Modifications/Supports for School Personnel included:

- i. Consultation between the general education teachers and special education teachers to discuss needs and supports.
- ii. Autism consultation for the autism and special education teams to discuss supports and goal implementation.
- iii. Consultation between the SLP, SLPA, and faculty.

17. The 2023-24 District Student-Parent Handbook listed the following information:

- a. Field Trips: “Parent notification is required prior to the field trip. In the event the field trip conflicts with attendance for other classes, the student must be in good standing to earn the right to miss class. Any exceptions need to be approved by the administration after consultation with [the] classroom teacher(s) and the staff member responsible for the field trip.”
- b. Academic Grading System: Grades were intended to reflect progress toward meeting grade-level standards and fulfilling class requirements. A grading scale was included, as was a description of how final grades were calculated.
- c. Extra-Curricular/Co-Curricular Activities:
 - i. Section B: “A list of students who are earning a D grade or lower will be compiled each Tuesday afternoon. Students whose names are submitted for the first time for failing a class will be put on a one-week probationary period. A student who is receiving failing grades for two or more weeks in the same class will be declared ineligible for extra-curricular/co-curricular activities until the next Wednesday’s Opportunity for Improvement (OFI) list is issued and the student is no longer on the list because [the student] is receiving passing grades in the particular class. While on the list, the high school and middle school students will be asked to attend the Study Table at lunchtime. Failure to show up could result in disciplinary action by the coach or advisor of the activity.”
 - ii. Section C: “Extra-curricular/co-curricular supervisors have the right to establish additional regulations and requirements with administrative approval.”
 - iii. Section D: “A student with a disability who is eligible under the IDEA or Section 504 who is receiving failing grades shall not be denied access to athletic/co-curricular activities until it has been determined by the appropriate staff within the District that the student’s academic failure is not a result of an inappropriate placement or the District’s failure to provide appropriate support services.”

18. On June 3, 2024, the Parents emailed the Social Studies Teacher and shared that the Student “... just found out today [they] can’t go on the 6th[-]grade field trip. Despite my encouragement to go in and advocate for [themselves] [the Student] refused and stated [they were] told by [the Social Studies Teacher] that [the Student] [is] on the OFI list and can’t go on the field trip. Period. [The Student] doesn’t understand it, [the Student] never knew [the Student] was on an OFI list but [they] [were] told [they] can’t go on the field trip and nothing I am saying can convince [the Student] otherwise.”

19. During interviews with the Complaint Investigator, the Parents stated that they first found out that the Student wasn’t passing social studies on June 3, 2024 when they emailed the Social Studies Teacher about the Student, saying they were on the OFI list and not allowed to

go on the field trip. The Parents reported they did not know about the test or that the Student hadn't passed it and should retake it. Prior to finding out, they had not checked the Student's grades, although they acknowledged having access to do so. The Parents' understanding was that the Student had "opportunities daily or weekly to check [their] grades at school and was working with resource room teachers who would help [them] prioritize assignments and things like that." They also explained that the test was on May 16, 2024 and the "cutoff" for having Cs or better in class was May 31, 2024, which may not have allowed the Student enough time to process, act, and respond.

20. During an interview with the Complaint Investigator, the Social Studies Teacher verified the use of accommodations and modifications for the Student in their class. They also confirmed that the Student had As and Bs in their class until the final grading period. The Social Studies Teacher indicated that there were three assignments contributing to the Student's poor grade: a PowerPoint presentation, correlating research, and a test. The Social Studies Teacher shared that the Student was provided a three-week deadline extension accommodation, and the Student eventually turned in the PowerPoint presentation and research. The Social Studies Teacher said they checked in daily with the Student about retaking the test, but the Student never retook the exam. The Social Studies Teacher explained the test was primarily multiple choice with a couple of open-ended questions. The test was not timed, and the Student could have taken the test in the resource room.

The Social Studies Teacher did not recall contacting the Parents directly about the non-passing test score but said the Student was on the OFI list and the Parents would have been notified via email through that process. They also confirmed that the 68.24% on the June 6, 2024 grade report was the score that may have disallowed the Student from attending the field trip. The Social Studies Teacher shared that the Student and the Parents had unlimited access to grades via the Student Information System.

21. On June 4, 2024, the 6th Grade Teacher sent a reminder about the upcoming field trip to parents through the Student Information System, "As a reminder, all of you signed a contract, at the beginning of the quarter. Some students will not be able to attend due to not have [sic] a C or better by Friday, May 31st. They know who they are and what class. Just to let everyone know, we constantly were talking to students all last week about this. Students should not at all have been shocked." The Parents replied the same day, "[The Student] said [the Student] checks grades weekly with [Unknown Person] and wasn't aware there was a problem or anything missing."
22. On June 4, 2024, the Parents emailed the 6th Grade Teacher, "If [the Student] received the appropriate instruction and accommodations to learn and comprehend the material and to be successful and made the willing choice not to comply then by all means [the Student] should not go on the field trip but if [the Student] is being punished for [their] disability or for teaching staff not providing the appropriate education to meet [the Student's] needs, then this is unacceptable. We follow up with consequences all the time for [the Student] so I am supportive of this if it is appropriate. I am questioning whether this is appropriate and would like the special ed[ucation] team to help determine that and to verify in this situation if [the

Student's] IEP is being followed." The Parents followed up with a request for a "face to face meeting with staff and [IEP] team regarding this."

23. On June 4, 2024, the Parents emailed the IEP/Special Education Team regarding grades, missing assignments, and a field trip, "I absolutely do not want [the Student] rewarded with a trip if [they] didn't do what [the Student] needed to do but it will be devastating if [the Student's] being punished for something [the Student] didn't have the processing capability or understanding of how to remedy the problem or being punished for a problem [the Student] didn't understand was a problem or for not being taught the material in a way [the Student] can understand."
24. On June 5, 2024, the Special Education Teacher shared information with the Parents, "The field trip to [Location] is a special end[-]of[-]the[-]year field trip that is designed as a reward for students who are passing all of their classes and have no behavior referrals. It is my understanding that a permission slip outlining that students would need to have all their work turned in on Friday May 31st in order to be eligible was sent out towards the beginning of this quarter. Middle School teachers have been communicating with all middle school classes regularly over the past two weeks."

"In addition, one of the [Special Education] Instructional Assistants checks in with [the Student] regularly. I looked at the Resource Room check-in notes and saw that on 5/14 staff spoke with [the Student] about the two classes that [the Student] was not passing and made a list of assignments to prioritize. On 5/23, they worked on [the Student's] locker but there was a note about a reminder to get assignments turned in also. On 5/30 they checked grades and [the Student] was reminded that [they] should retake a Math test and a Social Studies test. I also checked in with [the Student] last week about [their] grades and [the Student] told me that [the Student] was aware and was working on them. [The Student] came into the resource room a few times last week to work on assignments and regularly [the Student] was asked if [they] needed help which [the Student] declined (staff remain nearby to supervise and be available if students ask for help later on)."

"I am confident that [the Student] was aware that [they] had missing assignments/test retakes but there seems to be a misunderstanding with the consequences or the deadline. I spoke with [the Student] yesterday to try to understand what [the Student's] perspective was; unfortunately [the Student] was not very forthcoming with me. I will continue to ask questions regarding this situation in order to understand how [the Student] comprehended the information presented to ensure that the accommodations listed on [the Student's] IEP are appropriate and determine if something should be added. In regards to [the Student's] IEP, I have reviewed [their] interventions and checked in with staff to best understand how [the Student] is presenting in class and how accommodations are being provided/utilized. [The Student] is accessing the supports available through [their] IEP. With that being said, if the team feels that we should revisit [their] accommodations we can certainly do that. [The Special Education Director] or I will give you a phone call later this afternoon to connect about next steps."

25. On June 5, 2024, the Parents emailed several members of the IEP Team requesting to meet that day regarding the field trip. The Parents shared, “There was no indication at [the Student’s] [IEP] meeting on 5/8 that [the Student] was struggling academically and I looked at all of [their] grades last night and [the Student’s] doing great minus the one test in social studies [they] took 5/16 and got 33%. Surely [the Student] isn’t being banned from a fun day with [their] peers because of a poor test score.”
26. On June 5, 2024, the Parents emailed the Principal, “I would like to formally request [the Student] be allowed on the field trip tomorrow due to passing grades in all of [their] classes except social studies which is due to one bad test score. ... After talking to the [Special Education Teacher] it is clear that better scaffolding, interventions, and supports were needed for [the Student] to be successful and that the expectations for this field trip were beyond [the Student’s] capabilities. Please give the ok for [the Student] to attend based on all of this information including the lack of communicating with parents that [the Student] was not meeting the standards for the trip.” The Principal responded the following day, “Unfortunately, [the Student] is not eligible to attend the rewards trip to [Location] this year. However, we would be more than happy to arrange a discussion at the beginning of the next school year to review the criteria and discuss how [the Student] can qualify for next year’s trip.”
27. During interviews, the Parents stated they believed that, if the Student was missing several assignments, the School would intervene and help the Student since they have daily insight into the Student. The Parents stated that the Student couldn’t meet the standards independently; they needed adult help managing assignments and may not have had the “capability of approaching adults to ask that, to talk about it.” They explained previous situations where they helped the Student work through missing assignments and the need to retake a test. Still, they doubted that the Student retained that information and knew how to apply it to future situations. The Parents indicated they wanted the School to work with the Student on those skills.
28. During interviews with the Complaint Investigator, the Special Education Teacher said the social studies test had been on the assignment checklist that the Resource Room Staff created and reviewed with the Student weekly. The Special Education Teacher reported conversing with the Student several times about getting a test copy from the Social Studies Teacher and bringing it to the resource room to retake, but the Student did not follow through. To their knowledge, the Student was aware of the consequences of not retaking the test, although they did not recall specifically stating, “If you don’t do this test, you will not be able to go [on the field trip].” Instead, there were multiple general conversations about the field trip, the requirements to attend, and what assignments needed to be prioritized and completed to meet the requirements.
29. During an interview with the Complaint Investigator, the Principal explained that leading up to the end of the quarter, the Student was not meeting guidelines for the end-of-year field trip. Teachers worked with the Student and they completed activities. However, the Student had a social studies test score that did not pass. The Principal reported that the Social Studies

teacher, 6th Grade Teacher, and Resource Room staff prompted the Student to retake the social studies test. They also gave the Student a copy of the test to take to the resource room during their scheduled time there.

The Principal reported that the Student decided not to retake the social studies test, and therefore, their non-passing score made them ineligible for the trip. The Principal also reported that the Student did not meet the conditions for exceptions to the standard practice regarding grades and contracts for special reward field trips. The Principal explained that the Student had participated in “three prior rewards trips that school year and was able to meet those guidelines.” The Principal reported that the June field trip had the same permission slip and guidelines as the others. The Parents signed it, but the Student did not meet the requirements.

30. A grade report from June 6, 2024 indicated that the Student’s percentage in 6th[-]grade social studies was 68.42%. The grade report listed an assignment from 5/16/24 entitled “Europe & Russia Test,” which earned a score of seven out of 21 points.
31. On June 6, 2024, the Parents emailed the Special Education Teacher “... to request an IEP meeting to follow-up as I believe strongly that [the Student] (and possibly other kids on [IEP]’s or lacking supports at home) have been discriminated against.” The Parents indicated that the “... School failed to help [the Student] make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities and to be educated and participate with other children with disabilities and nondisabled children in extra[-]curricular and other nonacademic activities. I see in [the Student’s] IEP under Services that [the Student] needs accommodations when reading directions or other information that is related to content and assignments and [the Student] needs Visual [sic] and concrete supports for multi-step projects (like retaking a test).” The Special Education Teacher responded, “We can absolutely set up an IEP meeting for when we return in the fall. I have made a note to give you a call during inservice [sic] week so that we can set a meeting when more has been determined regarding schedules and whatnot.”
32. Regarding their request for an IEP meeting on June 6, 2024, the Parents indicated that the Superintendent had followed up with them and scheduled a meeting between them and other school staff, including the Special Education Team. The Parents claimed this was not an IEP meeting and that no IEP documents were present. They said, “That was definitely in response to our concerns that our [Student] was discriminated against, treated unfairly.” However, the Parents said in that meeting that they discussed improving home/school communication, starting the year off with an IEP meeting, and possibly adjusting accommodations. The Parents stated that the Special Education Teacher responded to the Parents’ June 6, 2024 request by saying they would schedule a meeting in the fall once they had returned from summer break and knew the Student’s new schedule and class load. The Parents expected to hear from the School in the fall to set up this IEP meeting but were only contacted to schedule the annual IEP review meeting for April 2025.

33. On June 14, 2024, the ASD Specialist responded to an email from the Parents and indicated they would not be able to attend the IEP meeting that day. They shared that they "... would be happy to participate in a meeting in August/September before/as the school year gets started so we make sure we have everything in place."
34. Notes from a June 14, 2024 IEP amendment meeting indicated the following:
- The Parents were "worried that [the Student] got overlooked; didn't know that [the Student] was struggling with grades because it wasn't mentioned in [their] IEP; failed social studies test and [the Student] said [they] didn't know [they] failed." The Parents shared that they believed the Student needed support, but it was not provided. The Special Education Director indicated that the Student was provided with accommodations and services.
 - The Social Studies Teacher graded and reviewed the test and the student worked with a partner on the test.
 - The Special Education Teacher "brought up an IEP meeting at the beginning of the year."
 - "[The Special Education Director] suggested the parents reach out at the beginning of the year to schedule an IEP meeting."
 - According to the notes, "No changes were made to the IEP so no amendment[s] were needed/made. PWN [Prior Written Notice] not sent due to no changes to the IEP document."
35. In an interview with the Complaint Investigator, the Special Education Director stated the June 14, 2024 meeting was an IEP meeting. Parental rights were provided to the Parents and the Special Education Director took notes. The Special Education Director stated that the Special Education Teacher offered to get in touch in the fall to schedule an IEP meeting. The Special Education Director said they clarified that the Parents should contact the School to schedule the meeting instead. The Special Education Director explained that the Parents were asked if they wanted to make changes to the IEP. They reported that one of the Parent's replies was, "As long as the IEP is followed, I don't have anything to say." No changes were made to the Student's IEP.
36. On June 14, 2024, the Parents emailed the IEP Team and described that they believed the School failed to provide appropriate support to the Student despite the IEP identifying the Student's specific needs. The Parents suggested that the School relied on ineffective methods like verbal reminders and sticky notes instead of offering effective accommodations like breaking down tasks and making plans. The Parents believed that the IEP Team could have leveraged the Student's strengths (i.e., emailing) to create a plan that addressed the Student's specific needs and ensured follow-up from the Parents and teachers.

The Parents indicated that they were never told the June 14, 2024 meeting "was an IEP amendment meeting and we do not remember being offered any chances to amend the [IEP] [sic]." In addition, the Parents "... had already requested a meeting that we were told (in writing) would be scheduled during teacher inservice [sic] week at the start of the year once [the Student's] schedule for 7th grade was determined." The Parents believed if the June 14,

2024 IEP meeting was an official IEP meeting, there would have been “notes, signatures and updates to the [IEP] *[sic]* or signed refusals to make updates.”

37. The Social Studies Teacher listed the accommodations they provided to the Student:
- a. “I have checked in with [the Student] to show [the Student] the relevant information. I always read the instructions out loud, will stand by [the Student] and point them out.”
 - b. “The Student is allowed to sit where [the Student] chooses, and I walk by [the Student] to check in.”
 - c. “When [the Student] has been behind in class, [I] assigned [them] to intervention. I remind [the Student] to go, and follow-up with [the Student] to remind [them] what the directions are.”
 - d. “Daily, I have checked in with [the Student] with a list of work that [the Student] needs to complete.”
 - e. “I discuss with [the Student] any questions [the Student] might have.”
 - f. “I am available to [the Student] if needs help *[sic]*.”
 - g. “If [the Student] has multiple assignments missing, I help [the Student] prioritize the important ones to do first, for example, missing a test and other assignments, do the test first.”
 - h. “[The Student] has been placed on the OFI list for poor grades or missing work. An email goes home to the family each week. Additionally, [the Student’s] name is placed on the board with missing work and [the Student] gets a list of missing work from the gradebook. Once a week, the students MUST check their grades in class and fill out a sheet with missing work and grade as well as how to improve *[sic]*.”
38. The Science Teacher listed the accommodations they provided for the Student:
- a. “Preferred seating”;
 - b. “Check[-]ins for comprehension”;
 - c. “Sent to intervention when missing assignments”;
 - d. “Communicated with gen[eral] ed[ucation] and [special education] teachers”;
 - e. “Notified student when there were missing assignments verbally”;
 - f. “Wrote student on missing assignments board when necessary”;
 - g. “Put on OFI list when failing or receiving D’s in my class, email goes out to families each week notifying them”;
 - h. “Sent [the Student] to Resource room when [they] asked or needed more support”;
 - i. “Sent [the Student] to Resource room to take tests”;
 - j. “Allowed [them] to retake tests/quizzes”;
 - k. “Always was available for help when needed”; and
 - l. “Updated grades weekly on home access, parents/students have access 24/7.”
39. The 6th Grade Teacher listed the supports they provided for the Student:
- a. “Daily Check-ins”;
 - b. “Assigned Intervention”;
 - c. “Missing Work Lists”;
 - d. “Advisory Grade Checks”;
 - e. “Addressing Misplacement”; and

f. "Collaboration with Special Education Staff."

40. On September 11, 2024, the Parents emailed the Special Education Director after receiving an email to schedule an annual IEP and wrote, "I was simply expressing how we were expecting to have an invitation to a meeting to plan for [the Student's] 7th[-]grade year during the summer as you all stated [*sic*] is what needed to happen (check your notes from the June [IEP] meeting) and how jarring it was to get an invitation for April 2025 instead. If you don't see any reason for us to meet and feel confident that [the Student's] education needs are appropriately being met than [*sic*] we are all good." The Special Education Director replied the same day, "IEP meetings need to be scheduled at least once a year. If a meeting is requested, we can amend the current IEP. ... If you would like to meet earlier, you can always request a meeting and we can amend the current IEP."

41. On September 12, 2024, the ASD Specialist emailed the Parents to recommend the following accommodations:

- a. "Written directions/expectations for projects/large assignments"; and
- b. "Requirements and responsibilities for social-behavioral expectations, extracurricular activities, and special events/occasions."

42. On September 12, 2024, the Parents filed this Complaint.

IV. DISCUSSION

When IEPs Must Be in Effect

The Parents alleged that the District violated the IDEA by failing to provide the Student with the support necessary to complete assignments, which resulted in a "poor test score."

At the beginning of each school year, a school district must have 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 the 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 services provider, and other service providers responsible for its implementation. School districts must 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

The Student's IEP identified the Student's need for support with organization, understanding written directions, and self-advocacy. The IEP outlined specific accommodations to address

³ OAR 581-015-2220 and 34 CFR § 300.323

these needs, such as highlighting relevant information, visual supports for multi-step projects, and check-ins for comprehension. The Parents believed that the School relied too heavily on verbal reminders and checklists to support the Student. Evidence suggested that the Student struggled with organization and self-advocacy throughout the year. In May 2024, the Student's goals and accommodations were adjusted at an IEP meeting to address the Student's needs.

The District provided various supports outlined in the IEP, including resource room time, preferential seating, visual supports, and check-ins. Teachers provided accommodations such as highlighting information, checking for understanding, and offering intervention time. Evidence suggested that the Student was aware of missing assignments and the need to retake the social studies test. The Student's IEP was consistently implemented, fulfilling the IDEA requirements, and teachers implemented the stipulated services and supports. In this situation, a multitude of factors, notably the Student not retaking the social studies exam, influenced the Student's progress.

The Department does not substantiate this allegation.

Nonacademic Services and Setting

The Parents alleged that the District violated the IDEA when the Student "was excluded from attending [the] 6th-grade end-of-the-year field trip on 6/6/24 without [the] [P]arents being notified." The exclusion was due to a "poor test score."

School districts must take steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide nonacademic and extracurricular services and activities in a manner to afford children with disabilities an equal opportunity for participation in those services and activities. Nonacademic and extracurricular services and activities may include meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available.⁴

School districts must ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have a disability. School districts must ensure that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occur if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.⁵ In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and services and activities, each school district must ensure that each child with a disability participates with children who do not

⁴ OAR 581-015-2070 and 34 CFR § 300.107

⁵ OAR 581-015-2240 and 34 CFR § 300.117

have a disability in extracurricular services and activities to the maximum extent appropriate to the needs of that child. School districts must ensure that each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings.⁶

In February 2024, the Parents were alerted to the Student's low grades and expressed concerns about the Student's ability to manage their schoolwork and ask for help. The Special Education Teacher provided the Student with cards to display when the Student needed assistance in the resource room. In April 2024, the Parents signed a permission slip for the Student to attend the June 6, 2024 field trip. The permission slip described the academic requirements and deadlines to meet the requirements for the Student to be eligible to attend the trip. In early May 2024, the Parents were alerted that the Student had an F grade in social studies and was on the OFI list. On June 3, 2024, the Parents were informed that the Student was not allowed to attend the field trip because of the Student's grade in social studies. On June 5, 2024, the Special Education Teacher indicated that the Student knew of the need to retake the social studies test and provided examples of how the Student was supported. In an email to the Parents, the Principal confirmed that the Student did not meet the requirements to attend the trip.

Schools are not allowed to exclude students with disabilities from extracurricular or cocurricular events unnecessarily unless there is a legitimate reason, and appropriate alternatives have been considered. The School had a clear policy regarding field trip eligibility, communicated through permission slips and the handbook. The Parents and the Student were aware of the requirements. The Student had ample opportunity to retake the social studies test and improve their grade. Teachers and assistants offered reminders and encouragement to the Student who had the necessary resources and support to meet the field trip requirements.

The Department does not substantiate this allegation.

Review and Revision of IEPs

The Parents alleged that the District violated the IDEA when it failed to convene an IEP meeting when the Parents made a written request "on 6/6/24 for an [IEP] meeting prior to the 2024-2025 school year."

Each school district is required to review a child's IEP at least once every year to evaluate the child's progress toward annual goals and to make necessary revisions. This review should address any lack of expected progress, results from reevaluations, information from parents, anticipated needs, and other relevant matters. Additionally, if changes to the IEP are needed between annual meetings, the parent and school district can agree to modify or amend the IEP without holding a meeting, documenting these changes in writing instead. Changes can be made during a team meeting or through amendments rather than rewriting the entire IEP. Any

⁶ OAR 581-015-2255 34 CFR § 300.114(a)(2)

changes to the IEP must be communicated to the IEP team, and upon request, parents must be provided with an updated copy of the IEP that incorporates the amendments or modifications.⁷

On June 6, 2024, the Parents requested to meet with the IEP Team following concerns about the Student's lack of support and exclusion from a field trip. The Special Education Teacher responded by offering to schedule a meeting in the fall when the new school year started. A meeting to discuss the Parent's concerns was held on June 14, 2024, but the Parents contended this was not a formal IEP meeting as no changes were made to the IEP document. The District, however, maintained that this was a meeting where the concerns were discussed, and the Parents were offered the chance to amend the IEP, but they declined. The Parents expected a follow-up meeting in the fall to discuss the Student's transition to 7th grade but were only contacted to schedule the annual IEP review for April 2025. The Parents did not request an IEP meeting when they were contacted in September to schedule the annual review in April of 2025.

A meeting was held on June 14, 2024, during which the Parents had the opportunity to raise concerns and propose amendments to the IEP. There were no suggested revisions, and the IEP team did not make revisions; it was suggested that an IEP meeting be held in the fall. The Parents were contacted in September 2024 to schedule the annual April 2025 IEP; the Parents questioned whether a meeting was needed sooner. The District responded that a meeting could be scheduled earlier than April 2025. The Parents then filed the Complaint. While the Parents may have misunderstood the nature of the June 2024 meeting, the District fulfilled its obligation to convene a meeting in response to their request to discuss concerns.

The communication about holding an IEP meeting in the fall of 2024 could have been more clear from the District; however, at the time of the Complaint the District had offered to schedule an IEP meeting.

The Department does not substantiate this allegation.

Additional Finding

Parent Participation

While there is some question about the purpose of the June 14, 2024 meeting, the Parents had previously requested an IEP meeting, and the District in its Response referred to the June 14, 2024 meeting as an "IEP meeting." The Director also referred to this meeting as an "IEP meeting" in their interview with the Complaint Investigation. Therefore, it appears that this was intended to be an IEP meeting, which required that the District provide written notice to the Parent including the purpose of the meeting, the time and place of the meeting, and who will attend the meeting. The written notice must also inform the parent that they might invite other individuals whom they believe have knowledge or special expertise regarding the child, must inform the parent that the team may proceed with the meeting even if the parent is not in

⁷ OAR 581-015-2225 and 34 CFR § 300.324 (b)

attendance, and inform the parent of whom to contact before the meeting to provide information if they are unable to attend.⁸ In this case, such written notice was not provided.

VII. CORRECTIVE ACTION
In the Perrydale School District
Case No. 24-054-055

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

| Action Required | Submissions | Due As Soon As Possible But No Later Than |
|--|---|--|
| <p>1. The District must ensure that all District staff responsible for the identification, evaluation, IEP implementation for the Student receive training in each of the following areas:</p> <ul style="list-style-type: none"> • Parent Participation, specifically meeting notice requirements. | <p>Training agenda/materials to ODE District Support Specialist for review/approval.</p> <p>Sign-in sheet for training.</p> | <p>January 15, 2025</p> <p>April 1, 2025</p> |

Dated: this 8th Day of November 2024

Ramonda Olaloye

Ramonda Olaloye
 Assistant Superintendent
 Office of Enhancing Student Opportunities

E-mailing Date: November 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).)

⁸ OAR 581-015-2190