



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

THE ASSISTANT SECRETARY

October 17, 2018

Honorable Colt Gill
Deputy Superintendent of Public Instruction
Oregon Department of Education
255 Capitol Street, NE
Salem, Oregon 97310-0203

Dear Deputy Superintendent Gill:

In a letter dated November 15, 2016 (see the enclosed letter), the U.S. Department of Education (Department) denied Oregon's request for a waiver of the maintenance of State financial support requirement for State fiscal year (SFY) 2011 and issued a proposed determination that Oregon would not be eligible for a portion of its section 611 grant under the Individuals with Disabilities Education Act (IDEA), in the amount of \$3,313,166, because of its failure to maintain State financial support for special education and related services in SFY 2011. 20 U.S.C. §1412(d)(2). The purpose of this letter is to inform you that the determination is now final and that the Department will reduce Oregon's section 611 award in a future Federal fiscal year due to Oregon's failure to maintain State financial support for special education and related services in 2011.

On December 27, 2016, Oregon notified the Department of its intent to file an appeal of the Department's proposed determination. On July 12, 2018, Chief Administrative Law Judge, Rod Dixon, issued an initial decision affirming the Department's proposed determination. Consistent with the hearing procedures in 20 U.S.C. §1412(d)(2) and 34 CFR §300.182, each party had 15 days (until July 27) to file comments and recommendations on the initial decision, 34 CFR §300.182(d), and then seven days (until August 3) to respond to the other party's comments and recommendations. 20 U.S.C. §1412(d)(2) and 34 CFR §300.182(e). The Hearing Official then forwarded the initial decision and parties' comments to the Secretary for review. The initial decision was affirmed by the Secretary on October 2, 2018, and is now a final decision.

As indicated in the November 15, 2016 letter, the IDEA provides that, when a State fails to maintain State financial support at the level required by law, the Department "shall" reduce the allocation of funds to the State under section 611 "for any fiscal year following the fiscal year in which the State fails to comply with the requirement" to maintain State financial support "by the same amount by which the State fails to meet the requirement." 20 U.S.C. §1412(a)(18)(B). In that letter, we notified you that the Department made a preliminary determination that Oregon was not eligible for a portion of its section 611 grant under the IDEA, in the amount of \$3,313,166, because of its failure to maintain State financial support for special education and related services by that amount in SFY 2011. 20 U.S.C. §1412(d)(2). Because our proposed determination is now final, we will reduce Oregon's section 611 grant in a future Federal fiscal year.

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-2600

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Under 20 U.S.C. §1416(e)(8) and 34 CFR §300.184, if a State is dissatisfied with the Secretary's final decision with respect to the eligibility of the State under §1412 of the IDEA, the State may, not later than 60 days after notice of that decision, file with the United States Court of Appeals for the circuit in which that State is located a petition for review of that decision.

The Department may undertake additional monitoring of Oregon's implementation of Part B of the IDEA should the Department determine that to be necessary to assess whether a free appropriate public education is still being made available to all eligible children with disabilities in Oregon. In addition, in light of the Oregon IDEA State Advisory Panel's duties in 20 U.S.C. §1412(a)(21)(D), particularly its duty in 20 U.S.C. §1412(a)(21)(D)(i) to "advise the State educational agency of unmet needs within the State in the education of children with disabilities," we are providing it with a copy of this letter.

Sincerely,

/s/

Johnny Collett

cc: Oregon IDEA State Advisory Panel