

**BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION**

In the Matter of St. Helens SD 502

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Corrected  
FINDINGS OF FACT,  
CONCLUSIONS  
AND FINAL ORDER  
Case No. 14-054-009

**I. BACKGROUND**

On February 20, 2014, the Oregon Department of Education (Department) received a written request for a special education complaint investigation from the parent (Parent) of a student (Student) residing in the St. Helens School District 502 (District). The Student attends school in the 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 by email and on February 21, 2013.

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 parent and the school district agree to the extension in order to engage in mediation or local resolution or for exceptional circumstances related to the complaint.<sup>2</sup> This order is timely.

On February 27, 2014, the Department's complaint investigator sent a *Request for Response* to the District identifying the specific allegations in the complaint to be investigated and establishing a *Response* due date of March 14, 2014.

On March 10, 2014, the District submitted a timely response indicating it disputed all of the allegations in the Parent's complaint. The District submitted the following items with its response:

1. Copies of all of the Student's IEP's, in effect during the 2012-2013 school year;
2. The most recent eligibility evaluation for the Student, to include all evaluation reports that document the Student's disability and current levels of academic achievement and functional performance;
3. Any meeting notices, meeting minutes, and prior written notices relating to the Student for the 2012-2013 school year;
4. Documentation of the type and amount of services the Student received during the 2012-2013 school year;
5. All documentation of the provision of special education and related services for the 2012-2013 school year, to include documentation of the progress the Student made that year;
6. Copies of the Student's schedules for the 2012-2013 school year;
7. Copies of all communications (including email) between the Parent and the District that are relevant to the allegations;
8. Copies of all progress reports sent to the Parent during the 2012-2013 school year;
9. Any other documentation related to the allegation that the District believes may be helpful in resolving this complaint; and,

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<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)

10. A list of staff or others who are knowledgeable about the circumstances in this complaint and their contact information.

The Parents submitted several emails for consideration. The Department's complaint investigator determined that on-site interviews were needed. On March 17, 2014, the complaint investigator interviewed an Instructional Assistant, a general education teacher, a case manager, the Special Education Coordinator and an Occupational Therapist. On March 18, 2014, the complaint investigator interviewed another Instructional Assistant, a school psychologist, a Behavior Specialist, an elementary principal and the Special Education Director. The complaint investigator interviewed the Parent on March 19, 2014. 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.

The Department issued a timely Final Order on April 21, 2014. On May 2, 2014 the parent requested the Department make three corrections to the order. This order includes the corrections that were made pursuant to this request, which do not affect the conclusions that were determined in the previous order.

## 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. These 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 February 22, 2013 to February 21, 2014.<sup>3</sup>

	<b><u>Allegations:</u></b>	<b><u>Conclusions:</u></b>
1.	<p><b><u>Requirement for Least Restrictive Environment:</u></b></p> <p>The Parent alleges that the District violated the IDEA when it inappropriately changed the Student's placement from a less restrictive to a more restrictive environment.</p> <p>(OAR 581-015-2240 &amp; 34 CFR 300.114).</p>	<p><b><u>Not Substantiated:</u></b></p> <p>After the Student transferred into the District, the District met its responsibility to provide the child's education in the least restrictive environment. It provided services to the Student on the most recent IEP until it could reevaluate and re-write the Student's IEP. The Student's progress was measured in a variety of ways, and the District gave the Student an opportunity to participate in a general education classroom with appropriate accommodations. The District appropriately changed the Student's placement to a more restrictive environment, even though</p>

<sup>3</sup> However, the allegations are specific to the period of time the student attended the school in the District—February 20, 2013 to June 11, 2013. The parent has home-schooled the student since the start of the 2013—2014 school year.

		<p>the Parent disagreed.</p> <p>Therefore, the Department does not substantiate this allegation and orders no Corrective Action.</p>
2.	<p><b><u>Content of the IEP:</u></b></p> <p>The Parent alleges that the District violated the IDEA when it did not include, in the Student's IEP, supplementary aids and services; modifications; and accommodations, and a positive behavior support plan necessary to support the Student.</p> <p>(OAR 581-015-2200 &amp; 34 CFR 300.320(a)(4)).</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The District wrote and then revised the IEP twice during the 2012-2013 school year. The Parent did not agree with all of the revisions, but nonetheless, the District included all necessary elements in each of the IEP's.</p> <p>Therefore, the Department does not substantiate this allegation and orders no Corrective Action.</p>
3.	<p><b><u>When IEP's Must Be in Effect:</u></b></p> <p>The Parent alleges that the District violated the IDEA when it did not provide the Student with accommodations; modifications; and supplementary aids and services in the general education classroom.</p> <p>(OAR 581-015-2220(1) &amp; 34 CFR 300.323).</p>	<p><b><u>Not Substantiated:</u></b></p> <p>Here, the District provided the accommodations and modifications, specifically defined in the IEP, in both the special education and the general education setting.</p> <p>Therefore, the Department does not substantiate this allegation and orders no Corrective Action.</p>
4.	<p><b><u>Parent Participation – General:</u></b></p> <p>The Parent alleges that the District violated the IDEA when it conducted a meeting the Parent perceived as a "preparatory or planning" meeting to discuss the results of the Student's Functional Behavioral Assessment. The Parent understood that after the meeting the District staff would develop a new schedule for the Student; and that an IEP team meeting would then be convened to decide on the schedule. Instead, the District changed the Student's schedule a week later</p> <p>(OAR 581-015-2190(4) &amp; 34 CFR 300.327; and 300.501(a)(3)).</p>	<p><b><u>Not Substantiated:</u></b></p> <p>The District was not required to meet with the Parent prior to changing the Student's schedule in this situation.</p> <p>Therefore, the Department does not substantiate the allegation and orders no corrective action.</p>

<p><b><u>Proposed Corrective Actions:</u></b></p> <p>The Parent requests:</p> <ol style="list-style-type: none"> <li>1) The Department review the Student's record and if the complaint is found to be valid, the Parent would like a letter which so states be placed in the Student's record;</li> <li>2) A District-wide review of other students' placements, especially the remaining 20 percent, approximately 80 children who are in segregated classes; and,</li> <li>3) A District-wide improvement plan put in place.</li> </ol>	
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### III. FINDINGS OF FACT

**Background Information:**

1. The Student is 9 years old, resides in the St. Helens School District 502, and is home-schooled by the Parent. The Student is eligible for special education as a Student with an intellectual disability<sup>4</sup> as established on October 24, 2012.
2. Although the Student has always resided in the District, the Student has not always attended school there. The Student received home-based Early Intervention (EI) services until age 3. During the 2007-2008 and 2008-2009 school years, the Student attended an Early Childhood Special Education (ECSE) Preschool.<sup>5</sup> The Student started the kindergarten year (2009-2010 school year) attending a self-contained classroom in the District for 2–3 hours per week. In February of 2010, the Parents educated the Student at home in a charter school and brought the Student to the District for speech.
3. In June of 2010, the Parents requested and the District agreed to place the Student in a general education kindergarten classroom with an Instructional Assistant who would support the Student in the setting. When school started in the fall of 2010, the team revised the IEP and placed the Student in a self-contained classroom for 600 of the 750 minutes per week. In addition, the Student participated in activities such as PE and recess with non-disabled peers.
4. The team met on January 26, 2011 and wrote an IEP for the Student. This IEP specified that the Student receive 30 minutes per week in reading, writing and math, and 60 minutes per week in speech/language services. The Student was also to receive 100 minutes per week in daily living and adaptive skill instruction and 30 minutes per week in fine motor instruction. In addition, the Student needed transportation and occupational therapy as related services. The

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<sup>4</sup> While the causal factor, if known, in a student's area of disability is not always pertinent to the investigation and the allegations, in this case it is because the parent believes it is. The student has a medical diagnosis of Down syndrome and the parent is very committed to and interested in the research that has been done and is on-going about educating students with Down syndrome.

<sup>5</sup> The student's schedule and attendance at the ECSE program varied during this time due to some health issues and family priorities.

Student needed the accommodations of “ample time to respond, a pencil grip, and breaks after working on academics.” The team defined the Student’s placement as “self-contained class with mainstreaming opportunities,” and noted that the Student would be removed from the general education setting for 645 of the 825 minute week.

5. On December 2, 2011, the District notified the Parent that the District stood ready to provide services should the Parent decide to re-enroll the Student. The Parent had withdrawn the Student from the District in order to home-school the Student.
6. In the fall of 2012, the Parent re-enrolled the Student in the District. The IEP team sent the Parent Prior Written Notice (PWN) on September 20, 2012 that the District proposed to provide special education and related services as per the previous IEP (January 26, 2011) until such time as the District reestablished the Student’s eligibility and wrote a new IEP. The team also notified the Parent, and the Parent agreed that no new information was needed to establish eligibility at that time; given the amount of assessment and evaluation in the Student’s record.
7. The District enrolled and placed the Student in the Intermediate Learning Center on a half day schedule—7:30—12:30. During that time, the Student went to the 4th grade “specials”—PE, art, music, etc. The Student also participated in lunch and recess and then went home.
8. On September 1, 10, & 24, 2012, the case manager completed several Mini Functional Behavioral Assessments<sup>6</sup> on four of the Student’s behaviors. The behaviors were: making noises, noncompliance, peer and staff aggression, and running away. The case manager noted the following results from various interventions the special education staff had tried:
  - a) Noise making: Frequency decreased on some days, but no consistently effective intervention;
  - b) Non-compliance: Giving choices, use of time-outs, and tangible reward such as food were effective in decreasing non-compliant behavior;
  - c) Peer and Staff Aggression: Time-outs, desk placed close to teacher, safe hands visual on desk and social stories read weekly helped decrease this behavior.
  - d) Running away: Time outs helped slow running, but Student would still leave setting without permission.
9. On October 24, 2012, the team met to reestablish eligibility and to write a new IEP. During the meeting, the Parent asked if the Student could attend more classes in the general education classroom; and expressed concern that the Present Level of Academic Achievement and Functional Performance (PLAAFP) statement did not accurately reflect the Student’s skills and strengths. The Parent also presented some research on educating Students with Down syndrome. District staff expressed concern about some behaviors the Student exhibited, and asked the Parent to consent to a Functional Behavioral Assessment. The District staff also stated they felt the self-contained placement was optimal for the Student as the Student could develop skills more quickly and with greater effect there than in the general education classroom. The Parent agreed to “give one year in order to get behavior, communication, and education skills under control with the ultimate goal of increased regular education

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<sup>6</sup> Some years ago the District trained staff to use a Mini Functional Behavioral Analysis system developed by Cory Dunn, Behavioral Specialist in Oregon. These involve looking not at a broad spectrum of student behavior, but rather analyzing a single behavior that appears to occur in a single setting. For example, a student who begins tapping a pencil, putting his/her head down on the desk, whenever certain academic tasks are assigned. The teacher can use this independently of a team to sort out the antecedents, consequences and functions of a behavior.

participation.”

10. The Parent presented several documents to the team during the IEP meeting. These included a Person Centered Plan outline conducted by the Parent, some pictures of the Student, and an outline of Student strengths and Parent concerns. The team reviewed all of these in the meeting.

11. Based on a psychoeducational report presented by the school psychologist at the October 24, 2012 meeting, the team agreed that the Student continued to be eligible for special education as a student with an intellectual disability. The school psychologist reviewed the Student’s record and conducted an observation of the Student in the Intermediate Learning Center (ILC).<sup>7</sup> The team wrote an IEP at this meeting and specified the following in the IEP.

<p><b>Consideration of Special Factors</b></p>	<ul style="list-style-type: none"> <li>• Student needs Assistive Technology (AT); has behavioral and communication needs, but has no needs in English proficiency; and is not blind or deaf.</li> </ul>
<p><b>PLAAFP: Present Level of Academic Achievement and Functional Performance</b></p>	<ul style="list-style-type: none"> <li>• Student is extremely polite, cheerful and helpful;</li> <li>• Can identify 22 of 26 alphabet letters, and can rote count by 1’s to 39 on some days and to 20 on others;</li> <li>• The Student can write personal name with 100% accuracy on some days, holds the pencil correctly and is right-handed;</li> <li>• The Student is fully toilet-trained and can use the restroom independently;</li> <li>• The Student is combining 2—3 words per utterance to serve a variety of communicative functions and knows about 150 signs;</li> <li>• The Student struggles with exhibiting “learning ready behavior” in a large group, small group and 1:1 settings;</li> <li>• The Student exhibits behaviors such as running away, hitting, and noise-making during the school day;</li> <li>• The number of disruptive behaviors the Student exhibits make it hard for the Student to participate in the general education classroom—however, strategies that decrease the behaviors include time-outs, use of visuals and social stories;</li> <li>• The Student likes being with other students.</li> <li>• The Parent is concerned that the Student has spent minimal time in the general education classroom.</li> </ul>
<p><b>Assessment</b></p>	<ul style="list-style-type: none"> <li>• The Student will not take State and District assessments during the IEP year.</li> </ul>
<p><b>Goals</b></p>	<ul style="list-style-type: none"> <li>• The Student will increase reading level to a beginning first grade level in the area of identifying alphabet letters by name and sound, decoding, word reading, fluency and accuracy.</li> <li>• The Student will increase writing ability to a kindergarten level in the area of writing letters by name and sound, and writing consonant vowel consonant (CVC) words, and writing 2—3 word dictated sentences.</li> <li>• The Student will increase math skills to an end kindergarten level in the areas of identifying numbers, counting, and writing numbers,</li> </ul>

<sup>7</sup> The ILC is the self-contained classroom in which the student was placed at the beginning of the year.

	<p>identifying and drawing shapes, identifying colors and solving basic addition problems.</p> <ul style="list-style-type: none"> <li>• The Student will improve functional/fine motor skills to a kindergarten level in writing person name, improving functional hand writing skills.</li> <li>• The Student will increase positive interactions with both staff and peers by having no more than 15 time outs per week.</li> </ul>
<b>SDI: Specially Designed Instruction</b>	<ul style="list-style-type: none"> <li>• Reading: 75 minutes Per wk., sped setting;</li> <li>• Writing: 75 minutes Per wk., sped setting;</li> <li>• Math: 75 minutes Per wk., sped setting;</li> <li>• Functional/Fine Motor : 30 minutes Per wk., sped setting;</li> <li>• Behavior: 30 minutes per wk., sped setting.</li> </ul>
<b>Related Services</b>	<ul style="list-style-type: none"> <li>• Occupational Therapy: 3 hours per year consultation</li> <li>• Speech/Language Therapy: 30 minutes per month consultation<sup>8</sup>.</li> </ul>
<b>Supplementary Aids/Services; Modifications; Accommodations</b>	<ul style="list-style-type: none"> <li>• Allow ample time for response: when directions are given—school settings;</li> <li>• Breaks: after working on academics daily—school settings;</li> <li>• Visual Schedule: daily—school settings;</li> <li>• Social Stories: read weekly—school settings; and,</li> <li>• Behavior Plan: available at all times—school settings.</li> </ul>
<b>Supports for School Personnel</b>	<ul style="list-style-type: none"> <li>• Consultation with special education staff: 3 hours per year—school settings.</li> </ul>
<b>Non-Participation Justification</b>	<p>The Student will be removed for all but up to 2 hours per day. Due to disability, the Student's ability to attend to school instruction and due to behavior, the Student needs small group instruction with a low student/teacher ratio in order to meet educational needs at this time.</p>
<b>ESY: Extended School Year</b>	<p>No ESY services needed<sup>9</sup></p>
<b>Placement Determination</b>	<p>Self-contained special education classroom with a reduced (school) day.</p>

12. The IEP also contained a Behavior Plan. This plan outlined pro-active actions staff could use to help the Student be "learning ready" in the school settings; and reactive actions staff could use when the Student demonstrated inappropriate behavior in a classroom and/or school setting. It also listed interventions to use to reduce inappropriate behaviors and a crisis intervention plan. Finally, the Behavior Plan outlined interventions to use to help the Student recover from a crisis situation and become "learning ready" again.

13. At the October 24, 2012 IEP meeting the Parent requested that the Student be included in a general education classroom/school setting for 100% of the school day. After the meeting, the District sent the Parent a PWN stating that the District was unwilling to implement full inclusion. The District noted that: "After careful discussion and review of the Student's current behavioral data, the team including the Parent, agreed that full inclusion is not the least

<sup>8</sup> The student was receiving outside speech/language services at this time, and so the team decided not to provide direct services in the school setting. The District notified the parent in a PWN of this decision.

<sup>9</sup> District staff suggested the team consider ESY, but the parent stated the family had other priorities and travel plans for the summer and the student would not be available for ESY services.

restrictive placement for the Student at this time. At this time, the Student's behavior is impeding the learning of self and others. The team would like to continue to work on decreasing the negative behaviors and increase (sic) positive student behaviors in a self-contained classroom setting at this time."

14. After the case manager discussed the mini FBA's at the October 24, 2012 IEP meeting; the Parent asked the District to conduct a formal Functional Behavioral Assessment. On October 30, 2012, the District sent the Parent a "Prior Notice about Evaluation/Consent for Evaluation" form asking the Parents to give consent to complete the FBA as requested. The Parent changed the form by checking and initializing the box "To evaluate your child" and writing "Initial FBA next to it." Under the section labeled Reason (for Evaluation) the Parent wrote "Request FBA be completed in general education 1st grade class." The Parent made these changes, signed and dated the form November 13, 2012.
15. On November 16, 2012, the District sent the Parent a Prior Written Notice. In this notice, the District informed the Parent that the District was unable to conduct the FBA due to the changes the Parent made on the Consent form. The District also noted that it was arranging another IEP meeting at the Parent's request and would like to readdress the evaluation plan at that meeting.
16. The IEP team met again on December 13, 2012. The Parent expressed concern<sup>10</sup> that the IEP as written was not satisfactory; the Parent stated that they still wanted full inclusion for the Student, and that the Parent said they had been researching an inclusion program for students with Down syndrome. The movement is called "All Born In,"<sup>11</sup> and the Parent stated a preference for having the District use some of the strategies and philosophy of this movement with the Student. The Parent asked the team to consider observing the Student and completing the FBA after the Student had been placed full-time in a first grade classroom.<sup>12</sup> The Parent and the team discussed many items ranging from the Student's current skill levels to what accommodations would be needed for the Student to be successful in the general education classroom. The team agreed to meet again on December 20, 2012 to review IEP changes and a transition plan to a new classroom setting.
17. At the December 13, 2012 meeting the Parent agreed to give the District permission to conduct a formal Functional Behavioral Assessment across all school settings, rather than just in the general education classroom or the special education classroom. The Parent signed the consent form. The District specified that the assessment would include observations across all school settings, a file review, Parent, and teacher input.
18. The IEP team met as planned on December 20, 2012. After reviewing the Student's progress over the fall, and considering a number of options, the team decided to formalize the Student's grade level as grade 1; and to place the Student in a first grade classroom when school resumed in January, 2013. The team chose a placement described as "general education with pullout for specially designed instruction in needed areas," and specified the Student would be pulled out of the general education classroom for 530 minutes per week.

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<sup>10</sup> The parent again presented a document outlining the student's strengths and parental concerns.

<sup>11</sup> All Born (In) is a movement in pursuit of an inclusive, civil society. All Born (In) is a parent-driven, best practices initiative created by the Northwest Down Syndrome Association in partnership with Portland State University, the Universal Design for Living and Learning Coalition, and many other parents and professionals.

<sup>12</sup> In the October 24, 2012 IEP meeting the team had discussed using a second grade classroom as a setting for some inclusionary activities for the student. The team concluded for a variety of reasons that the second grade classroom, while chronologically more appropriate, was more advanced in academic requirements and curriculum.



The team also agreed the Student would attend school full days instead of a reduced day. On the IEP, the team added the additional accommodations of: "extra time for all transitions—during all transitions; social skills—30 minutes per week; and role models/peer models for demonstrating expected behavior—throughout the school day." All of these were to be providing in all school settings.

19. Two behavior plans were included in the December 20, 2012 IEP—one was specifically for the general education setting and the other for the special education setting. Each specified Pro-Active; Reactive; Crisis and Recovery steps staff could take to support the Student in the setting. Generally, the two plans were very similar, but the plan for the general education setting included the use of positive classroom interventions available to all students as well as the personalized visual supports and the presence of an assistant. The assistant's job was to be available if the Student needed help getting started or completing work. The assistant was also available to intervene if the Student became disruptive and if the Student did not respond to the classroom teacher's interventions.
20. During the time period from January 7, 2013 to June 11, 2013 when the school year ended, two different Instructional Assistants supported the Student in the 1st grade classroom. Both assistants and the 1st grade teacher stated that the accommodations and interventions defined in the IEP and general education plan were used in the classroom. The Student had a notebook that was placed on the desk in the 1st grade classroom. This notebook had a visual schedule inside, and a silent timer as well to help guide the Student. Sometimes the assistant would highlight written work that the Student would trace with a finger. A slant board was available to stabilize writing for the Student. In the 1st grade classroom some of the work given to the Student was different from other students based on developmental levels. Some was the same but modified, and some was the same with different expectations.
21. During the January-June, 2013 time period the Student received twelve behavior citations, as per the classroom management system. All twelve reported incidents involved the Student taking physical action (kicking, hitting, slapping) against a peer or staff member. Three of the incidents happened on the playground, two happened in the ILC, and the remaining seven occurred in the general education classroom. District staff called the Parent when five of the incidents happened. Most generally, the Student apologized after each of the incidents. Several were handled in the ILC, and for one of the incidents, the Student spent time in the "Opportunity Room" (in-school suspension). Staff recorded five other "Minor Incident Referrals" during this time period. Several of these were again for physical action against a peer, and two involved property damage (soaping up a bathroom mirror, scribbling on a desk with a pencil). Again, the Student either apologized or repaired the damage. On a number of the referral forms, District staff noted that other parts of the Student's IEP behavior plan had been used before the referral was made.
22. From January 8, 2013 to March 18, 2013, the behavioral specialist completed the formal Functional Behavior Analysis in conjunction with other staff and the Parent. During this time, the school psychologist observed the Student in 1st grade music class and at recess; the case manager observed the Student in the 1st grade classroom; one Instructional Assistant observed the Student in general education math class and at the end of the school day; and, the other Instructional Assistant observed the Student in general education math and spelling. Additionally, the behavior specialist observed the Student in the general education 1st grade class, the Opportunity Room, the Title I reading group, and the ILC. The behavior specialist also interviewed the Parent, and the first grade teacher; in addition to conducting a cumulative file review. As a result of the compilation of all interviews, observations and the record review,

the behavior specialist identified eight behaviors that were interfering with the Student's ability to be successful across all settings. The chart below outlines the eight behaviors; the functional analysis (in brief) and the suggested behavior reduction, intervention strategies.

<u>Behavior</u>	<u>Functional Analysis</u>	<u>Reduction/Intervention Strategies</u>
Work Avoidance and or Noncompliance	<ul style="list-style-type: none"> <li>Engages in this behavior for approximately 95% of seatwork time.</li> <li>Occurs during individual seatwork time;</li> <li>Appears to be a function of need for attention from peers and staff</li> </ul>	<ul style="list-style-type: none"> <li>Allow Student to choose between choices;</li> <li>Emphasize Student strengths.</li> </ul>
Running Away	<ul style="list-style-type: none"> <li>Occurred two times in the previous 39.5 days;</li> <li>Occurs in all settings;</li> <li>Appears to be a function of a need to control the setting.</li> </ul>	<ul style="list-style-type: none"> <li>Communicate expectations without threats;</li> <li>Proximity control</li> </ul>
Peer & Staff Aggression	<ul style="list-style-type: none"> <li>Occurred nine times in the previous 39.5 days;</li> <li>Occurs in all settings;</li> <li>Appears to be a function of need for attention from peers and staff</li> </ul>	<ul style="list-style-type: none"> <li>Apply consequences without conversation;</li> <li>Differential Reinforcement of other Behavior</li> </ul>
Making Noises	<ul style="list-style-type: none"> <li>Occurred 75 times in the previous 39.5 days;</li> <li>Occurs when academic task is assigned;</li> <li>Appears to be a function of Student's enjoyment of the behavior.</li> </ul>	<ul style="list-style-type: none"> <li>Reinforce Student for demonstrating appropriate behavior;</li> <li>Focus on issue not behavior.</li> </ul>
Expressing Verbal Displeasure (Loud NO)	<ul style="list-style-type: none"> <li>Occurred 172 times in previous 39.5 days;</li> <li>Occurs during or immediately after a natural consequence to a prior behavior;</li> <li>Appears to be a function of a skill deficit in communication.</li> </ul>	<ul style="list-style-type: none"> <li>Teach skills in different situations to facilitate generalization;</li> <li>Provide opportunities for the Student to rehearse the desired appropriate behavior.</li> </ul>
Lying Down on the Floor	<ul style="list-style-type: none"> <li>Occurred 57 times during the previous 39.5 days;</li> <li>Occurred in all settings ;</li> <li>Appears to be a function of need for attention from peers and staff</li> </ul>	<ul style="list-style-type: none"> <li>Reward other students for ignoring;</li> <li>Do not comply with Student demands.</li> </ul>
Pretending to Play with (as) Self "in a Movie"	<ul style="list-style-type: none"> <li>Occurred 76 times in the previous 39.5 days;</li> <li>Occurs in all school settings;</li> <li>Appears to be a function of</li> </ul>	<ul style="list-style-type: none"> <li>Time-out;</li> <li>Reinforce the desired appropriate behavior immediately.</li> </ul>

	Student's enjoyment of the behavior.	
Ignoring Teacher/Staff Directions	<ul style="list-style-type: none"> <li>• Occurred 278 times in the previous 39.5 days;</li> <li>• Occurs in all school settings;</li> <li>• Appears to be a function of a need to control adults and the setting.</li> </ul>	<ul style="list-style-type: none"> <li>• Attend to another appropriate student;</li> <li>• Reinforce the desired appropriate behavior immediately.</li> </ul>

23. The IEP team met on April 11, 2013 to review the FBA after it was conducted. The Behavior Specialist distributed copies of the FBA to all members of the team on the previous day. The team reviewed the data and discussed the information in the report. The Parent wanted to know when the District started collecting data, and expressed concern that the whole report seemed "negative" and included no positive comments. The special education administrator explained that the purpose of the FBA was to analyze the function of the behavior so that the team could design appropriate supports for the Student. The Parent informed the team that the Student's self-esteem seemed better at home; that the Student conversed with Parents more 1:1. The team reviewed each of the eight targeted behaviors, and brainstormed some possible function of and responses to each behavior. Many times during the meeting the Parent asked the 1st grade teacher to verify that the behavior had occurred as described in the general education setting. The teacher agreed that the behavior had occurred as described. The team as a whole discussed the academic work expectations in the 1st grade classroom and the effect these expectations had on the Student's behavior. Finally, the team agreed to meet again to discuss the results of the FBA.

24. On April 16, 2013, the Parent emailed<sup>13</sup> the IEP team and the special education administrators and asked that the District conduct an Assistive Technology Needs Assessment, and that the District address how it was meeting the Student's sensory needs. The Special Education Director replied by email the next day and notified the Parent that the two requests would be added to the agenda for the meeting scheduled on April 29, 2013.

25. In an email sent on April 19, 2013, the Parent informed the District that an outside consultant was going to come to the school to observe the Student in order to create a positive behavior support plan. The Parent asked the District to suggest a time during the Student's day when things were most difficult for the Student in the general education classroom. On April 22, 2013, the Parent followed up in another email confirming the meeting time set for April 29. The Parent asked the District to respond to the previous email about the positive behavior plan.

26. On April 24, 2013, the Parent emailed the District team again and informed them that the positive behavior support specialist from Oregon Technical Assistance Corporation (OTAC) would observe the Student on May 23, 2013 from 11:30 am to 1 pm. The school principal replied the same day confirming the date and expressing some concern about the length of the observation. The principal noted that in order to minimize disruptions to the learning environment, observations by individuals other than staff were generally limited to 20 minutes in length. However, the principal agreed to let the OTAC specialist observe for a 60 minute time period; and informed the Parent that a District staff person would observe for the same

<sup>13</sup> Over the 6 month period of time under investigation, there were many emails between the parent and the District. Including them all here would be prohibitive. For that reason only a few are cited. The parent emailed to let staff know when the student was ill, to share video and podcast and other internet links, and to ask questions. The District replied quite consistently and also provided information to the parent via email.

time period, in order to gain multiple perspectives.

27. On April 29, 2013 the team met for the second time to review the FBA and the Student's current level of functioning and academic achievement. Again, the Parent presented the team a written list of strengths and concerns. The Parent noted that the Student is computer literate; able to operate an iPad and iPhone and other digital devices independently. The Parent also explained that the Student "enjoys and works hard at learning." As an example the Parent stated that when "at home and given lessons in a Universally Designed for Learning (UDL)<sup>14</sup> format, the Student spends at least an hour focusing and working hard." The Parent listed such concerns as:

- a) We have not discussed proper supports which could make the Student more successful in the general education classroom;
- b) It is my understanding that FBA's are completed to provide directions for school personnel on how to provide appropriate directions to students to get desired behavior.....and are not to be used in a negative or disciplinary way...but after receiving the recently completed FBA it seems to have captured mostly undesired behaviors;
- c) That there has been no behavior plan in place in the general education classroom other than sending the Student to the Opportunity Room.

28. The Parent also gave the team members copies of seven articles reprinted from "The Inclusive Classroom" website.

29. During this April 29, 2013 meeting the Parent asked the team to consider allowing the Student to use an iPad in the classroom. The Parent noted that the Student uses the timer and other apps on the iPad at home. The team discussed modifying the 1st grade curriculum for the Student to use in the general education classroom. The 1st grade teacher explained that sometimes the Student responded well to the teacher's instructions and sometimes the Student did not. The Parent suggested that the District provide the Student a name stamp to use, and that the District view a podcast from "The Inclusive Classroom." The Parent asked the District to conduct an Assistive Technology assessment. The Parent again expressed the opinion that such life-skills as teeth-brushing and eating breakfast at school were not necessary for the Student as the family teaches these skills at home. In general, the discussion at the meeting focused on the benefits provided in a general education setting and those provided in the special education setting. The Parent informed the District that the Parent had asked another specialist to observe the Student in order to complete a second Behavioral Assessment. Eventually, the discussion moved to a consideration of the Student's current placement. The Parent asked the District to continue the Student in the general education classroom and to add additional supports for the Student to the IEP that could be used in the 1st grade classroom. Other team members did not agree with this, and expressed the opinions that the Student needed to return to the ILC for an additional 60 minutes per day for specially designed instruction.

30. The Parent left the meeting believing that another meeting would be held before the Student's schedule was changed to reflect the additional time in the ILC. However, the District staff felt they had listened to the Parent's concerns and to the suggestions the Parent had made, and that it was now time for the District to exercise its right under the law to make a final decision

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<sup>14</sup> By definition, universal design for learning (UDL) is the design of instructional materials and methods that makes learning goals achievable by individuals with wide differences in their abilities. Universal design is attained by means of flexible curricular materials and activities that provide alternatives for students. ERIC Clearinghouse on Disabilities and Gifted Education Arlington VA. ERIC/OSEP Special Project

as the team had not reached consensus on placement. Therefore, the Student's schedule was changed and an additional 60 minutes per day in the ILC (and out of the 1st grade classroom) was implemented on May 6, 2013. The October 24, 2012 IEP was amended to increase the amount of time the Student received specially designed instruction in the ILC by 300 minutes per week. The team added an additional accommodation of "modified classwork—work provided at the Student's developmental level in the classroom and special education settings."

31. On May 1, 2013, the District sent the Parent three separate PWNs. In the first, the District notified the Parent that it was refusing to initiate an Assistive Technology Evaluation. The District reasoned that the AT devices were already being used in the Student's daily program and that it proposed to initiate and evaluate trials of specific applications in the school settings instead. The District proposed to do this in lieu of a full AT evaluation. In the second PWN, the District notified the Parent that the Student qualified for Extended School Year services, and that it would be ready to provide them when the Parent gave consent. In the third PWN, the District proposed to increase the Student's time in the ILC by 300 minutes per week. The District also stated that it would add the modification of "modified work to the Student's developmental level" to the IEP.

32. The District implemented the schedule change on May 6, 2013.

33. On May 16, 2013, the Parent left a voice mail message for the Special Education Director. In the message the Parent asked three questions: 1) the Student's new daily schedule; 2) scheduling a meeting to discuss some issues; and, 3) scheduling a team meeting after the OTAC specialist observed the Student to discuss the observation report and add supports and modifications to the Student's IEP. The Director replied also by voice mail and instructed the Parent to contact the case manager for the first and third requests. The Director also suggested a date and time for the Director and the Parent to meet. The case manager sent a copy of the schedule on May 20, 2013 in an email, and also told the Parent the team was working on some tentative meeting dates.

34. The Parent emailed the District on May 20, 2013. In this email the Parent stated that the PWN sent on May 1, 2013, regarding the District's refusal to initiate an AT evaluation was incorrect—that the team had made no such decision at the April 29, 2013 meeting. The Parent asked the District to use the SETT framework provided by cast.org as part of an AT evaluation. Additionally, the Parent opined that the District was not meeting the Student's sensory needs nor was it providing any accommodations or modifications in the general education classroom. Finally the Parent stated that the District had implemented the Student's recent schedule change for "administrative purposes" rather than to benefit the Student.

35. The Parent emailed the District on May 21, 2013 and informed the team that the Parent was purchasing an iPad for the Student and was going to set it up for the Student to use in 2nd grade in the fall of 2013. In order to do so, the Parent asked the District to send the name of a 2nd grade teacher who "teaches in a multi-sensory way"; to provide the Parent with the names of the curriculum materials that teacher used; to send a copy of the Student's daily schedule; and, to send copies of teacher's lesson plans so the Parent could suggest ways to accommodate the plans for the Student.

36. On May 22, 2013, the District prepared, and the Parent signed, a consent for an AT evaluation. On May 23, 2013, the OTAC specialist observed the Student in the general education class while the students worked on math, spelling, and then transitioned to PE. The

specialist also reviewed the FBA and the Behavior Plan. The specialist prepared a four page report for the Parent to share with the District. In the report, the specialist summarized strengths and barriers observed in the general education classroom. For example, the specialist noted that the general education teacher provided "touch cues and silent prompting" that seemed to work well for the Student; but that an adapted pencil was distracting for the Student. The specialist analyzed three setting events (independent work, new work, and transition); their triggers; observed behavior and response or reinforcement. The specialist opined that the Student communicates needs, wants, frustration and avoids instruction and difficult work; but that the Student admires the general education teacher. Finally, the specialist recommended that staff view all challenges as learning opportunities, use visual timers, create a more portable list schedule, ensure the Student hears all instructions, continue with the positive reinforcement from the teacher (smiling and facial approval), and use assistive technology to provide more support in the classroom.

37. The Parent and the Special Education Director met on May 28, 2013. The Parent stated that the District was using old-fashioned methods by not integrating the Student fully into general education. The Parent also demonstrated some of the apps that had been installed on the iPad to help the Student. The Parent expressed the opinion that accommodations were not being used in the general education classroom, and that the Student had learned the hitting and other negative behaviors from students in the ILC. The Director offered a mediator to meet with the team and the Parent but the Parent refused.

38. The Parent sent the OTAC specialist's report to the team on June 3, 2013 and the team met on June 5, 2013 to discuss it. Although the specialist reported observing in the classroom for an hour, the 1st grade teacher reported the specialist only being in the classroom for 20—30 minutes. The Parent noted that the specialist captured the way the teacher reinforced the Student very well. The team discussed some of the specifics of the observation and then discussed potential revisions to the IEP. The Director informed the Parent that the Assistive Technology would begin in the fall when the Student returned to school, and that it would be conducted by the Northwest Regional Education Service District. The Director proposed that the team continue the Student's IEP and placement in the fall. District staff stated that data showed the Student learned best in small groups and with typical peers, and suggested the Student's placement be in the ILC for specially designed instruction and in the general education setting for other activities and learning experiences. The Parent expressed concern about so much time in the ILC, and a need to think about the Student's educational plan for the fall. The team, including the Parent, agreed to meet before school started in the fall so that the Parent could share thoughts and the decision.

39. On September 5, 2013, the District sent the Parent two PWNs after the Parent notified District that the Student would not return to school in the District at the start of the 2013-2014 school year. In the first, the District confirmed that the Student would not receive special education services from the District for the 2013-2014 school year as the Parent had chosen to home-school the Student. In the second, the District informed the Parent that because the Parent had chosen to home-school the Student, the District would not conduct an Assistive Technology Evaluation.

## IV. DISCUSSION

### 1. Requirement for Least Restrictive Environment:

The Parent alleges that the District violated the IDEA when it inappropriately changed the Student's placement from a less restrictive to a more restrictive environment.

The rule in effect when we consider this allegation is OAR 581-015-2240. Under this rule, a District is responsible to ensure that students with disabilities are educated with students who do not have disabilities to the maximum extent appropriate. Districts must remove students from the regular education environment only when the nature or severity of the student's disability is such that modifications, accommodations and supplementary aids and services do not mitigate the negative effect of the disability. The IDEA requires that each public agency ensures a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.<sup>15</sup> Not every student with a disability will benefit from placement in the regular education setting. The requirement for a Free Appropriate Public Education (FAPE) overrides Least Restrictive Environment (LRE) requirements when the two principles conflict.<sup>16</sup>

Districts should place students in educational settings which allow the student to make progress in and be involved in the general education classroom as per OAR 581-015-2200(1)(b)(A). Most legal decisions stemming from IDEA LRE disputes rely on the following factors for determining whether a child with a disability can be educated satisfactorily in a regular class with supplementary aids and services: whether the District has made reasonable efforts to accommodate the child in a regular classroom; the academic and nonacademic benefits available to the child in a regular class, with appropriate supplementary aids and services, as compared to the benefits provided in a special class; and the possible negative effects of the inclusion of the child on the education of the other students in the class.<sup>17</sup> The two prong test to review placement on the LRE continuum adopted by the 9th Circuit requires courts to consider: whether a student can be satisfactorily educated in the general education environment with the use of supplementary aids and services; and if not whether the student was mainstreamed to the maximum extent appropriate.<sup>18</sup>

In this complaint, the Student has experienced many types of educational placements, some which were initiated by the District IEP team, and some which were initiated by the Parent. The Student has been home-schooled, has attended a charter school, has attended both general education classrooms and special education classrooms, and has received both EI and ECSE services. In the District, the Student received services on a several days per week schedule and then attended school for half days. When the school year started in September of 2012 and the Student transferred into the District, the Student's IEP and special education eligibility were out of date. As such, the District implemented the previous IEP while working on a new IEP for the Student. The January 26, 2011 IEP mandated a half day placement in a self-contained classroom with inclusion in general education "specials" such as music and PE.

Throughout the Student's school career, the Parent has been very vocal about wanting a full inclusion program for the Student. The Student has Down syndrome and the Parent is active in a number of associations that support individuals and families with Down syndrome. Historically, the Parent has asked many times for more inclusion opportunities for the Student and has shared

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<sup>15</sup> 34 CFR 300.115(a)

<sup>16</sup> *Hartmann v. Loudoun County Bd. of Educ.*, 26 IDELR 471 (4<sup>th</sup> Cir. 1997) See also *P. v. Newington Bd. of Educ.*, 51 IDELR 2 (2d. Cir. 2008).

<sup>17</sup> *Oberti v. Board of Education*, 19 IDELR 908 (3d Cir. 1993) see also

<sup>18</sup> See *P. v. Newington Board of Education*, 51 IDELR 2 (2d Cir. 2008)

research, materials, and conference opportunities with the staff. When the IEP team met in late December, 2012, the Parent asked that the District official to designate the Student as a 1st grader and said that the Student should begin receiving specially designed instruction in a general education 1st grade classroom. The District reported that the IEP team duly considered the Student's needs and based on this review, appropriately revised the Student's placement. In January, the Student began attending school full days; and receiving services and specially designed instruction in the general education classroom. The Student was in the general education classroom for all but two hours per day. The District added accommodations—most notably an Instructional Assistant to the general education classroom. After the Parent asked for and the District completed, a Functional Behavior Assessment (FBA), the team met to consider the results of the FBA and the Student's progress to date.

The Student was not making a sufficient level of progress on the academic goals so was not being educated satisfactorily in the regular class with supplementary aids and services even after reasonable efforts were made to accommodate the Student. Accordingly, the District appropriately believed the more restrictive setting was better able to accommodate the Student and provide educational benefit to the Student. The Student also had many disruptive behaviors in class which were not decreasing even after the FBA was completed, and these behaviors were negative to both the Student and other students in the general education classroom. Based on these factors, the IEP team, with the exception of the Parent, agreed that the Student should return to a more restrictive environment. IEP decisions are not made on a voting basis, but rather team members strive to reach consensus on what is appropriate for an individual student. When consensus is not possible, it is a District responsibility to make the final decision and implement it after giving the Parent prior written notice of the decision and the reasoning behind it. That is what happened in this case.

Therefore, the Department does not substantiate this allegation and orders no Corrective Action.

## **2. Content of the IEP:**

The Parent alleges that the District violated the IDEA when it did not include, in the Student's IEP, supplementary aids and services; modifications; and accommodations, and a positive behavior support plan necessary to support the Student.

The rule in effect when we consider this allegation is OAR 581-015-2200(1). Under this rule, a district meets its responsibility when it addresses all elements of the IEP in light of the student's present levels of academic achievement and functional performance. These elements include: goals and how they will be measured and reported to parents; a description of the services to be provided to the student—both related and specially designed instruction services; an explanation of how much and why the student will be removed from the regular class environment; a description of accommodations necessary to support the student in all educational settings; and, a statement of accommodations necessary to support the student on state and district-wide assessments.

After Student transferred into District, the District implemented the most recent IEP, which was dated January 26, 2011, with all of the necessary IEP components noted above. The District also collected and reviewed current data on the Student's performance and academic work, considered suggestions and information presented by the Parent, and then re-wrote the IEP. When the Parent asked the District to consider additional inclusion in the general education classroom for the Student, the team added other accommodations to the IEP, and revised the behavior plan to include specifics for the Student in the general education classroom. The Parent asked the District



to conduct a Functional Behavior Assessment, and the District did conduct an FBA. The Parent felt the District's assessment used in the FBA was "too negative" and asked an outside behavior specialist to observe the Student and make suggestions for a behavior plan. The team also reviewed the Parent's outside assessment and found that many suggestions in that report were similar to the District's ideas for the Student.

A behavior plan is, by definition, focused on behaviors which need modification, and behavior that are impeding the Student's ability to learn and may also impede other student's ability to learn. A well-developed behavior analysis should include techniques, strategies, and accommodations to support a student in decreasing negative behaviors while increasing positive behaviors. These elements were included in the behavior plans that were attached to the Student's IEP.

In this case, the District included all elements necessary to an IEP that is reasonably calculated to confer benefit.

The District wrote and then revised the IEP twice during the 2012-2013 school year and each incarnation of the IEP included all of the necessary IEP content requirements. The Parent did not agree with all of the revisions and team decisions, but nonetheless, the District included all of the necessary elements in each of the IEPs. Additionally, the District sent the Parent Prior Written Notice (PWN) after each of the IEP team meetings that reflected the IEP team decisions and necessary IEP revisions. The PWN dated October 24, 2012 clearly indicates the refusal to initiate a change of placement and provision of FAPE and clearly notes that "after careful discussion and review of Student's current behavioral data, the team including the Parent, agreed that full inclusion is not the least restrictive placement at this time...." The District sent a second PWN also on October 24, 2012 which noted that student met the eligibility criteria for intellectual disability and further stated that the team reviewed and developed an IEP that would be implemented. The District also send additional PWNs after each IEP meeting.

Therefore, the Department does not substantiate this allegation and orders no Corrective Action.

### **3. When IEP's Must Be in Effect:**

The Parent alleges that the District violated the IDEA when it did not provide the student with accommodations, modifications, and supplementary aids and services in the general education classroom.

The rule in effect when we consider this allegation is OAR 581-015-2220(1). Under this rule, a District is responsible to ensure that all accommodations, modification, and supplementary aids and services are provided as defined on the IEP. The IEP must be in effect at the start of each school year and the services must be provided. Under OAR 581-015-2200(d)(C), the team must define the projected dates for initiation of services and modifications and the anticipated frequency, amount, location and duration of the services to be provided. Most generally, location in the sense of this rule is the type of setting (general vs. special education) rather than a specific room number or location of special education or related services. In section (1)(d) of OAR 581-015-2220, the specific special education and related services and supplementary aids and services of a student's IEP must be based on "peer-reviewed research to the extent practicable." However, the law does not say, and the Courts have been loath to specify copyrighted programs or specific teaching methodology to mandate for educators; choosing rather to rely on the professionalism of teachers and other specialists to made appropriate educational and curricular decisions.

In this case, the Student's IEP was revised and the Student's placement changed to a more inclusive environment in December, 2012. The 2012 IEP included accommodations, modifications, and supplementary aids and services for the general education classroom. When the Student started in the new placement in January, 2013, these were all put into place and the IEP was utilized and implemented at that time. Unfortunately, the specified list of supports did not include a number of strategies, etc. that the Parent had preferred and suggested. The Parent spent considerable time talking with District staff about Universal Design for Learning (multi-sensory approach) as well as other accommodations and techniques specific to individuals with Down syndrome. As noted above, a District may use a multiplicity of strategies and systems for a student, as long as they are based on peer reviewed research to the extent practicable and in accordance with the student's IEP. In many classrooms, and with many students, this research happens on a daily basis, as teams work to find the most successful way to help students learn and make progress based on the student's changing needs.

Here, the District provided accommodations and modifications, specifically defined, in both the special education and the general education setting. The District listened to the Parent's suggestions and incorporated many different ideas into various IEPs. The IEPs were then implemented for the Student.

Therefore, the Department does not substantiate this allegation and orders no Corrective Action.

#### **4. Parent Participation -- General:**

The Parent alleges that the District violated the IDEA when it conducted a meeting the Parent perceived as a "preparatory or planning" meeting to discuss the results of the Student's Functional Behavioral Assessment. The Parent understood that after the meeting the District staff would develop a new schedule for the Student; and that an IEP team meeting would then be convened to decide on the schedule. Instead, the District changed the Student's schedule a week later.

The IDEA requires that parents be afforded the opportunity to participate in meetings with respect to the identification, evaluation, IEP, and educational placement of a child, and the provision of FAPE to a child.<sup>19</sup> The specific rule in effect when we consider this particular allegation is OAR 581-015-2190(4). Under this rule, a District may engage in planning and preparation activities and conversations for issues such as teaching methodology, lesson plans, and coordination of service provisions if those issues are not addressed in the child's IEP. Nothing in the rule or IDEA says that a parent must be involved in the development of a particular schedule for the student, if the schedule is not listed on the IEP. Nor is there a requirement related to parent participation for the IEP team to convene in order to develop a student's particular schedule as this is typically an administrative matter related to the coordination of services, and thus not a covered "meeting" for the parent participation requirements under the IDEA.

In this case, the District revised the Student's IEP properly after a team meeting, and also increased the Student's time in the self-contained classroom after reviewing the results of a Functional Behavior Assessment and making an appropriate placement determination. The PWNs detailed above note that the parent was informed of the District's decisions and the IEPs and their notes clearly indicate that student was present for IEP team meetings. The Parent disagreed with this decision and believed the District should have increased the Student's time in the general education setting and incorporated additional modifications and accommodations into that setting.

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<sup>19</sup> See OAR 581-015-2190(1)

During the meeting in question here, which was held on April 29, 2013, the team discussed the actual time schedule that might be implemented. The Parent's understanding at the end of the meeting was that the team would meet again to review several schedule possibilities and would make a final schedule decision as a group. Instead, the District Director instructed the team to go ahead and implement the increased time in the ILC in accordance with the team's placement determination which was based on the IEP and needs of the Student. The District did send the Parent a Prior Written Notice informing the Parent of this decision. The record shows that the Parent was able to participate with District in all IEP and placement determination meetings. The District also documented extensive efforts to work with Parent. Finally, there is no requirement for the IEP team to meet, or the Parent to agree, with all educational administrative matters such as a schedule change. Specifically, for scheduling matters or changes that do not deviate from the Student's determined placement or prescribed special education services.

Therefore, this allegation is not substantiated.

**CORRECTIVE ACTION<sup>20</sup>**  
*In the Matter of St. Helens School District*  
Case No. 14-054-009

The Department does not order Corrective Action resulting from this investigation.

Dated this 29th day of May 2014



Sarah Drinkwater, Ph.D.  
Assistant Superintendent  
Office of Learning/Student Services

Mailing Date: May 29, 2014

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<sup>20</sup> 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)).