

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In the Matter of Vernonia
School District

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FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER
Redacted
Case No. 08-054-017

I. BACKGROUND

On April 18, 2008, the Oregon Department of Education (Department) received a letter of complaint from the parent of a high school senior attending school and residing in the Vernonia School District (District). The parent requested that the Department conduct a special education complaint investigation under OAR 581-015-2030. Under federal and state law, the Department must investigate written complaints that allege violations of the Individuals with Disabilities Education Act (IDEA) and issue a final order within 60 days of receiving the complaint, unless exceptional circumstances require an extension. There were no exceptional circumstances warranting an extension, and this order is issued within 60 days of receipt of this complaint.

On April 28, 2008, the Department sent a *Request for Response* to the District identifying the specific allegations in the complaint the Department would investigate. The District submitted its timely *Response* to the allegations, and made a copy available to the parent. On May 14, 2008, the Department’s complaint investigator conducted an on-site investigation, and interviewed the following District staff: special education teacher, principal, and special education director. The Department’s complaint investigator also conducted a telephone interview with the parent.¹

II. ALLEGATIONS AND CONCLUSIONS

The Department has jurisdiction to resolve this complaint under 34 CFR §300.151-§300.153 and OAR 581-015-2030. The allegations and the Department’s conclusions are set out in the chart below. The Department based its conclusions on the Findings of Fact (Section III) and the Discussion (Section IV).

#.	Allegations	Conclusions
(1)	<u>Implementation of October 2007 IEP:</u> a. The parent alleged that the District did not implement weekly email communication provisions agreed to at an October, 2007 IEP meeting; b. The parent alleged that the District has not	Not Contested.

¹ The Department’s complaint investigator also offered to meet with the parent.

#.	Allegations	Conclusions
	<p>provided the regular education support services required by her son's IEP. Specifically, she alleged that the District did not provide notes, or assistance in core regular education classes, as required by her son's IEP; and</p> <p>c. The parent further alleged that the District did not develop or implement appropriate special education services, based on empirically validated instructional strategies and programs, and that the assignments her son received in his special education class were unrelated to the goals and objectives on his IEP.</p>	
(2)	<p><u>IEP Progress Reports:</u></p> <p>The parent alleged that the progress reports she received during the 2007-08 school year did not provide information concerning her son's progress towards the goals on his IEP.</p>	Not Contested.
(3)	<p><u>Informing Teachers and Service Providers:</u></p> <p>The parent alleged that the District did not adequately inform teachers and service providers of the student's disability-related needs. Specifically, she alleged that staff working with the student were not adequately informed concerning the effect of the student's learning disability on his executive functions, and the need for extra rest related to his health impairment.</p>	<p>Substantiated.</p> <p>The District took steps to inform the student's teachers and service providers of the accommodations and modifications required by the student's IEP. The present levels of performance statement on the student's IEP references the impact of the student's learning disabilities and anemia on his classroom performance. However, the impact of the student's disabilities in the areas of language, visual motor skills, executive functioning, and emotional functioning was not evaluated, nor was the impact of the student's diagnosed ADHD condition considered.</p>
(4)	<p><u>Disability Harassment:</u></p> <p>The parent alleged that the District permitted staff to engage in intimidating or abusive behavior based on his disability, which created a hostile environment by interfering with or denying her son's participation in the educational program.</p>	<p>Not Substantiated; Other Issues.</p> <p>The Department did not find persuasive evidence that the District permitted staff to engage in disability-based harassment towards the student with respect to his need for a late school</p>

#.	Allegations	Conclusions
	Specifically, the parent alleged that a teacher treated her son as having “an attitude problem” and in March, 2008, told her son there was no point in his being in class, resulting in her son not attending that class until after a meeting on April 16, 2008. Further, she alleged that staff engaged in intimidating behavior towards her son with respect to his need for a late school start, by suggesting he was available for counseling during the first or second period of the day, and suggesting they were doing him a favor by delaying a Saturday school.	start, or as having “an attitude problem.” However, the Department did find that the student’s special education teacher permitted him to stop attending her class, did not inform his parent, and did not reconvene the student’s IEP team to address his lack of participation in his special education program.

III. FINDINGS OF FACT

1. The student resides within the District, is enrolled in the [] grade, and attends his neighborhood school within the District. The student is eligible to receive special education and related services as a child with a specific learning disability, affecting his achievement in the areas of written and oral expression.

2. The student’s records include reports and references concerning issues with school attendance, attention, behavior, and writing. In the [] grade, the student was diagnosed with ADHD by his pediatrician. In the spring of 2004, the student’s parents obtained an outside neuropsychological evaluation of the student. The evaluator concluded that the student had deficient ability for organizing visual and verbal information, especially when processing large or complex amounts of information. The evaluator also concluded that the student had deficient ability for visual-spatial organization and planning, for gross and fine motor praxis, and deficient ability for sustaining his attention consistently over time for verbal/auditory information (but average ability for visual information). The evaluator noted that the student spends more time and energy on tasks than is required, tends to be somewhat anxious, and has poor interpersonal skills.

3. The student’s spring 2004 neuropsychological evaluation stated “[the student’s] most important cognitive processing problem displayed was a significant problem with organizing visual and verbal information receptively and expressively.” The evaluator also reported weaknesses with the student’s executive functions in the areas of attention and inhibition, modulation of emotions, and sustaining motivation. The evaluator stated that the student’s “problems with visual-spatial organization and graphomotor skills will interfere with his ability to learn in a typical classroom setting.”

4. The student’s spring 2004 neuropsychological evaluation report also recommended that: the student be:

- a. seen by a physician for medication management,
- b. assisted with screening out distractions, and
- c. assisted in breaking down tasks to address his issues maintaining concentration and motivation; and
- d. provide structure to assist with executive functioning deficits in acquiring procedural knowledge.

The evaluator noted that the student qualified for an IEP because of his diagnoses of nonverbal learning disability, dyspraxia, and disorders in written expression. The evaluator also noted that the student qualified for accommodations as a child with other health impairment because of his diagnosed ADHD condition. The evaluator made several specific suggestions for accommodations for the student's executive functioning deficits for attention, distractibility, receptive and expressive concept organization and syntheses. Suggested accommodations included breaking information taught into smaller bits, and breaking assignments down as well, providing assistance with note-taking, helping the student with organizational strategies to manage his work and time, providing extra time to complete work, and several other accommodations. The evaluator also suggested a number of modifications based on the student's learning disabilities, including reducing the amount of copying and writing, and providing alternatives to writing. The evaluator recommended behavior modification psychotherapy, particularly with respect to the student's organizational skills, fears, and negative self-appraisal, and also recommended sensory-integration therapy.

5. The District conducted an evaluation of the student in September, 2005 that included administering achievement and ability assessments (noting discrepancies), and observations of the student by the evaluator. The evaluator noted during an observation of the student in a biology class that the student was off task 90 percent of the time, and did not take notes or interact with the teacher, while most of the class took notes and interacted with the teacher. The District did not otherwise evaluate the student's disabilities or needs.

2007-08 School Year (October 5, 2007 IEP)

6. The District held a meeting on October 5, 2007 and developed a new IEP for the student. The student's parent, special education teacher, principal, a regular education teacher, an individual to interpret evaluations, and several other individuals participated in this meeting.² The team developed a statement of the student's present levels of academic achievement and functional performance, noting that the student was diagnosed with a processing disorder that hinders his ability to receive instruction and act promptly to the material given. The team noted that the student was diagnosed with anemia that added to his already lethargic demeanor, and that due to the anemia the student had a late start school schedule.

² The student was invited to the IEP meeting in accordance with OAR 581-015-2210. The notes do not indicate whether he participated or whether other means were used.

In the area of transition services, the team noted that the student had not started his junior paper, and now also had a senior paper to finish. The team noted teacher concerns with organizational skills still causing problems for the student (yet were improving), and teacher concerns that the student seemed to have no motivation to succeed or put forth effort in his academic classes.

7. The statement on the student's general education involvement noted that, due to the late-start schedule, the student would need to participate in summer school and charter school and/or a fifth year of high school to make up missing credits. The statement noted that the student struggles in writing, including difficulty using pre-writing skills such as brainstorming or writing rough drafts. The statement also noted that the student's teachers report that the student does not apply himself and is unmotivated to complete schoolwork. The statement described strengths for the student, including that he is intelligent, has strong computer skills, has improved socially with his peers, and is consistently polite with a good sense of humor. The statement also described the student's needs in specific areas, including continued working on his writing skills. The description of the student's needs noted that he required a great deal of prompting or assistance during the writing process, generally in getting started and checking his progress. The description of the student's needs also noted that he needed to do a weekly backpack and folder clean up to find missing work, and needed to improve his attendance and tardiness.
8. The student's October 5, 2007 IEP provided for specially designed instruction in writing (60 minutes per week), organization (60 minutes per week), and transition services (30 minutes per month). The IEP also provided for 90 minutes per month of counseling as a related service. The IEP indicated that these services would be provided in either the regular classroom, or in a resource room. The student's October, 2007 IEP also provided for several supplementary aids and services, modifications, and accommodations. The IEP provided that the student would have extended time on tests, shortened assignments, assistance with note taking, and access to teacher's notes. Accommodations included a late start (9:30 am), a weekly backpack check, and a weekly email home each Friday concerning the student's assignments.
9. The student's October 5, 2007 IEP had goals and objectives for the services he was to receive. In the area of writing, the goal for the student's services was that: "[The student] will improve his writing skills by one grade level from 8.1 as demonstrated through teacher given assessment." The writing goal had three measurable short-term objectives, including having the student "demonstrate the use of a graphic organizer or outline before any written essays 90% of the time in 4/5 opportunities." The student's progress was to be measured through completed class-work, tests, his junior paper, and assessment, and his progress was to be reported to the parent through semester progress reports.

10. In the area of organization, the annual goal for the student in his October, 2007 IEP was to “continue to utilize and master various organizational strategies, to be more efficient in turning in his class work.” There were three measurable short-term objectives, including that the student “will clean his backpack out once a week and have it checked by a teacher or assistant, 100% of the time.” The goal for the student’s transition services was for him to “choose a career for his career-related project and research the necessary steps for employment by using CIS and in advisory class.”
11. The District placed the student in general education, not indicating that he was to receive any services in a resource room (LRC). However, the student’s schedule indicated he was in the LRC classroom for approximately 3 hours and 45 minutes each week.³ The student’s previous IEP was developed October 18, 2006, and provided for substantially the same services as the student’s October 5, 2007 IEP.
12. The District did not dispute that it had not fully implemented the student’s October, 2007 IEP. The student’s special education teacher did not provide weekly emails to the student’s home. The District also reported that the student did not accept the help that is offered by the educational assistant in the classroom, and did not request notes. However, these issues were not addressed and the district did not reconvene the IEP team to address these issues.
13. The District did not dispute the allegation that it did not provide appropriate special education services to the student. The District reported that the LRC class was listed on the student’s class schedule as a Study Skills class. The LRC class serves special education students, each with various goals for the services they are to receive. The special education teacher provides a short general lesson that may include activities such as a word of the day, math problems, or a reading lesson. These activities may or may not be related to individual student goals. The students then are permitted to work on their general education classroom assignments with support provided by the teacher. The special education teacher reports that specially designed instruction occurs within the general education classroom and is implemented by the education assistants.⁴
14. The District reports that copies of the student’s IEP were provided to staff, and that the present levels of performance statement on the student’s IEP discusses the student’s processing disorder and diagnosis of anemia, which causes him to be lethargic. The District also notes the participation of staff at the student’s IEP

³ The IEP did not specify the extent of removal of the student from participation with non-disabled students and the justification for that removal. (581-015-2200(1)(f))

⁴ OAR 581-037-0015 Assignment and Direction and Supervision of Educational Assistants requires that the assistant assist a teacher only in a supportive capacity; shall work under the direction of the teacher assigned, and shall be provided a plan of supervision that includes regular monitoring of the assistant’s performance to determine effectiveness of the assigned tasks and the effect on students. 34 CFR §300.156 Personnel Qualifications allows paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulation, or written policy, to be used to assist in the provision of special education and related services.

meetings at which his difficulties with executive functioning were discussed. The District also acknowledges, however, that the primary impediment to the student's progress within the general education curriculum has been his lack of participation and struggles to organize his work, and that these issues may be related to the executive functioning deficits described in the 2004 neuropsychological evaluation of the student. The District also acknowledges that assessment of the student's language abilities, visual-motor skills, executive functioning, and emotional functional has not been conducted. No medical documentation of the student's diagnosed ADHD has been diagnosed.

15. The student has a history of poor school attendance, and tardiness. Attendance records also show that the student has missed certain classes more than others. For the first semester of the 2007-08 school year, the student was marked absent from his Social Skills class 17 days, and late 6 days, whereas he was marked absent from US Government class 6 days and late 1 day during the same period. For the second semester of the 2007-08 school year through May 5, 2008, the student was marked absent from his Career Exploration class 17 days, and late 6 days.
16. The parent reports several comments made by staff towards the student that are perceived to be derogatory. Of particular concern to the parent is a conversation the special education teacher had with her son in March, 2008. The parent understands that the special education teacher told her son there was no point in his attending her class.
17. The special education teacher reported that the student did not come to her class very often, and would say he saw no point in coming to her class, and would often throw his class work in the garbage. The special education teacher reported that the student would not accept assistance, would often send her away when she offered help, and would similarly resist any help offered by the educational assistants in her class and in his regular education classes. The educational assistants stopped going to the student's class, or offering him assistance, or obtaining notes for him because of his refusals. The special education teacher agrees that she discussed these issues with the student in March, 2008, but in the context of providing his services in the regular classroom and not in the LRC class. The teacher did not request an IEP meeting to discuss these issues.
18. The student stopped going to the LRC class following the March, 2008 discussion with his special education teacher. The parent did not learn of this until it was discussed at an April 16, 2008 meeting.
19. The parent also refers to another comment, in which the counselor recommended that the student visit him in the morning as the student had a late start. The late start is an accommodation of the student's anemia, a medical condition that causes him to be tired. The counselor reported that his suggestion was not intended to

intimidate the student or disregard his need for a late start, but was a suggestion offered for the student's school schedule.

20. The student was required to attend "Saturday School"⁵ due to his tardiness. The parent reported that she had a very difficult time getting staff to implement the late start accommodation on the student's IEP with respect to the Saturday School schedule. Staff ultimately did, however, agree to let the student start Saturday School at 9:30 am.
21. The District agrees with the assertion by the parent that the progress reports she has received for her son during the 2007-08 school year do not provide information concerning her son's progress towards the goals in his IEP. In the area of writing, the student's November 2, 2007 progress report stated: "New goal no new data to report." His January 2008 progress report stated: "[The student] is not participating in opportunities to reach this goal." The student's April, 2008 progress report stated: "[The student] is not participating in instruction."

IV. DISCUSSION

In a complaint investigation, the Department looks at all relevant information to determine whether a school district or other program has complied with the requirements of the IDEA.

IEP Implementation; Participation; Evaluation

The parent alleges that the District did not implement several provisions of her son's IEP, including requirements for weekly emails home, regular classroom support service including notes, and adult assistance in his core classes. The parent also alleges that the District did not provide assignments related to the goals and objectives on her son's IEP.

The District did not dispute these allegations, noting that the student's special education teacher did not provide the weekly email service, that the student did not accept the help offered by the educational assistant in the classroom and did not request notes, and that the specially designed instruction required by the student's IEP was not provided. The District reported that high absenteeism, and the student's refusal to accept or request assistance, were substantial factors in the student making progress. However, the District also responded by noting that it should have addressed the student's lack of participation. Specifically, the District observed that participation goals should be written for students whose lack of participation interferes with their ability to access their education, and a positive behavior plan should be considered as a support/accommodation.

⁵ The school required students with unexcused tardies to attend "Saturday School."

An IEP must be in effect for each eligible child at the beginning of each school year, and school districts are responsible for providing special education and related services in accordance with each student's IEP.⁶ A student's IEP must provide a description of how a student's progress toward meeting the annual goals will be measured and when periodic reports on the progress the student is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.⁷ Each school district must ensure that the IEP team reviews the student's IEP periodically, but at least once every 365 days to determine whether the annual goals for the student are being achieved and revise the IEP, as appropriate, to address any lack of expected progress toward the annual goals described in OAR 581-015-2200 and in the general curriculum, if appropriate.⁸

Further, the IDEA requires that when developing, reviewing and revising a student's IEP, school districts must ensure that the IEP team has considered the following additional special factors: for a child whose behavior impedes his or her learning or that of others, strategies, positive behavioral interventions, and supports to address that behavior; if in considering these special factors, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) for the child to receive free appropriate public education, the IEP team must include a statement to that effect in the child's IEP.⁹

Under the IDEA, a school district must ensure that a student is assessed in all areas of suspected disability and the evaluation must be sufficiently comprehensive to identify all of the child's special education and related service needs.¹⁰ Initial evaluations (if appropriate) and reevaluations must begin with a review of existing evaluation data on a student, including evaluations and information provided by the parents, classroom-based, local, and state assessments and classroom-based observations, and observations by teachers and related service providers.¹¹ Based on this review of existing information, the IEP team (and other qualified professionals, as appropriate) determines what additional data, if any, are needed to determine the student's eligibility for special education, present levels of academic achievement and related needs, and the need for any changes to the student's IEP services.¹²

An evaluation must occur every three years, or more frequently if conditions warrant, or if the child's parent or teacher requests an evaluation.¹³ In Oregon, for a child who may have disabilities in more than one category, the IEP team need only qualify the child under one disability category, but the child must be evaluated in all areas related to the suspected disability and the IEP must address all of the child's special education

⁶ OAR 581-015-2220.

⁷ OAR 581-015-2200

⁸ OAR 581-015-2225

⁹ OAR 581-015-2205.

¹⁰ OAR 581-015-2110(4).

¹¹ OAR 581-015-2115(1)(a).

¹² OAR 581-015-2115(1)(b).

¹³ OAR 581-015-2105.

needs.¹⁴

The District has correctly noted that it should have addressed the student's lack of participation in his program. However, there are other issues here that need to be addressed. The District did not consider whether the student's poor attendance was related to his disabilities, and did not consider the effect of the student's diagnosed ADHD and anemia conditions on his need for special education services. The District should have evaluated the student in all areas of suspected disability, and should have timely reconvened its IEP team to consider the student's lack of participation and attendance issues. Here, the District knew that health issues, including the student's anemia condition, impacted his ability to come to school, or at least to come to school in the morning. The District did not take steps to address the student's attendance, or to determine the reasons for his lack of participation. The Department concludes that the District should have taken additional steps to address the student's lack of progress towards IEP goals and in the general curriculum.

Progress Reports

The parent alleged that the progress reports she received during the 2007-08 school year did not provide information about the goals in his IEP. The District did not dispute this allegation, noting that the special education teacher did not have any data concerning the student's progress to report because he had not been participating in instruction.

Informing Teachers and Service Providers

The parent alleges that the District did not adequately inform teachers and service providers of the student's disability-related needs. Specifically, the parent alleges that staff working with the student were not adequately informed concerning the impact of the student's learning disability on his executive functions, and the need for extra rest related to his health impairment.

In order to implement each eligible child's IEP, school districts must ensure that: a) the IEP is accessible to each regular education teacher, special education teacher, related service provider and other service provider who is responsible for its implementation, and (b) inform each teacher and provider of his or her 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.¹⁵

The District took steps to inform the student's teachers and service providers of their specific responsibilities for implementing the student's IEP, including distributing copies of the IEP noting the accommodations and modifications required by the student's IEP, and including the present levels of performance statement on the student's IEP which

¹⁴ OAR 581-015-2120(4).

¹⁵ OAR 581-015-2220.

references the impact of the student's learning disabilities and anemia on his classroom performance. Staff also participated in IEP meetings at which the student's disabilities with respect to executive functioning, and his anemia condition, were discussed. However, the impact of the student's disabilities in the areas of language, visual motor skills, executive functioning, and emotional functioning was not evaluated by the District, nor has the impact of the student's diagnosed ADHD condition been considered. Thus, the Department substantiates this allegation because the District did not adequately evaluate the impact of the student's disabilities in these areas, and therefore, did not adequately inform the student's teachers and services providers of the student's disability-related needs.

E. Disability Harassment

The parent alleges that the District permitted staff to engage in intimidating or abusive behavior based on his disability, which created a hostile environment by interfering with or denying her son's participation in his educational program. The parent cites specific examples, including a March, 2008 conversation the student had with his teacher, a discussion with the counselor who suggested the student's schedule would permit him to meet with the counselor in the morning (because the student did not have a morning class due to his late start), and difficulties the parent reported with getting staff to agree to a late start for the student for Saturday School.

The District denies the allegations of disability harassment, reporting that, while the special education teacher had a conversation with the student in March, 2008, the conversation concerning the student not coming to her class any more was in the context of making other arrangements to provide the services the student required. The counselor reports that he offered to meet the student in the morning so that the student would not have to miss any class time.

The Department has jurisdiction to investigate allegations of disability harassment if the harassment decreases the student's ability to benefit from his or her education and amounts to a denial of FAPE. See Memorandum on Disability Harassment, (OSEP/OSERS, July 25, 2000).¹⁶

The Department will look at the following factors in investigating the allegations:

- Whether the district engaged in disability harassment, defined as severe, persistent or pervasive conduct directed toward the student based on the student's disability;
- Whether this conduct adversely affected the student by interfering with the student's ability to benefit from the educational program;
- Whether the school or district knew about the harassing conduct, or whether the school or district perpetrated the conduct;

¹⁶ This memorandum is available on the Department's website at: <http://www.ode.state.or.us/sped/civilrights.pdf>

- Whether the school or district took prompt and effective action to ensure that the harassing conduct stop.¹⁷

The student has a health disability with respect to his diagnosed anemia condition that causes fatigue. The District has accommodated the student by scheduling him for a late school-day start, with classes to begin at 9:30 am. The parent points to the following incidents related to this accommodation as evidence that staff have engaged in harassing conduct towards the student:

- a. the suggestion by the counselor that the student was available to meet in the morning;
- b. difficulty the parent had getting staff to agree to a late start for Saturday School; and
- c. the special education teacher's March, 2008 conversation with the student that resulted in the student ceasing to attend the class.

The Department's investigation identifies the counselor's suggestion to meet in the morning and the difficulty in negotiating a late start for Saturday School attendance as isolated occurrences that did not interfere with the student's program.

The March conversation between the special education teacher and the student resulted in the student no longer attending the LRC class and effectively ended special education services for the student. The special education teacher reported that the student made the statement that there was no point to his coming to her class, and that it was her suggestion that they find an alternative, such as providing his services in the classroom. Rather than permitting this behavior to continue, the teacher should have informed the parent and other members of the student's IEP team that the student had stopped attending the LRC, and should have reconvened the team to address the student's lack of participation in the program.

V. CORRECTIVE ACTION¹⁸

In the Matter Vernonia School District
Case No. 08-054-018

#	Action Required	Submissions	Due Date
1.	<u>Training</u> The District shall provide training for special education teachers, service providers, classroom assistants and other	Submit written notice of completed training to the Department, including	September 30, 2008

¹⁷ See, e.g. *Clover Park (WA) School District*, 39 IDELR 72, 103 LRP19497 (OCR, February 28, 2003).

¹⁸ The Department's order shall include corrective action. Any documentation or response will be verified to ensure that corrective action has occurred.. OAR 581-015-2030 (13). The Department requires timely completion. 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).

¹⁹ 34 CFR §300.323(b)(II) and (2); and OAR 581-015-2225 Review and Revision of IEPs

#	Action Required	Submissions	Due Date
	<p>appropriate staff regarding the following:</p> <p><u>a. IEP Review and Revision</u> The requirements to review and revise a student's IEP¹⁹ to address any lack of expected progress toward the annual goals and in the general education curriculum, information provided by the parents, the results of any reevaluation, the student's anticipated needs or other matters and any special factors.</p> <p><u>b. Implementing the IEP</u> Staff roles and responsibilities for implementing each student's specific accommodations, modifications and supports in accordance with the IEP. Training shall include information about the differentiated roles of the teacher and the assistant in providing specially designed instruction.</p>	<p>the agenda, sign-in sheet with participant names, and positions; and copy of training materials.</p>	
2.	<p>Review and Revision of IEP</p> <p>a. The student remains eligible for a Free Appropriate Public Education (FAPE). If the student re-enrolls in September 2008, the District shall convene the student's IEP team, including the student, by September 15, 2008, to review and revise the student's IEP and to ensure that the IEP in effect at the beginning of the 2008-2009 school year addresses</p> <ol style="list-style-type: none"> (1) Any lack of expected progress toward the annual goals and the general education curriculum; (2) Specially designed instruction and any needed related services needed to assist the student in reaching those goals; (3) Information about the student provided by the parents or the student; (4) Consideration of special factors; and (5) The student's anticipated needs, including any supplementary aids, services, modifications and accommodation. 	<p>Submit to the Department, the parent, and the student, a full copy of the IEP, notice of the IEP meeting, and any minutes or prior written notices developed as a result of the meeting.</p>	<p>October 1, 2008</p>

#	Action Required	Submissions	Due Date
	OR b. If the student does not return to school in September 2008, the district shall notify the parent and the student of the availability of a free appropriate public education, including transition services, if the student re-enrolls.	Submit to the Department a copy of the letter/notice mailed to the parent describing the availability of a free appropriate public education, including transition services, if the student re-enrolls.	September 22, 2008

Corrective action plans and related documentation as well as any questions about this corrective action should be directed to Rae Ann Ray, Oregon Department of Education, 255 Capitol St. NE, Salem, Oregon 97310-0203; telephone – (503) 947-5722; e-mail: raeann.ray@state.or.us; fax number (503) 378-5156.

Dated: June 17, 2008

Nancy J. Latini, Ph.D.
 Assistant Superintendent
 Office of Student Learning & Partnerships

Mailing date: June 17, 2008

APPEAL RIGHTS: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this Order with the Marion County Circuit Court or with the Circuit Court for the County in which you reside. Judicial review is pursuant to the provisions of ORS 183.484.